

## **Good Practice Guidance for Adoption Agencies and Cafcass: Children Relinquished for Adoption**

### **Overview of Guidance**

The purpose of this guidance is to inform local authority/voluntary adoption agencies and Cafcass staff of best practice in cases involving children relinquished for adoption. The guidance replaces the ADCS-Cafcass 'Protocol for Children Relinquished for Adoption' (2007), and provides information about:

- The legal obligations of adoption agencies and Cafcass Reporting Officers, as set out in adoption legislation and statutory adoption guidance.
- The procedures for achieving section 19 consent to placement for adoption for relinquished babies (NB - this guidance does not apply to children who have been subject to care proceedings).
- The procedures for achieving section 20 advance consent to adoption, by birth parents with parental responsibility (PR) and legal guardians (including special guardians)<sup>1</sup>.

### **1.0 Glossary of Legal References and Abbreviations**

1.1 Throughout the document the following abbreviations are used:

- Adoption agency refers to local authority adoption agencies and voluntary adoption agencies
- 'Parent' refers to birth parent or birth parents with PR
- 'Guardian' refers to testamentary legal guardian(s) and special guardian(s).
- 'Officer' refers to any Cafcass practitioner appointed in the role of Reporting Officer under rule 16.30 – 16.32 of the Family Procedure Rules (FPR).
- The 'term 'Sections' refers to sections of the Adoption and Children Act 2002
- AAR refers to Adoption Agencies Regulations 2005
- Statutory guidance refers to the revised Adoption Statutory Guidance 2011 (Department for Education)

### **2.0 The Forms to Use**

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<sup>1</sup> Note that, in cases where a special guardianship order is in place, consent to adoption is required from birth parents and special guardians or the court must dispense with consent of birth parents and special guardians. See sections 19,20,52 & 144 Adoption and Children Act 2002 and 14C(2)(b) Children Act 1989

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

- 2.1 Consent under section 19 is given in writing on the prescribed form and must be formally witnessed by a Cafcass officer whose appointment is requested by the local authority adoption agency. The Cafcass officer must ensure that consent is given unconditionally and with full understanding of what is involved (see 3.16). One of the following forms must be used:
- [A100](#) - Consent to placement for adoption with any prospective adopters chosen by the adoption agency
  - [A101](#) - Consent to the placement for adoption with identified prospective adopters.
  - [A102](#) - 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.

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

- 2.2 The parent(s)/guardian(s) may also give advance consent under section 20 to the making of an adoption order. This consent must also be witnessed formally by a Cafcass officer appointed at the request of the adoption agency. The form which must be used for this is:
- [A103](#) – Advance consent to adoption.

## **Statement with section 20 consent**

- 2.3 At any time after giving consent under section 20 (including when interviewed by the Cafcass officer), the parent/guardian can make a statement that they do not wish to be notified of the application for an adoption order under section 20(4).
- 2.4 If this statement is made to the Cafcass officer it should be recorded in writing and forwarded to the adoption agency. A proforma for this is provided at [annex 3](#) of this guidance.

## **Translation of forms**

- 2.6 If the parent's first language is not English and they do not speak fluent English, with the assistance of an interpreter the consent forms need to be translated into both English and their first language for them to sign. The interpreter also needs to counter sign the forms. Forms that have already been translated are [available here](#).

### 3.0 The Process

To see a flowchart demonstrating the processes described in this guidance refer to the chart in Annex 1.

#### **Stage 1 – Action for adoption agencies**

- 3.1 On receiving a request from parent(s) and/or guardian(s) that their child be placed for adoption, the adoption agency will need to notify the Cafcass office that is closest to the parents' address of the need for Cafcass to appoint an officer to witness consent but only when the baby is born and once the adoption agency has all the necessary documentation for Cafcass as set out in [Schedule 2](#) to the AAR. Cafcass is unable to hold this information prior to the child's birth.
- 3.2 The Cafcass office addresses can be obtained from the Cafcass [website](#).

#### **Stage 2 – Actions for Cafcass**

- 3.3 On receipt of notification from the adoption agency, Cafcass will be allocated to an officer for the date stipulated by the adoption agency for the adoption panel meeting<sup>2</sup>.

