**Buckinghamshire Relinquished Baby Practice Guidance.**

The term 'relinquished child' is used to describe a child whose parents are making the choice of adoption for the child.

This chapter deals with the first stages of the adoption process for relinquished children. It also summarises the counselling and support that will be made available to the birth family in these circumstances. Once a decision is made and consent is formally given, although not irreversible, the adoption process is as for any other child.

**Introduction**

All local authorities have a statutory duty to respond to a request from a parent or guardian for their child to be placed for adoption. This is outlined in [**Part 3 of the Adoption and Children Act 2002**](http://www.legislation.gov.uk/ukpga/2002/38/part/1/chapter/3).

Throughout this process it will remain important:

* That the child’s welfare and best interests remains paramount;
* To ensure there is minimal delay in securing the child’s permanent future plan, and therefore, Referrals to Cafcass, the Adoption Family Finding Team and, if required a Placements Application Order, together with completion of all necessary documentation are made in a timely way;
* That effective counselling is offered to the parent(s) with regard to the decision; and,
* Clear consideration is given to the parent(s) competency to make the decision;
* The parent(s) are fully aware of their rights and options throughout the process with regard to the child.

**Referral and Allocation**

Referrals will be received via the ***First Response Team*** and should be dealt with promptly. A referral should be made to the Assessment Team. Requests may be self-referrals or come from a GP, Midwife, school, other health professional or family member.

As much information as possible should be taken at this initial stage about the parent(s) and their circumstances, but must be balanced with a need for sensitivity and an understanding that key areas will be dealt with through the counselling process that will be required.

Any referrals related to a parent wishing to relinquish their unborn / baby will be dealt with by the Local Authority in which the mother resides. A Children and Families Assessment will need to be completed.

The Family Finding Team need to be alerted and a joint visit arranged. The children's social work team retain case responsibility and will assess the level of need and risk for the unborn baby. The Family finder will help to advise the allocated social worker in completing their assessment and will provide counselling to the unborn baby’s parents.

**Counselling**

Counselling should be undertaken as promptly as possible following the referral, by a Family Finder who has knowledge and skills in adoption.

Counselling will help the birth parents’ in understanding all aspects of adoption and what their choices are. They should be made aware of the lifelong consequences of adoption and legal implications involved. The parent/s will need to be advised that the child has the right to seek information about their birth parents at the age of 18.

The counselling should ensure that the parent has considered all of the options:

* Staying with the parent/guardian, with close support where possible;
* Where the baby and mother are accommodated with foster carers, training and support to care for the baby and mother to help her overcome her anxiety and develop her parenting skills and confidence so that she is able to care for the child;
* Short-term foster care, with the aim of returning the child with support;
* Long-term placement within the child’s wider family (perhaps with a Child Arrangements Order);
* Placement for adoption.

The Family Finder will support the parent in understanding the importance of a Later Life Letter and also Life story book and will be encouraged to participate and contribute with this.

The Family Finder will support the parent/s in whether they wish to be involved in the matching process for the baby.

The Family Finder should inform the parent/s about the role of Cafcass and provide information regarding this.

NB:it is not mandatory, or a requirement, that family relatives are informed of the child’s birth or a proposed plan of adoption. In considering this, the Local Authority should discuss with the parent(s)/guardian: the likely views of the extended family (grandparents, siblings etc.) and the consequences of them both subsequently ‘knowing’ or ‘not knowing’ of the child’s birth and plans for adoption.

**Assessment**

The social worker assessing the circumstances of the parent/guardian should complete a Children and Families Assessment which includes analysis regarding the reasons behind why the parent wishes to relinquish their baby. This should also include any issues regarding physical and learning ability, cultural or religious issues, mental health or any issues regarding immigration.

Within the Children and Families Assessment it is crucial to glean as much information regarding the both parents’ medical history and current health.

