



Children Relinquished for Adoption

Good Practice Guidance

‘Communication is important, so information should be accessible to everyone. People with sensory communication disabilities may need documents in easy read, large print, audio or Braille formats for example. Others may need face to face communication support through a British Sign Language Interpreter, deafblind interpreter, lip speaker or note taker (as recommended by the NHS Accessible Information Standard). If someone speaks (or reads) a language that is not English, they will need to have the appropriate language-spoken language interpreter and / or text translator’.

1.0 Purpose:

- 1.1. The purpose of this guidance is to support Local Authorities within the Together4Children Partnership with best practice guidance when working with birth parent(s) who wish to relinquish their child for adoption.
- 1.2 It will be the responsibility of each Local Authority to ensure that their policy and practice aligns with this best practice guidance.

2.0 Glossary of Legal References and Abbreviations:

2.1 Throughout the document the following abbreviations are used:

- Adoption Agency (AA) refers to local authority adoption agencies and voluntary adoption agencies;
- 'Parent' refers to birth parent or birth parents with Parental Responsibility (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 (FP);
- The term 'Sections' refers to sections of the Adoption and Children Act 2002;
- AAR refers to Adoption Agencies Regulations 2005.

2.2 Statutory guidance refers to the revised Adoption Statutory Guidance 2011 Department for Education.

2.3 In compiling this guidance information has been taken from Cafcass and Local Authorities within the Together4Children Permanency Partnership's Policy & Procedures. This guidance 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)

3.0 Locality Authority Processes:

3.1 Each Local Authority's current process begins with a referral through the 'front door'. For Staffordshire this is the First Response Team; Stoke-on-Trent this is the Safeguarding Referral Team; Shropshire it is Compass and Telford & Wrekin it is Family Connect. It is these 'front door' functions within each Local Authority that then allocate the referral to the appropriate Child Social Work Team to manage the case. Whilst each Local Authority differs slightly in their process, from this point, the core components and legislative requirements of this guidance will need to be adhered to.

4.0 Go Live Processes:

4.1 From the date that Together4Children goes live, the current initial processes as described above will remain in place. There will be an additional task of the Locality Permanency Hub notifying the Central Permanency Hub of the referral via telephone. The Permanency Coordinator will then input the details of the child onto the ISL system for tracking and monitoring purposes.

5.0 Forms to Use:

5.1 Section 19 Consent to placement for Adoption:

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. 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.

5.2 Section 20 Advance Consent to the making of an Adoption Order:

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 AA. The form which must be used for this is:

- [A103](#) Advance Consent to Adoption.

5.3 Statement with Section 20 Consent:

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). If this statement is made to the Cafcass officer, it should be recorded in writing and forwarded to the AA. A proforma for this is provided at [Annex 5](#) of this guidance.

6.0 The Process:

- 6.1 To see a flowchart demonstrating the processes described in this guidance refer to the chart in [Annex 1](#).
- 6.2 Stage 1 – Action for AAs:
- 6.3 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. In making the request, the agency will need to send information to Cafcass about the case, as set out in [Schedule 2](#) of the AAR.
- 6.4 The Cafcass office addresses can be obtained from the Cafcass [Website](#).
- 6.5 Stage 2 – Actions for Cafcass:
- 6.6 On receipt of notification from the AA, Cafcass will plan for provisional allocation to an officer for the date of the adoption panel meeting¹.
- 6.7 Stage 3 - Subsequent actions for AAs:
- 6.8 During the counselling period (prior to the request to Cafcass to witness consent) the AA worker must ensure that:
 - counselling and information have been given or offered to parents and guardians with PR. This can include fathers;

¹ 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.

- issues of competency have been considered;
- written information about the legal consequences of giving sections 19 and 20 consent has been provided to the parent(s) with PR and guardian(s) (see [Annex 4](#)).

7.0 Counselling checklist for AAs:

7.1 Understand the parent's/guardian's specific needs, for example:

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

7.2 Understand the reasons for requesting the child to 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).

7.3 To note a parent under the age of 18 years can give valid consent if assessed as competent to do so by the AA officer.

7.4 If the mother is not married, check the child's birth certificate to establish if the unmarried birth father has acquired PR by being named on the birth certificate. (*Note: the birth father without PR is not entitled to consent to placement for adoption or advance consent to adoption*).

7.5 If the birth father is not known or not part of the relinquishing process; discuss with the birth mother:

- the birth father's identity and address;
- 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 obtained².

² 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.