#### **Stage 3 - Subsequent actions for adoption agency**

- 3.4 During the counselling period (prior to the request to Cafcass to witness consent) the adoption agency worker must ensure that:
- counselling and information has been given or offered (if refused refer to paragraph 3.5-3.11 below) to parents and guardians with PR. This can include fathers without PR if the agency knows their identity and decides it is appropriate (see paragraph 3.13-3.16 below).
  - issues of competency have been considered (refer to paragraph 3.17-3.20)
  - written information about the legal consequences of giving consent under sections 19 and 20 has been given to the parent(s) with PR and guardian(s) (see ECMS form 'Relinquished babies: Schedule 2 information').

#### **Counselling checklist for adoption agencies**

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<sup>2</sup> According to the Adoption Agencies (Panel and Consequential Amendments) Regulations 2012, where a child is being relinquished and there is no court involvement in seeking a placement order, the adoption panel will consider the case and make a recommendation.

3.5 The counseling should include an understanding of the parent's/guardian's specific needs, for example:

- communication requirements
- literacy skills
- cultural issues
- disabilities
- immigration concerns

NB - A parent under the age of 18 years can give valid consent if assessed as competent to do so by the adoption agency officer and the Cafcass officer witnessing the consent.

3.6 Understand the reasons for requesting the child be placed for adoption. Explain other options to the parent(s)/guardian(s), including special guardianship or residence with a relative, and advise if there are any other support services that could be offered to allow the child to remain with the parent(s)/guardian(s).

3.7 If the mother is not married and has registered the child's birth, the birth certificate should be checked to establish whether the unmarried birth father has acquired PR by being named on the birth certificate. *(Note: there is no obligation to obtain the consent to placement or adoption of the birth father without PR .*

3.8 If the birth father is not known or not part of the relinquishing process as described in paragraph 3.7, discuss with the birth mother:

- the birth father's identity and address
- her understanding of the birth father's wishes and feelings
- whether the birth father intends to acquire PR, outlining his role and potential rights in the process if PR is obtained<sup>3</sup>.

**Responsibilities of adoption agencies in relation to establishing the identity of the birth father and/or birth relatives**

3.9 If the identity of the birth father without PR is known to the adoption agency, and if the adoption agency decides it is appropriate so far as it is reasonably practicable, the adoption agency must counsel and advise him (AAR, [regulation 14](#)), and ascertain whether he wishes to acquire PR by court order.

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<sup>3</sup> A birth father without PR can obtain it through a parental responsibility agreement with the mother, or a parental responsibility order made after the birth certificate has been issued.

- 3.10 At the time that the relinquishment process begins, there are no court proceedings. However, the adoption agency may, in the process of their enquiries with the birth mother, consider it necessary to seek court direction on whether to notify a birth father without PR and/ or relatives of the child, of the plans to place the child for adoption. The FPR provide<sup>[3]</sup> *‘Where no proceedings have started an adoption agency or local authority may ask the High Court for directions on the need to give a father without parental responsibility notice of the intention to place a child for adoption’*. Delay is one of the factors to be considered when making a decision to apply to the High Court.
- 3.11 If the circumstances relevant to 3.10 are not clear then the court would expect the local authority to make an application, and the court would consider joining the child as party and appointing a Children’s Guardian.
- 3.12 The legal position of the extended birth family is similar to that of the birth father without PR - it is a matter of judgment by the adoption agency as to whether contacting them is appropriate. In forming this judgment it is essential to discuss with the consenting parent(s) the likely views of the extended family, i.e. siblings, grandparents etc., including the consequences of them discovering that the child had been born, and the consequences for the child in the extended family not knowing about the child’s birth or the plans for adoption. Where a mother seeks confidentiality an urgent decision should be made by the local authority as to whether an application to court is required.
- 3.12 The Court of Appeal in A,B and C (Adoption: Notification of fathers and relatives) [2020] EWCA Civ 41 provided principles that should be applied when deciding whether to give putative father and relatives information about the existence of a child who may be adopted. Although the mother’s right to respect for private life is engaged that principle is capable of being overridden in the context of the profound importance of the adoption decision for the child. All information that can be gathered without compromising confidentiality should be gathered. The likelihood of a family placement being a realistic option is a factor to consider as is the impact on the mother of notification being given. The child’s welfare is a relevant factor but is not the courts paramount concern in decisions to notify a putative father / relatives.
- 3.13 Local authorities should examine critically the availability of possible family members as carers at the earliest opportunity, reliance should not solely be placed on what the parents say about the wider family here or abroad. This process is

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<sup>[3]</sup> Rule 14.21 FPR 2010

even more important in babies who are foreign nationals where local authorities should consider at the earliest whether the case should be referred to the consulate of a relevant foreign state and be proactive about addressing potential complications.