The assessment will also cover whether there are any safeguarding concerns for the unborn baby. If there are safeguarding concerns then a referral should be made to the Child Protection and Court Team covering the area in which the birth

The social worker will need to ensure that a Life Story Book is completed and a Later Life Letter written.

The social worker should commence completing the Child’s Permanence Report and this will be informed by the detailed Children and Families Assessment already completed.

The social worker completing the assessment should seek if possible to understand the father’s identity from the birth mother, including:

His full name, Date of Birth, Address;

Any known wishes or feelings;

If the father is seeking to acquire PR;

If PR is acquired, his potential rights and any part he may wish to play in the process.

However, the law does not force a mother to divulge the identity of a father who does not have PR and the legislation does not impose a duty to make enquiries of a father without PR, or his family. Without Parental Responsibility, (PR) the birth father is not entitled to provide consent to a placement for adoption.

There is no duty on a Local Authority as an Adoption Agency to make enquiries of a father without Parental Responsibility, or his family, unless this is in the best interests of the child (this would be carefully determined through the assessment process and with agreement from management).

**CAFCASS**

CAFCASS should be notified of a child being relinquished for adoption as soon as possible to include the proposed date on which they aim to present the case to the adoption panel. Cafcass should further be informed once the Adoption Panel and Agency Decision Maker have confirmed the plan for adoption.

Cafcass will need to be satisfied that consent to place for adoption (Section 19) and advance consent for an Adoption Order (Section 20) has been made unconditionally and with a full understanding of all that this means in terms of those sections, of adoption and all its implications.

The Following guidance form Cafcass explains their processes and is useful in understanding the social workers role and notification to Cafcass.<https://www.cafcass.gov.uk/media/126321/good_practice_for_adoption_agencies_and_cafcass_-_children_relinquished_for_adoption.pdf>

**9.3 Cafcass Possible Outcome/Response**

**Consent to place for adoption (Section 19)**: consent has been unconditionally and properly given with full knowledge and comprehension of adoption and the process;

**Consent to place for adoption (Section 19) and Advance consent to the making of an adoption order (Section 20)**: consent has been unconditionally and properly given to both placement and Adoption Order with full knowledge and comprehension of adoption and the process.

**Consent and Competency**

The Local Authority as the Adoption Agency must be sure that the parent or the guardian is competent to give consent.

During the counselling sessions, care should be given to identifying whether the parent(s) are capable of giving consent, especially if there is evidence of: learning disabilities; mental health issues; cultural, ethnic or faith issues; consent being given conditionally, etc.

Where there is concern as to the parent’s understanding, an additional and specialist assessment should be sought from another professional - preferably someone who already knows the parent, such as an approved mental health social worker; a disabilities social worker; GP; midwife or health visitor; psychiatrist / psychologist or someone who can offer a faith or cultural perspective.

If the issue of competency is known at the point of referral or at an early stage in the process, then the Local Authority should not ask Cafcass to witness consent, until any such issues are resolved. Where a parent is under 18 years (i.e. considered to be a ‘child’ themselves within the meaning of the Children Act 1989), they can be considered to give valid consent if assessed as competent by the Family Finder.

Where it is considered that the parent is not capable of giving informed consent but the Local Authority decide to place the child for adoption following their counselling and assessment, an application for a placement order must be made. (See [**Section 22(1) Adoption and Children Act 2002**](http://www.legislation.gov.uk/ukpga/2002/38/section/22)).

**Pre-Birth Child.**

Often, children are relinquished following a pre birth request from the mother. An assessment that includes information gathering with the mother and putative father (where appropriate and known) will be progressed alongside counselling support.

A concurrent placement can be sought at this time, if appropriate. Alternatively an initial request for placement will be made alongside planning a schedule for adoption panel.

Formal consent by the mother for an adoptive placement and advance consent to adopt can only be given when the child is 6 weeks old.

**Decision of the Local Authority if the child is already born.**

Following the counselling stage and if the parent(s) continue to express their need for the child to be adopted, a referral to the Adoption Panel should be made. It is the Adoption Panel recommendation and the Adoption Agency Decision Maker that will confirm the plan for the child.