7.6 Case law (*Re A, (A Child) [2019] EWFC B52*) has confirmed that:

- Birth parents should be told that their child can be returned to their care within the 6 weeks and legislation allows for this time for parents to change their minds before Cafcass seek written agreement;
- Local Authority to ensure all attempts are made to encourage parents to carefully consider their options, including the child remaining within the birth family and/or wider family
- Birth parents should receive counselling before and after child's birth.

8.0 Responsibilities of AAs in relation to establishing the identity of the birth father and/or birth relatives:

8.1 If a father's identity cannot be established, or the mother does not want the father involved, the Agency should seek legal advice. The detail of all discussions with the mother about the benefits to the child of knowing their father's identity and her responses, and any other attempts to establish the identity of the father should be recorded.

8.2 Case law (*Re E, (A Child) [2007] EWCA Civ 1206*) has confirmed that:

- The law will not usually be used to force a birth mother to reveal the identity of the birth father without PR;
- There is no mandatory and absolute requirement in adoption law that other relatives should be informed of the child's birth and the proposed adoption.

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

8.4 Statutory Guidance³ suggests that the AA 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 adoption⁴, are all factors to be considered.

³ Chapter 2, paragraph 35, Statutory Guidance

⁴ 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*

8.5 At the time that the relinquishment process begins, there are no court proceedings. However, the AA 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, of the plans to place his child for adoption. The FPR provide⁵ that ‘*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*’.

8.6 Applications to the High Court could add very considerable delay to the child’s placement. Such applications should not be routine, given the effect of delay on the child.

9.0 Guidance for AAs on birth fathers who subsequently acquire PR, and on the extended family:

9.1 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, however, withdraw this consent. If he and/or the mother request(s) the child’s return, but the AA is seeking to continue the adoptive placement, the AA 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).

9.2 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 AA 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 of the extended family not knowing about the child’s birth or the plans for adoption.

9.3 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 AA’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

months of the agency deciding that the child should be placed for adoption; chapter 4, paragraph 2, Statutory Guidance.

⁵ Rule 14.21 FPR 2010

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 involved⁶).

10.0 Mothers originating from outside of the UK:

10.1 A recent court case [2016] EWFC 25 has led to a review of the approach of English Courts to the placement of foreign national children in permanent substitute care in this country. It noted that this was occurring with greater regularity given the rising number of workers moving between States in Europe and beyond.

10.2 The review and subsequent judgement established that English Courts can make adoption orders and underlines the importance of a Local Authority taking appropriate steps to anticipate or avoid delay in resolving proceedings. These steps are identified below:

- Considering carefully the issue of possible family placement at the earliest opportunity;
- Assessing critically from the outset what the mother and father say about their families, not merely just accepting at face value their dismissal of family placement here or abroad;
- Being proactive in addressing the potential complications;
- Considering whether it is obliged to notify consular officials of the relevant foreign State in line with Article 36 and 37 of the 1963 Convention;
- The opportunity to consider a request for assistance and cooperation from the Central Authority of the other State when planning for the child;
- This is a complex area. It is advisable to seek advice from Legal Services as to whether or not it is appropriate to make a pre-emptive application to court under Part 19 Family Proceedings Rules 2010 (Alternative Procedure for Applications). Consideration of the most appropriate approach will be required in relation to the details of the case.

11.0 Guidance for AAs on explaining the meaning of adoption and the effect of an Adoption Order:

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

⁶ Section 52 Adoption and Children Act 2002

- The lifelong implications⁷;
- 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;
- Notifying the parent of their right to withdraw consent up until the granting of the Adoption Order;
- Notifying the parent of the Local Authorities responsibility to safeguard children and the potential for the Local Authority to initiate care proceedings if there are concerns for the welfare of the child;
- 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 5](#));
- Contact issues and the legal position in respect of contact after placement and adoption;
- The need for information for the 'later in 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 [Annex 4](#));
- Discussion on placement options with parents such as Early Permanence.

12.0 Guidance for AAs for Identifying Competency:

- 12.1 If, during the counselling sessions (but prior to referral to Cafcass), the AA 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

⁷ Section 67 Adoption and Children Act 2002

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).

12.2 Care will need to be taken if there are factors which appear to impede the parent's 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).

12.3 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.

12.4 If the AA 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 AA *must* be sure that the parent or guardian is competent to give consent.

13.0 Stage 4 - Completion of Schedule 2 information and documents by the AA:

13.1 Usually Cafcass will not be contacted to request the appointment of an officer to witness consent until the AA has decided that the child should be placed for adoption following panel recommendation and agency decision. Any other plan does not require section 19 or section 20 consent⁸.