- 3.14 Statutory Guidance<sup>4</sup> suggests that the adoption agency should consider whether the father has established ‘family life’ with the mother and child. However, the principle that the child’s welfare is paramount, the mother’s wishes for her child and her right to confidentiality, and the avoidance of unnecessary delay in placing the child for adoption<sup>5</sup>, are all factors to be considered.

**Guidance for adoption agencies on birth fathers who subsequently acquire PR, and on the extended family**

- 3.15 A father who acquires PR after section 19 consent has been given by the mother to his child’s placement for adoption, is deemed in law to have given his consent to placement. He may withdraw this consent, and if he and/or the mother request(s) the child’s return, but the adoption agency wishes to continue the adoptive placement, the adoption agency must apply for a placement order (provided the child meets the criteria set out in section 22(1) Adoption and Children Act 2002). Whilst the application is before the court the local authority is not obliged to return the child to the parent(s).
- 3.16 The legal position of the extended birth family is similar to that of the birth father without PR - it is a matter of judgment by the adoption agency as to whether contacting them is appropriate. In forming this judgment it is essential to discuss with the consenting parent(s) the likely views of the extended family, i.e. siblings, grandparents etc., including the consequences of them discovering that the child had been born, and the consequences for the child in the extended family not knowing about the child’s birth or the plans for adoption. However it is also crucial for local authorities to examine critically the availability of possible family members as carers at the earliest opportunity, reliance should not solely be placed on what the parents say about the wider family here or abroad. This process is even more important in babies who are foreign nationals where local authorities should consider at the earliest opportunity whether the case should be referred to the consulate of a relevant foreign state and be proactive about addressing potential complications.

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<sup>4</sup> Chapter 2, paragraph 35, Statutory Guidance

<sup>5</sup> Where a birth parent has requested that a child aged under six months be placed for adoption, a proposed placement with a suitable prospective adopter should be identified and approved by the panel within *three months* of the agency deciding that the child should be placed for adoption; chapter 4, paragraph 2, Statutory Guidance.

3.17 The Cafcass officer will be assisted in understanding the circumstances of the consenting parent(s) if full information is available in the [Schedule 2](#) AAR report. However, it is not part of the Cafcass officer's duties in witnessing sections 19 and 20 consent/advance consent to challenge the adoption agency's decisions in respect of birth fathers without PR, or the extended family. Nor is it part of the officer's duties to challenge a parent's decision to relinquish his/her child for adoption if they are competent and willing to do so (provided consent is given unconditionally and with full understanding of what is involved<sup>6</sup>).

**Guidance for adoption agencies on explaining the meaning of adoption and effect of an adoption order**

3.18 When discussing the meaning of adoption it is important to make sure that each of the consenting parents have been made aware of:

- the life long implications<sup>7</sup>;
- the legal consequences of consenting to placement for adoption (section 19) and the advance consent to the making of an adoption order (section 20) and the legal effects of adoption;
- the option of indicating that they do not want to be involved further in proceedings once they have provided section 19 and section 20 consents (see Annex 2).
- contact issues and the legal position in respect of contact after placement and adoption;
- the need for information for the 'later life' letter and life story book for the child;
- whether the relinquishing parent(s)/guardian(s) wish to be involved in the matching considerations for the prospective adoptive parents for the child and/or give their consent to placement with particular adopters;
- the availability of intermediary services for help in making contact with the child when he/she is an adult (18 years and beyond) *if* the adopted adult consents;
- the rights of the child to obtain information about his or her parent(s) once they reach the age of 18;
- the availability of support to the parents and family beyond the child's adoption, in respect of contact, information and counselling.
- the role of Cafcass in ensuring that consent is given unconditionally and with full understanding i.e. without any conditions attached, including contact;
- the availability of written information about the adoption process (see ECMS form: 'Relinquished babies – consent forms unsigned').