The Child Permanence Report should be updated ready for submitting to Panel.

Progress a referral to the (Adoption Panel) Medical Advisor for a health assessment including CoramBAAF medical assessment forms M and B together with CoramBAAF PH form, (completed by parent(s)).

Ensure a birth certificate is obtained: this can be undertaken by the parent.

In addition the Local Authority need to inform the Cafcass office.

Where the child is already in the care of the parent(s), an assessment and decision should be promptly made as to the point at which the child should be accommodated.

The parent should sign their consent to the placement for adoption - having been provided with all relevant information in respect of adoption, contact and support for them and their family.

When the matter has been presented to Adoption Panel and agreed by the Agency Decision Maker and Cafcass have completed their role, an adoptive placement should be sought.

Following Accommodation of the child, the practitioner should progress the matter as with any other child who becomes looked after:

Arrange and support contact arrangements with the child as required;

Ensure that the child’s Life Story Book is commenced and progressed and that the foster carer is involved in this on as continuous basis;

After the baby is 6 weeks old, obtain parent(s) consent to place the child for adoption and advance placement to adopt.

Discuss with the parent(s) their level of engagement within the process and at what point they may wish to disengage from the adoption process.

Once the Local Authority has made a decision that the plan for the child should be one of adoption, in addition to the Looked After Child record, an Adoption Case Record should be established.

**Child’s Birth and Discharge from the Maternity Unit**

When a child is born, the mother can choose to request immediate or delayed separation. It should be noted and discussed that greater involvement is likely to make separation later on more difficult.

The baby’s social worker should visit the mother as soon as is appropriate following birth. This should be lead by the mother, with a focus on her welfare, and recognition of the high level of sensitivity required; discussing and reflecting on the already devised plan for relinquishing the baby. The mother, and father if appropriate, should be involved in discussions about how to proceed with continued advice and support. Some focus will be on planning separation and naming the child.

The social worker should, in addition:

* Provide the maternity unit with the foster carer’s details and the foster carer’s GP details;
* Ensure the CoramBAAF medical Forms M and B for completion by the paediatrician;
* Mother’s Consent Form (CoramBAAF PH) consenting to the completion of the above M and B Forms.

If the baby is accommodated the parent or guardian retains full Parental Responsibility until:

* They give their consent after the child reaches the age of 6 weeks;
* A Placement Order is made; or
* An Adoption Order is made.

**Parent(s) Withdraw Their Consent for adoption**

**Change of Plan**

Where a child is accommodated under Section 20 (Children Act 1989) and is less than 6 weeks old, the parent may change their mind and request for the child to be returned to their care. Following such a request, an evaluation of the circumstances must be undertaken assessing, for example, the parent’s emotional wellbeing and ability to parent. Should the Local Authority assess that the child’s welfare and best interests would not be met by the parents, legal advice must be sought in regards to initiating care proceedings.

Management oversight will always be required for Ceasing a Looked After a Child.

**Withdrawal of Consent**

The parent(s) can withdraw their consent for adoption up until the prospective adopters issue an adoption application in relation to the child, either by using the [**‘Withdrawal of Consent Sections 19 and 20 of the Adoption and Children Act 2002’ form**](https://formfinder.hmctsformfinder.justice.gov.uk/a106-eng.pdf) or by written notice to the Adoption Agency.

On receiving the Notice of Withdrawal, the Local Authority will need to review, as above, the child’s plan for adoption. Following legal advice, the Local Authority may decide to apply for a Placement Order.

Where the child is not yet placed for adoption, the Local Authority should return the child to the parent(s) / guardian within 7 days of receiving a withdrawal of consent, unless they have either made an application for a Placement Order or a decision is made to apply for a Placement Order.

Where the child is placed foradoption, The Local Authority should return the child to the parent/guardian within 14 days, unless they have either made an application for a placement order or a decision is made to apply for a Placement Order.