

**Services for adopted adults who
want to trace birth relatives**

Adoption



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Hundreds of thousands of people have been adopted since adoption was first legalised nearly 80 years ago. Not until 1975 were adopted adults given the right to apply for their original birth records - and the chance to find out more about their birth families. But natural parents or birth relatives, such as siblings, never had such rights themselves. Although an adopted person could take the initiative to seek out a birth relative, the opposite generally wasn't possible. Many birth mothers were not even able to find out if a child they had relinquished for adoption was alive and well.

Adoption is no longer characterised by stigma and secrecy. The creation of the Government's Adoption Contact Register in 1991 was the first real opportunity for adopted adults **and** birth relatives to formally register their wish for contact with each other.

Over the past 20 years or so, more and more birth relatives have expressed the need to find out more about a relative who had been placed for adoption and possibly to have contact with them. Gradually some adoption agencies started offering an intermediary service to meet this need. The agency would try to trace the adopted person and inform them of the birth relative's interest. It would then be for the adopted person to decide if they wished to have contact.



Who offers intermediary services?

Intermediary services can only be provided by agencies with the right knowledge, skills and expertise:

- **Adoption Support Agencies (ASAs)**
- A number of voluntary organisations, such as NORCAP, provide intermediary services. They need to be registered with the Commission for Social Care Inspection (CSCI). CSCI has a list of all registered providers of intermediary services.
- **Local authorities and voluntary adoption agencies** – they may provide intermediary services if they want to but there is no legal requirement for them to do so. Agencies that do not provide intermediary services will refer the applicant to a registered ASA.

Changes in the law

Now, the Adoption and Children Act means that from 30 December 2005, adopted adults and their adult birth relatives will have a new right to apply for an intermediary service. This means an adopted adult could ask an intermediary agency to trace a birth relative and establish if contact would be welcome. A birth relative may apply for the same service where they are seeking to establish contact with an adopted adult. Services will operate within a new legal framework with proper safeguards to protect all concerned. Although intermediary services have existed in some areas for many years, this is the first time that they will be regulated and inspected.

Intermediary services

Intermediary services are now available:

- To people over the age of 18 and related by birth to an adult who was adopted before 30 December 2005. Birth relatives can now ask an intermediary agency to trace you and find out if you want to have contact with them.
- It works the other way too – if you're 18 or over and you were adopted before 30 December 2005, you can ask an intermediary agency to trace a birth relative and establish whether they want to have contact with you. (The agency can only trace someone who's over 18.)

You need to be aware that there are likely to be large numbers of people applying for an intermediatory service. Agencies are required to give priority to applications involving adoptions that took place before 12th November 1975.

How does it work?

1. If you want to trace a birth relative and apply to an intermediary agency for help, the agency first decides whether or not to go ahead with your application. If the adoption was arranged through an adoption agency, it must ask that agency for its views on the application and take those views into consideration before deciding whether to go ahead. The intermediary agency must also consider your welfare, the welfare and wishes of the person you want to contact and all the other circumstances of the case.
2. If the intermediary agency decides to proceed, it may then ask for information from:
 - a. the **adoption agency** (where the intermediary agency is not the agency that arranged the adoption or holds the relevant files)
 - b. the **Registrar General**
 - c. the **courts** - to help it trace the person and make contact with them.
3. The **intermediary agency** must then ask the person if they consent to being identified to you and having contact with you.
4. If they give their consent, the **intermediary agency** can help you get in touch with each other and provide any counselling, advice and support that's needed.

5. If the person you want to trace decides they don't want to have contact with you and refuses to give consent, it may still be possible for the intermediary agency to give you some information about them and their present circumstances on top of what you may already know about them. Remember, it may be quite a surprise for them to be approached by an intermediary agency and they may need time to think about how to respond. Even if they decide they don't want contact – perhaps because it's not the right time for them - they could change their mind some time in the future.



How to find out more about your birth family

Many adopted people want to find out more about their family history and early life before they make up their mind whether to go ahead with trying to contact birth relatives. If you were adopted before 30 December 2005 and are 18 or over, you may:

- Apply to the **Registrar General** for the information you need to get a copy of your original birth certificate. (If you were adopted before 12 November 1975, you have to have some counselling before this information can be disclosed to you. If you were adopted after that date, counselling is optional but recommended.)
- Apply to the **adoption agency** that arranged your adoption (or the agency that now holds the adoption files, if different) – either a local authority or a voluntary adoption agency, if that’s how your adoption was arranged - for access to your adoption records. The adoption agency has the discretion to disclose information to you from the file, including the information you need to be able to get a copy of your original birth certificate.
- See whether the **local authority** in the area where you were adopted has any details. Even if they didn’t arrange the adoption, they may hold some information about adoptions that took place in their area.
- If you know it, the court that made your adoption order may also be a source of information.