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<sup>6</sup> Section 52 Adoption and Children Act 2002

<sup>7</sup> Section 67 Adoption and Children Act 2002

### **Guidance for adoption agencies for identifying competency**

- 3.19 If, during the counselling sessions (but prior to referral to Cafcass), the adoption agency considers that the parent is not capable of understanding the giving of consent and decides that the child should be placed for adoption without consent, the local authority must apply for a placement order (NB - a placement order cannot be granted unless the conditions set out in section 22(1) of the Adoption and Children Act 2002, are met).
- 3.20 Care will need to be taken if there are factors which appear to impede the parents' level of understanding of giving consent to adoption, for example:
- moderate learning disabilities
  - mental health issues
  - cultural, ethnic or faith issues
  - consent not being given unconditionally, e.g. parents only willing to consent with conditions attached (NB - if consent is given in respect of a particular placement, this not conditional consent).
- 3.21 Further information about the parent's understanding may need to be sought from another professional person, preferably someone who knows the parent such as an:
- adult learning disabilities social worker
  - approved mental health worker
  - mid-wife or health visitor
  - general practitioner
  - member of cultural/faith community
  - psychiatrist/psychologist
- 3.22 If the adoption agency is aware at an early stage that issues of competency may require further considerations, they should not request a Cafcass officer to witness consent until full enquiries have been completed. The adoption agency *must* be sure that the parent or guardian is competent to give consent.

### **Stage 4 - Completion of Schedule 2 information and documents by the adoption agency**

- 3.23 Usually Cafcass will not be contacted to request the appointment of an officer to witness consent until the adoption agency has decided that the child should be



placed for adoption as any other plan does not require section 19 or section 20 consent<sup>8</sup>.

- 3.24 The law permits consent to be given before the adoption panel has met and the adoption agency has decided that the child should be placed for adoption *if the child is at least six weeks of age*. This would be in circumstances, for example, where a mother is anxious to sign section 19 consent as soon as her child reaches six weeks of age, and/or there is a risk that she will no longer be available to sign thereafter.
- 3.25 Section 52(3) of the Adoption and Children Act 2002 states that section 20 consent is ineffective if it is given less than six weeks after the child's birth, and according to the [AAR](#), section 19 consent cannot be given until the child is six weeks of age. *Sandwell MBC v GC & Ors [2008] EWHC 2555 (Fam)*
- 3.26 If the adoption agency is satisfied that as much effort as possible has been made to counsel and advise the parent wishing to sign section 19 consent, an urgent request for a Cafcass officer to witness consent should be made and acted upon by Cafcass before the panel meeting if possible and agency decision. This urgency is necessary because the adoption agency must apply for a placement order if the mother does not sign the consent form, and a very considerable delay to the child's placement for adoption may ensue.
- 3.27 A schedule of information ([Schedule 2](#), AAR) must be provided to Cafcass (see ECMS form 'Relinquished babies – consent forms unsigned'). *NB - this is not the similarly named Schedule 2 in the 1984 Adoption Court rules*. The Schedule 2 information should include the following:

**Legally required:**

- a certified copy of the child's birth certificate;
- name and address or contact address of the parent(s)/guardian(s) whose consent is to be witnessed (Note: if parent is outside UK Cafcass is not required to witness consent)<sup>9</sup>;
- a chronology of actions and decisions by the agency in respect of the child;

**Additional information:**

- whether the child is accommodated and in foster care;

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<sup>8</sup> See chapter 2, paragraphs 47-48 and 88 onwards of statutory guidance for additional information.

<sup>9</sup> FPR 2010 r.14.10(4-6)

- whether the adoption agency has, with parental consent, placed the child with prospective adopters before the child has reached six weeks of age (AAR, [regulation 35](#));
- the date on which the adoption agency decided that the child should be placed for adoption, or the projected date for the adoption panel meeting and adoption agency decision;
- confirmation by the adoption agency that it has counselled and explained the legal implications of both consent to placement under sections 19 and 20 and provided the parent/guardian with written information about this together with a copy of the written information provided to him/her/them;
- such other information about the parent/guardian or other information as the adoption agency considers the Cafcass officer may need to know, e.g. whether another professional's views were sought about competency, and confirmation that they considered the parent/guardian to be competent;
- information about the lack of awareness of relatives about the child's birth or adoption plans; for example, if the birth of the child or the plan for adoption is not known to the birth father or relatives, what steps should be taken by the Cafcass officer in arranging to meet the consenting parent/guardian to preserve their confidentiality.

### **Stage 5 - Adoption agency notification to Cafcass**

- 3.28 The adoption agency sends [letter 2](#) in this guidance, enclosing the [Schedule 2](#) AAR information and documents requesting Cafcass to appoint a Reporting Officer.