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

- 13.2 The law permits consent to be given before the adoption panel has met and the AA 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.
- 13.3 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)*.
- 13.4 If the AA 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 and agency decision. This urgency is necessary because the AA must apply for a placement order if the mother does not sign the consent form, and this may cause considerable delay for the child.
- 13.5 A schedule of information ([Schedule 2](#), AAR) must be provided to Cafcass (see proforma at [Annex 3](#)). *NB - this is not the similarly named Schedule 2 in the 1984 Adoption Court rules*. The Schedule 2 information should include the following:
- 13.6 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)⁹;
 - A chronology of actions and decisions by the agency in respect of the child.
- 13.7 Additional information:
- Whether the child is accommodated and in foster care.

Whether the AA has, with parental consent, placed the child with prospective adopters before the child has reached six weeks of age (AAR, [Regulation 35](#)); for example with early

⁹ FPR 2010 r.14.10(4-6)

permanence carers. Early permanence placements should always be considered for relinquished babies, taking into account the level of uncertainty that these placements pose.

- The date on which the AA decided that the child should be placed for adoption, or the projected date for the adoption panel meeting and AA decision;
- Confirmation by the AA 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 AA 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;
- The AA to make Cafcass aware of the birth parents wishes and feelings in respect of further communications for example where they do not wish to be notified of an application for an Adoption Hearing.

14.0 Stage 5 - AA Notification to Cafcass:

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

15.0 Stage 6 - Actions for Cafcass:

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

i. Countersigning Section 19 Form only

On satisfaction 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, the form is completed (amended appropriately) and returned to the AA officer by Secure DX, along with the original signed form.

ii. Countersigning Section 19 and Section 20 Forms

13



On satisfaction 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, the forms are completed (amended appropriately) and returned to the AA officer by Secure DX, 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), 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 AA officer by Secure DX.

16.0 Stage 7 - Later consent under Section 20:

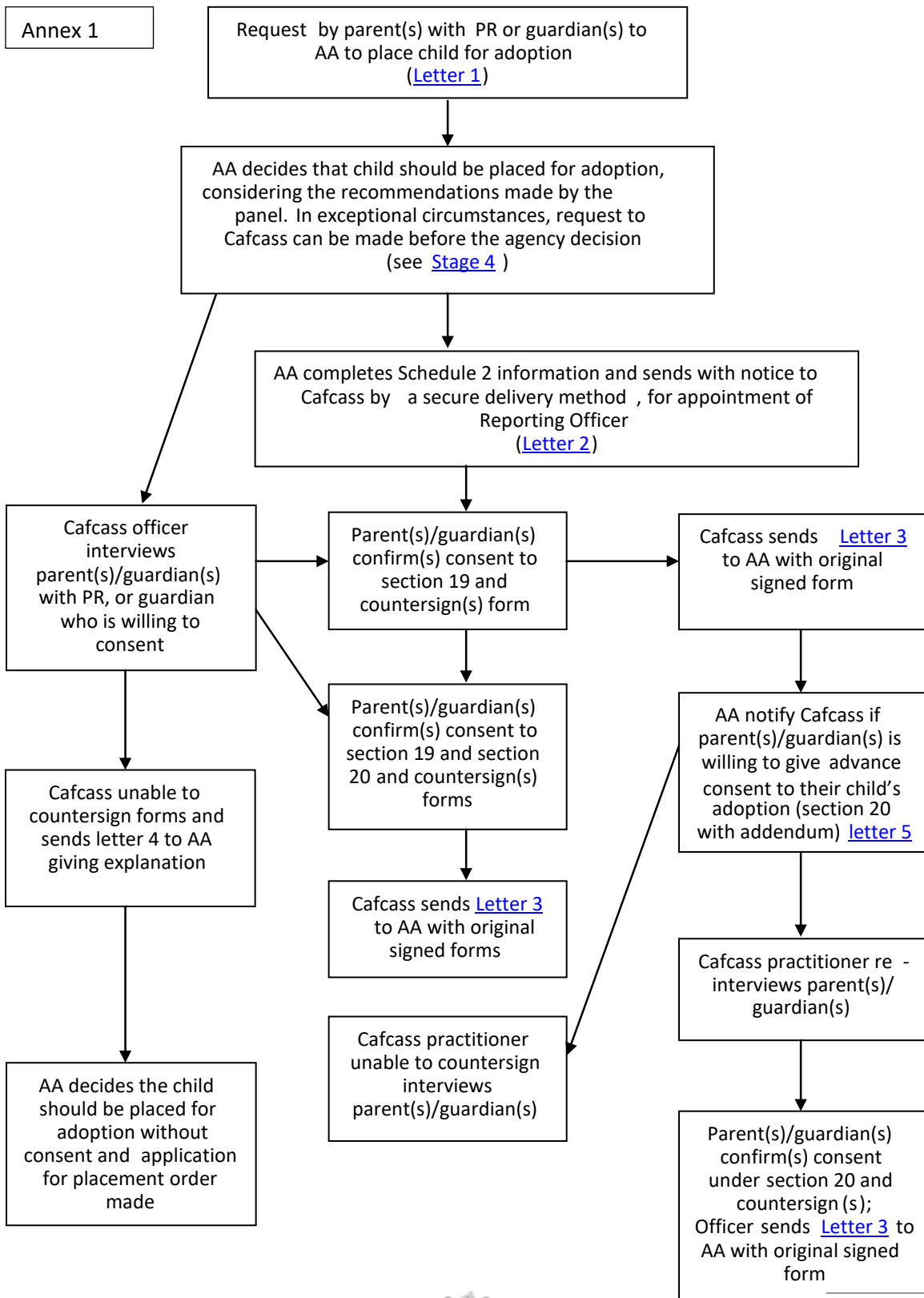
- 16.1 Best practice would be for the parent(s)/guardian(s) to sign section 19 and 20 Consent at the same time.
- 16.2 Where that is not possible, the AA should send [letter 5](#) to the original Cafcass officer with any additional information required. The Cafcass officer will re-interview the parent(s)/guardian(s) 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 AA 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 5](#)).
- 16.3 If the Cafcass officer is unable to countersign the consent form, they should proceed as per point in 14.4.