- Once you've considered the information you've received from the adoption agency or Registrar General, you might decide that you want to go ahead and contact your birth relative. You could then apply to the adoption agency for an intermediary service. The adoption agency might deal with your application themselves but not all adoption agencies will provide an intermediary service. So they may refer you to an **adoption support agency (ASA)**.
- You could also decide to contact an adoption support agency direct if you want to. The Commission for Social Care Inspection has a list of all ASAs registered to provide intermediary services.



The Adoption Contact Register

The Registrar General runs the Adoption Contact Register, which puts adopted adults and their natural parents (or other birth relatives) in touch with each other - if that's what they both want.

Here's how it works:

1. Adopted people register on Part 1 of the Register.
2. Natural parents and other birth relatives register on Part 2.
3. If an adopted person and a birth relative have both registered a wish for contact, an automatic link is made.
4. The Registrar General then sends the relative's name and address, with details of the relationship, to the adopted person.
5. The relative is told that this has been done.
6. It's for the adopted person to decide whether they want to make contact with the birth relative.

You can read more about it at www.gro.gov.uk

From 30 December 2005, adopted adults and birth relatives can also formally register a wish for no contact on the Adoption Contact Register (see below).

I don't want my birth family to contact me. How can I prevent this?

The new law recognises that not all adopted people want to have contact with their birth relatives or have their details passed on. Birth relatives have no legal rights to information about you and there are steps you can take to protect your privacy if that is what you want.

How can I protect my privacy?

There are a number of important safeguards in place.
From now on:

- An intermediary agency is not allowed to disclose any information to a birth relative which may reveal your identity or whereabouts without having first obtained your consent.

If you refuse to give consent, the intermediary agency may ask you if you're happy for certain limited information to be passed on – such as letting the birth relative know that you're happy and healthy, married, whether you have children of your own. But this information will not identify you or your whereabouts.

- The new law now enables you to formally register a wish for **'no contact'** with a specified birth relative on the Registrar General's Adoption Contact Register.

So, for instance, if you registered a wish for 'no contact' with your natural mother, the intermediary agency would have to take your wishes into account if they were deciding whether to process an application from your natural mother.

But the agency could still decide to approach you in certain circumstances where it considers that to be in the interests of your welfare – for example, where there was a possible hereditary health issue and the agency felt the circumstances to be exceptional, it may still decide to approach you.

I don't even want an intermediary agency to contact me on behalf of a birth relative. How can I stop this?

If you don't want to be approached by an intermediary agency, you can take the following steps:

- If you know the agency which arranged your adoption (or the agency which holds your adoption file, if that's different), you can contact them and register a **veto**. This will prevent the intermediary agency from approaching you. You can register an '**absolute**' or a '**qualified**' veto with the adoption agency. When an intermediary agency contacts your adoption agency it will be told that a veto has been registered.
- An **absolute veto** means an intermediary agency will be **prevented from approaching you in any circumstances**.

The veto remains in place until you decide to amend it or withdraw it.

Registering an absolute veto is a very important decision which could have major consequences for you. So the adoption agency is required by law to talk this through with you and must be satisfied that you fully understand the implications of your decision.

For example, an absolute veto would mean that the intermediary agency couldn't contact you:

- on behalf of a terminally ill birth relative (including a birth brother or sister you didn't even know about)
- to pass on information about a possible hereditary medical condition
- to let you know that you'd been left money in a birth relative's will

If you register a qualified veto with the adoption agency, you can specify certain circumstances where you wouldn't mind being approached by an intermediary agency.

Again, this is an important decision to take and the adoption agency will be required to discuss it with you and be satisfied that you understand the implications.

For example, you could specify that:

- an approach from an intermediary agency on behalf of a natural parent wouldn't be acceptable but an approach on behalf of another birth relative (such as a brother or sister) would be welcome
- an approach wouldn't be welcome unless it involved important hereditary medical reasons

What does it cost to use intermediary services?

The intermediary agency can charge for tracing a birth relative and facilitating contact between you. The agency may decide to waive their fee if they think it's appropriate – if you are on state benefits, for example, and unable to meet the costs. The fees charged by the intermediary agency will be limited to cover any reasonable costs incurred in processing your application, such as:

- finding the right adoption agency to approach
- tracing the person you want to contact, such as:

paying for birth, death or marriage certificates from the Registrar General and conducting other searches so they can establish a person's current identity or whereabouts

- obtaining information from other sources
- providing counselling and support



The Adoption and Children Act 2002 comes into force on 30 December 2005.

If you'd like to find out more about adoption, you can contact your local council's adoption team or a local voluntary adoption agency. Their contact numbers are in the phone book under 'Adoption' - and they all have a website with information and contact details. You may also find the following websites useful:

Department for Education and Skills:

www.everychildmatters.gov.uk/adoption

The Registrar General (ONS):

www.gro.gov.uk

British Association for Adoption and Fostering (BAAF):

www.baaf.org.uk

NORCAP:

www.norcap.org.uk

Adoption UK:

www.adoptionuk.org

After Adoption:

www.afteradoption.org.uk

The Post-Adoption Centre:

www.thepostadoptioncentre.org.uk

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

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