### **Stage 6 - Actions for Cafcass**

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

#### ***i. Countersigning Section 19 Form only***

On being satisfied that consent to placing the child for adoption has been properly given by the parent(s)/guardian(s) unconditionally and with full understanding of what is involved, [letter 3](#) is completed (amended appropriately) and returned to the adoption agency officer by secure post, along with the original signed form.

#### ***ii. Countersigning Section 19 and Section 20 Forms***

On being satisfied that consent to placing the child for adoption *and* advance consent to the making of an adoption order is given unconditionally and with full understanding of what is involved, [letter 3](#) is completed (amended appropriately)

and returned to the adoption agency officer by secure post, along with the original signed forms. The letter will need to be annotated according to whether the parent(s)/guardian(s) have given notice to the Cafcass officer that they do not wish to be notified when an application for an adoption order is made.

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

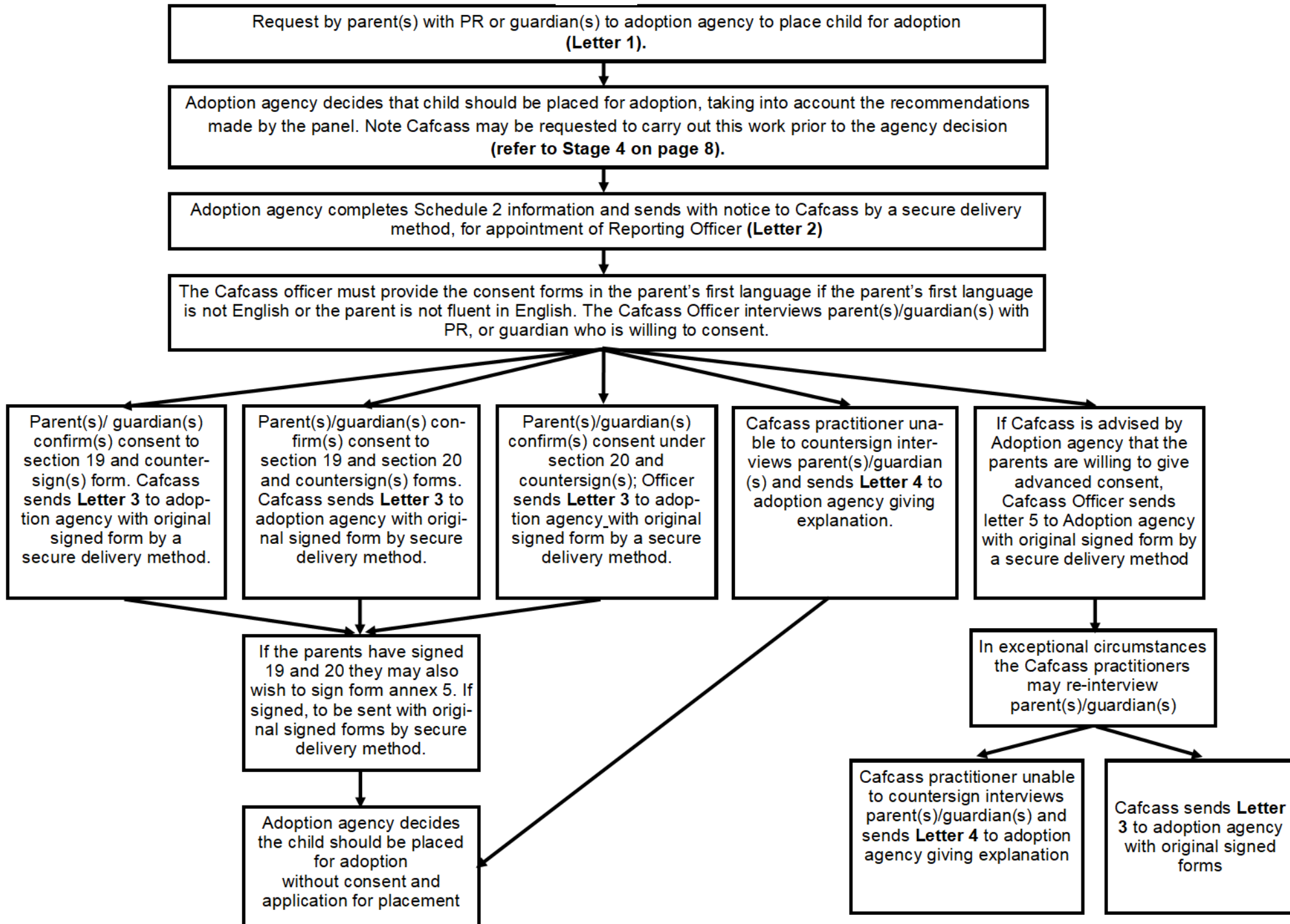
If there are issues about the parent(s)/guardian(s)' competency to give consent unconditionally and with full understanding of what is involved which prevent the Cafcass officer from countersigning the form(s), [letter 4](#) should be completed, giving a full explanation of the reasons as to why the form(s) cannot be countersigned. This should be sent to the adoption agency officer by Secure DX.

