

**A guide for the child's relatives
on changes in the law**

Adoption



department for
education and skills



Adoption

For children who can't live with their parents, adoption can give them the opportunity to be part of a new permanent family.

The new Adoption and Children Act, in force from 30 December 2005, brings the law on adoption up to date. It puts the needs of the child first - what's best for them comes before the wishes of the adults involved.

If you're related to a child who may be adopted or who has been adopted - perhaps your grandchild, niece or nephew, brother or sister - this guide is for you. There's a similar guide for parents of the child.

You're likely to have lots of questions. About what's going to happen, the legal implications, your rights and where to turn for help. Now there's help and advice for you before and after the adoption - and there are national support groups where you can obtain further information and advice too.



What is adoption?

A child becomes adopted when an **adoption order** is made. This removes the parental responsibility of the child's parents and passes it to the adopter. In law the child is treated as if they had been born to the adopter, who becomes responsible for looking after the child and for making all the key decisions about them. Adoption is permanent and so significant that only a court may make an adoption order.

What happens before adoption?

Before the court can make its decision about the adoption order, a number of key steps have to be taken. The court will need to consider information about the child, his or her family, the child's needs and the prospective adopter's ability to meet their needs. The information before the court will be provided by the adoption agency, usually a local authority.

Under the new Act, an adoption agency has a duty to follow certain safeguards before a child can be placed for adoption. Where adoption becomes the plan for the child's future, the agency must take into account the views of the child, their parents, and anyone else relevant to the child. A relevant person could be a relative or someone who is caring for the child, such as a foster carer.

If the plan for the child becomes adoption, but you think one of the options might be a placement with you or you are thinking about adopting the child yourself, ask the adoption agency for information and advice.



Special Guardians

You could apply to become a Special Guardian, where you give the child a permanent home and exercise parental responsibility for them but they keep their legal link with their parents. You may ask your local authority for information about Special Guardianship. And there is also information in the 'Special Guardians' leaflet - ask your local authority for a copy.

As part of the child's counselling, the agency should provide them with a **'life story' book** detailing their early life and family history. It helps them understand their origins and usually includes photographs and other mementoes of their early life.

The adoption panel

The adoption agency gathers information about the child for the **child's permanence report**. This is sent to the agency's **adoption panel**, a group of adoption specialists and people experienced in adoption. It's their task to recommend whether or not a child should be placed for adoption. Within seven working days, the agency should make a decision on the panel's recommendation. The child's parents should be told of this **decision** within two working days if the agency knows where to find them. Written confirmation of the decision should be sent to them within five working days.

But an adoption agency will not be able to place a child for adoption unless it has obtained the **signed consent** of the child's parents or a court has made a **placement order**. Consent of the child's parent or a placement order gives the agency 'authority to place' the child for adoption. This passes parental responsibility for the child to the adoption agency and it may restrict the parents' exercise of their parental responsibility for the child.

Contact arrangements

Talk to the adoption agency about your wishes for contact with the child. Ideally, **contact arrangements** - letters, cards, or in some cases meetings - can be agreed, but these may need to change if the child's circumstances and needs change. Where appropriate, the child will be able to pass cards or letters back to you via the agency.

Under the new Act, the **welfare of the child** always comes above everything else when the adoption agency or the courts make any decisions about them. So decisions on matters such as placement for adoption and contact will be driven by the child's needs, not the needs of adults.

When the adoption agency obtains 'authority to place', certain orders made under the Children Act 1989 cease - residence, contact and other orders. The Adoption and Children Act 2002 instead provides for a new contact order to be made by the court, setting out who's to have contact with the child. As a relative of the child, you could apply to the court for a contact order. The adoption agency or your solicitor should be able to advise you about this.

If the child is placed for adoption with prospective adopters, social workers from the adoption agency will visit the child and the prospective adopters and carry out reviews to see how they are getting on.

Where an adoption agency has placed a child for adoption, the prospective adopters may not apply for an adoption order to be made unless the child has lived with them for 10 weeks or more.

Support

Under the new Act, the local authority must by law assess the **adoption support needs** of families and individuals involved in adoption who ask for an assessment.

As a relative of the child, you may ask the local authority to assess your support needs. Adoption support services include:

- **counselling, advice and information** to explain the adoption process to you so that you know what's going to happen and what it means for you all - and you can talk through any worries you have about the adoption
- **help with contact** with the child

Support may also be given to **obtain information** that the child may need later if they're adopted, such as information about their birth and early life.

The adoption agency may be able to give you details of local support groups where you'll be able to discuss adoption issues with other people in similar circumstances. For details of national support groups look at some of the websites listed at the back of this booklet.

Access to information

The new Act allows you to apply to the adoption agency for identifying information about the child if they have been adopted and have reached the age of 18. And they may apply to the agency for identifying information about you or others involved in their adoption.

Although you may ask the adoption agency for information about the adopted adult, you won't have a right to their identifying information. But an adopted adult has a right to obtain from the agency the information they need to get a copy of their birth certificate. The adoption agency or adoption support agency must **carefully consider** certain issues - including the views of the person who would be identified - before deciding if it's appropriate to disclose their identifying information. Every case will be different.

So if the information would identify you, such as specifying where you now live or your new name, then the agency will need to seek your views before disclosing it to the person who has applied for it.

Help and support...

After years of separation, making contact is often a difficult, emotional experience. Adopted adults and their adult birth relatives may ask for help from the adoption agency or adoption support agency. You should first approach the adoption agency that arranged the adoption for advice about how to apply for access to information. If you're not sure which adoption agency arranged the adoption, seek advice from any adoption agency or an adoption support agency and they may be able to help you.

You may also register your wish for contact (or no contact) with an adopted person on the **Adoption Contact Register**, which is operated by the Registrar General. If you have registered a wish for contact and the adopted person has also registered a wish for contact with you, your contact details will be sent to the adopted person and you will be informed. It will be for the adopted person to decide if they want to go ahead and make contact with you.





For more information, the following websites may be helpful:

- ↘ **Adoption UK**
www.adoptionuk.org
- ↘ **After Adoption**
www.afteradoption.org.uk
- ↘ **British Association for Adoption and Fostering (BAAF)**
www.baaf.org.uk
- ↘ **Department for Education and Skills**
www.direct.gov.uk/Parents/AdoptionAndFostering
- ↘ **Family Rights Group**
www.frg.org.uk
- ↘ **NORCAP**
www.norcap.org.uk
- ↘ **Post-Adoption Centre**
www.postadoptioncentre.org.uk
- ↘ **Registrar General (ONS)**
www.gro.gov.uk

For further information please visit
www.direct.gov.uk/Parents/AdoptionandFostering

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