17.0 Factors that can create delay in the process:

- 17.1
- Obtaining an endorsed adoption medical for the child;
 - Arranging a Best Interest Decision Panel;
 - Failure to provide written information to birth parents;
 - Failure to see birth parents by themselves;
 - Failure to seek legal advice in relation to birth father and PR;
 - Failure of appropriate communication between Childrens and AA Team.

- 17.2 Whilst these factors create delay there will be occasions where it is appropriate for delay happening to allow birth parent to reflect as to whether relinquishment is an appropriate choice for their baby
- 17.3 Below in a flowchart of the above process and guidance letters and leaflets for Local Authorities to consider using.





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



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 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 to give consent unconditionally and with full understanding of what is involved.

Yours sincerely

Name of officer

Letter 3
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 guardian[s]:
Name of child:

Yours sincerely

Name of officer

N.B. Please return the original consent forms to AA by a secure delivery method

Name of officer [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 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

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
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:

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 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.

Annex 4

Information for Birth Mother

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 overturned.

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.gov.uk/government/organisations/department-for-education
 - <https://corambaaf.org.uk/>
 - <https://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 from 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.

Should you decide to proceed with adoption 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 he/she grows up. You will be asked to sign to agree that any information you have provided can be shared with the child

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 of the birth mother 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 he and the birth mother 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, but 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.

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 who may also be approved as a prospective adopter 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 does not choose to continue the adoption process by applying 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 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 is 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. If your name is on the contact register and there is an enquiry made by your birth child in the future, then your details will be shared.

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 are available free from your local authority or regional 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 including seeking legal advice if you feel that this is necessary.

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 an adoption worker to assist you in making your decision but there are also services available for birth parents after their child has been adopted.

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.

Information for Birth Father

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 overturned.

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.gov.uk/government/organisations/department-for-education
 - <https://corambaaf.org.uk/>
 - <https://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 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.

Should you decide to proceed with adoption 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 he/she grows up. You will be asked to sign to agree that any information you have provided can be shared with the child

Birth Father's Rights

If you have parental responsibility (PR) then your permission is necessary for the child to be placed for adoption.

If you do not have PR, your permission for the child to be placed for adoption is not necessary. However, it is important to note that you may wish to apply for PR, and should this be granted, will need your consent to the adoption. You could choose to withdraw your 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 you, if considered appropriate, as the adoption agency will want some information about your health, family and medical history so they can pass it on to the adopters and the child.

If you apply for PR after the birth mother has given consent to the adoption, your consent will also be given. If you wish to withdraw your consent you will need to contact the Local Authority to make you view known.

You may not agree with the adoption plan of the birth mother and you may want to bring up the child yourself or within your own family. If this is the case, and you have PR or are likely to apply for it, the adoption agency and the court will need to know about it. If you and the birth mother are unable to agree the court will have to decide whether it thinks adoption or a life with you is likely to be best for the child in the long term.

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 who may also be approved as a prospective adopter 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 does not choose to continue the adoption process by applying 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 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.

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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 adoptions orders.

What if I change my mind?

You can change your mind at any time in the first six weeks and ask that your baby be returned to your 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.

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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.



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

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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 including seeking legal advice if you feel that this is necessary.

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.

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



Annex 5

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.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