**Stage 7 - Later consent under Section 20**

- 3.30 Best practice would be for the parent(s)/guardian(s) to sign section 19 and 20 Consent at the same time.
- 3.31 Where that is not possible, the adoption agency should send [letter 5](#) to the original Cafcass officer with any additional information required. The Cafcass officer will re-interview the parent(s)/guardian(s) and, if satisfied that consent is given unconditionally and with full understanding of what is involved, will send the countersigned form [A103](#) and [letter 3](#) to the adoption agency officer. The letter will need to be annotated according to whether the parent(s)/guardian(s) have given notice to the Cafcass officer that they do not wish to be notified when an application for an adoption order is made (see [annex 3](#)).
- 3.32 If the Cafcass officer is unable to countersign the consent form, they should proceed as per point iii, 3.26.

<b>Owned by</b>	Peter Richardson, Head of Practice
<b>Approved by</b>	Cafcass Operational Management Team
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<b>Amended</b>	1 <sup>st</sup> April 2021 – updated in light of A (Adoption: Notification of Fathers and Relatives) Court of Appeal judgment.
<b>Next Review</b>	May 2021

## Annex 1



**Annex 2**  
**Letter 1 - LA request to Cafcass**

Adoption agency  
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 he has PR]*:  
Name of guardian(s) if any:

Addresses for correspondence:  
Mother:  
Father:  
Guardian(s):

Home addresses:  
Mother:  
Father:  
Guardian(s):

Date of birth *[including expected date]*:  
Name of child *[if known]*:

This agency believes that the parent(s)/guardian(s) are 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*

**Annex 2**  
**Letter 2 - LA schedule 2 letter**

Adoption agency 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/guardian wish: *[delete as appropriate]*

- a) 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 *[if he has PR and is willing to consent]:*

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

Addresses for correspondence:

Mother:

Father:

Guardian(s):

Home addresses

Mother:

Father:

Guardian(s):

Name and date of birth of child:

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
- 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)/guardian(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 adoption agency 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 to give consent unconditionally and with full understanding of what is involved.

Yours sincerely

*Name of officer*



**Annex 2**  
**Letter 3 - Consent forms signed**

Cafcass & address

Name of officer [Adoption agency]

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]*

Section 20(4) Form if it has been signed *[delete if 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 guardian[s]:

Name of child:

Yours sincerely

*Name of officer*

**N.B. Please return the original consent forms to the adoption agency by a secure delivery method**

**Annex 2**  
**Letter 4 - Consent forms unsigned**

Cafcass & address

Name of officer [adoption agency]  
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 guardian[s]:  
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*

**Annex 2**  
**Letter 5 - LA section 20 request**

Adoption agency 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]:*

Name of guardian(s) *[if appropriate]:*

Addresses for correspondence:

Mother:

Father:

Guardian(s):

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*

Annex 3 - Section 20(4) consent form

**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 .....

**Annex 4 - Schedule 2 information**

**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)/guardian(s) whose consent is to be witnessed:

Mother

Surname:

First Names:

Date of birth:

Marital Status:

Address for contact by Cafcass:

Tel no:

Father *(to be completed only if father has Parental Responsibility)*

Surname:

First names:

Date of birth:

Best Practice: Children Relinquished for Adoption

Address for contact by Cafcass:

Tel No:

Guardian(s)

Surname:

First names:

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 adoption agency 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.

**Annex 5**

**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 court making an adoption order. Once granted an adoption order is final and cannot be over turned.

## **How do I find out more about adoption?**

In addition to the information provided by adoption agencies, advice can also be sought from:

- Social workers from the Social Services Department of your local authority.
- Hospital social workers who work with maternity clinics.
- Websites like [www.education.gov.uk](http://www.education.gov.uk); <https://corambaaf.org.uk>; [www.adoptionuk.org](http://www.adoptionuk.org)

## **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 or other adoption worker will spend some time with you to help you with your decision. You will be offered counselling and support from a social worker independent of the adoption agency.

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, which usually takes place six weeks after the child's birth. You are able to withdraw your consent once you have signed the consent form and this is explained below.

Should you decide to proceed with adoption you will, in due course, be asked 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 he/she grows up.

## **Must the father of the baby give his permission?**

If the birth father of the child has parental responsibility (PR) then his permission is necessary for the child to be placed for adoption.

If a birth father of a child does not have PR, his permission for the child to be placed for adoption is not necessary. However, it is important to note that the father may wish to apply for PR, and should this be granted, will need to consent to the adoption. He could choose to withdraw his consent to the adoption, at any stage up until an application for an adoption order has been made. The social worker may need to contact the father, 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.

The baby's father may not agree with the adoption plan and may want to bring up the child himself or within his own family. If this is the case, and the birth father has PR or is likely to apply for it, the adoption agency and the court will need to know about it. If both parents 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.

If the birth mother is married but the husband isn't the father, the law will still consider the husband the legal father of the child unless he has signed a declaration otherwise. In this case the husband's consent to placement for adoption is necessary.

Any information available on the birth father so they can pass it on to the adopters and the child would be desirable for the adoption agency to consider.

### **What sort of people will adopt my child?**

The social worker will discuss with you the kind of family you want your child to grow up in. The greatest care will be taken to find a family who will give a safe and loving home to your child. 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 if agreed, some 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; up until this time, you are able to change your mind and your child could be returned to you, provided the local authority thinks it is safe to do so and does not choose to apply to the court for a placement order.

Social services agreement is required if you wish your baby to be placed for adoption under six weeks of age. You should discuss this with the social worker who has given you independent advice and the child's social worker. You will be asked to sign a written agreement. The 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 helping to decide what kind of family your child should grow up with, and the adoption agency and your social worker will make every effort to find a family that both meets your wishes and the needs of your child. However, the



adoption agency and your social worker will always need to place the needs of your child first when choosing a family.

Once the child has been placed with adopters and has lived with them for 10 weeks, they can then apply for an adoption order (in some cases the adopters apply for an adoption order many months after the child has gone to live with them). If you wish to oppose the making of the adoption order once an application has begun, you will need to ask the court for permission to do so. The court may give its permission if it is satisfied that there has been a change of circumstances since you consented to your child being placed for adoption. 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, the 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 told.

### **Can I arrange the adoption myself?**

There are circumstances in which you can make a private arrangement for the placement of your child but the Local Authority would still need to investigate. This would be a private adoption which is entirely different and beyond the scope of this leaflet. To protect the child, all other adoptions must be arranged by an adoption agency. The courts grant all adoption orders.

### **What if I change my mind?**

A birth mother can change her mind at any time in the first six weeks and ask that her baby be returned to her care.

Once you have signed your consent to your child being placed 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. However it will not automatically be the case 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, asking the court for permission to place your child for adoption.

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 it. 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 adoption contact registers covering England and Wales, Scotland and Northern Ireland to facilitate contact between adult adopted people and their birth relatives. Where a birth parent and adopted adult have both registered, the adoption contact registers will inform the other party. The contact register will not share contact details it will be up to the parties to decide if they wish to pursue contact following counselling.

Adopted young people and adults or birth family members may make contact or obtain information from social media sites on the internet. This would be discouraged by adoption agencies because contact for both birth families and adopted adults without preparation and the support of an adoption agency can be distressing. Advice and support is available free from your local authority adoption support service.

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

You can request an adoption support agency, local authority adoption agency or certain voluntary adoption agencies to act as an intermediary for you once your child becomes an adult. There may be circumstances in which the agency does not accept an application to facilitate contact, and it is important to note that contact would only be re-established if it is what the adopted adult wants.

### **Making the decision**

The decision you make about your baby's future is so important that you should not 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 is the right one for your child.

### **Will I get support?**

You will be encouraged to see a specialist adoption worker to assist you in making your decision but there are also services available for birth parents after their child has been adopted.

There are many agencies who 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 everyone 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.