

## **CHAPTER THIRTEEN**

### **Consensual Adoption (formerly known as Relinquished)**

#### **Overview**

This procedure details how Adoption Tees Valley (ATV) and the respective Local Authorities: Middlesbrough, Hartlepool, Darlington, Stockton and Redcar & Cleveland, will implement the process for progressing children's plans via the consensual adoption route.

The term 'consensual adoption' was formerly known as 'relinquished children' and is used to describe a child, usually a baby or at pre-birth stage, whose parent(s) is/are making the choice of adoption for the child. This procedure deals with the first stages of the adoption process for consensual adoption, whilst signposting other key processes that should be progressed and which are expected for any child who is accommodated into Local Authority care or where the plan is for adoption. 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 the same as for any other child.

This procedure will cover:

- Legislative framework in respect of consensual adoption.
- The process for progressing children's care plans via the consensual adoption route and identifying which agency is responsible for which action.

#### **Relevant legislation, regulations and statutory guidance**

- Part 3 of the Adoption and Children Act 2002.
- Statutory Guidance on Adoption (July 2013).
- ADCS, Good Practice Guidance for Adoption Agencies and CAFCASS: Children Relinquished for Adoption. [Relinquished adoptions guidance.pdf \(adcs.org.uk\)](https://www.adcs.org.uk/relinquished-adoptions-guidance.pdf)

## **PROCEDURE**

### **INTRODUCTION**

All Local Authorities have a statutory duty to respond to a request from a parent or guardian, (hereafter referred to as parent only) for their child to be placed for adoption, and a separate process to progress this, at least in the initial stages, outside of the Care Proceedings process is established in Part 3 of the Adoption and Children Act 2002.

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Working with a request for a child to be relinquished will be challenging for many practitioners on the basis that most children's best interest is served by being with their parent and it will be important to ascertain the reasons why the mother sees the best interest for her child in this way and to offer challenges to this through a counselling process.

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, Adoption Tees Valley and, if required a Placement 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.
- That the practitioner remains in contact with the parent for as long as possible to 'get to know' the parent(s) so as to be able to provide information for the child later in their life.
- The relevant Local Authority should seek to ensure that, following a request for a child to be relinquished, the matter should be transferred to the appropriate team best able to work with the parent and progress the child's plan as soon as possible.

## REFERRAL

Initial contacts and requests for a service will typically be received regarding an unborn child or a very young baby and are likely to come via a health professional or following a self-referral to the Local Authority children's social care 'front door' who will then pass the details to the relevant area field work team. The Local Authority should act without delay in beginning early assessment work, to understand the circumstances of the parent(s) and (unborn) child. In principle, earlier assessment and planning will have a better and more informed outcome for the child and parent.

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.

The Local Authority allocating Team Manager will appoint a Social Worker and also contact the Adoption Tees Valley Family Finding Team Manager to advise of the referral, and to request the appointment of an Adoption Social Worker to co-work and offer counselling to the birth parent. The ATV Family Finding Team Manager will allocate an Adoption Social

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Worker who will act as the lead individual in counselling the parent(s). Responsibility for the child, and for care planning, is with the Local Authority. An early notification in respect of the child should be made to Adoption Tees Valley in conjunction with the request for a co-worker from Adoption Tees Valley.

### Assessing the parent(s)

The Local Authority social worker, and the Adoption Tees Valley Social worker will meet to determine the plans for the assessment and counselling, taking account of the circumstances of the case, and timescale before expected delivery date.

As part of the Single Assessment, the Local Authority Social Worker should ensure they:

- Understand the reason(s) why the parent(s) is seeking to place the child for adoption.
- Consider the parent'(s)' general situation and circumstances.
- Are aware of the position of the birth father.
- Are aware of any communication requirements:
  - As a result of a physical or learning disability.
  - English being a second language.
- Are aware of any issues around literacy skills the mother may have.
- Identify any cultural issues.
- Know of any physical or learning disabilities that are impacting upon the circumstances.
- Recognise any immigration concerns.
- Include assessment of siblings.
- Identify any other issues that may appear to the practitioner to be relevant.

A Single Assessment will be undertaken and led by the Local Authority Social Worker, with support from the Adoption Tees valley Social Worker. Once complete, the matter should be presented at the relevant Local Authority's Legal Gateway Panel by the Local Authority Social Worker for oversight and consideration by senior managers and the children's legal department to ensure the consensual adoption route is appropriate given the circumstances and assessment undertaken.

All case recording will be entered onto the Local Authority's children's information system. As the information is highly sensitive, the Social Worker must discuss with their Team Manager whether it is appropriate to 'lock down' the record.

The Adoption Social Worker and their manager will ensure the child is entered into the Adoption Tees Valley's list of children referred for adoption, with a note that they are a baby being placed for adoption via the consensual route.

## COUNSELLING

Counselling should be undertaken as promptly as possible following the referral, by the allocated Adoption Social Worker and include a discussion about the issues adoption brings for both the parent and the child.

The initial counselling interview will be undertaken jointly by the child's Social Worker and Adoption Social Worker, and will normally be with the birth parent(s) and, if very young, their parent(s). The focus of this interview will be a general discussion about adoption and its legal and emotional implications and a discussion of available alternatives. It should be emphasised that discussion about adoption is not a commitment to proceed.

The child's Social Worker and Adoption Social Worker will need to get to know the parent(s) properly so that they can plan for the child. Any questions asked by the parent(s) need to be answered honestly with plenty of reassurance, particularly if there are other children in the family, that they will not be 'taken' too.

The parent(s) must be given the adoption memorandum (Information for Birth Parents about Adoption). Their acknowledgement, when given, should be placed on the adoption case file.

It is usual to include the father of the child in the counselling process. The birth mother should be encouraged to provide the father's name. His consent to adoption will be required if he has Parental Responsibility. When determining whether to contact a father without Parental Responsibility when the mother does not wish to disclose his identity, the following criteria must be considered:

- The nature of the child's relationship with the father.
- The nature and extent of the father's relationship with the mother and any siblings.
- Whether failure to disclose to the father would constitute a contravention of Article 8 of the European Convention on Human Rights (concerning respect for private and family life).
- The child will require background information, including health information regarding their father.

Reasons for **not** involving the father must be discussed with both the Social Work Team Manager, the Adoption Family Finding Team Manager and children's legal services. Any decision must be recorded on the Children's Information System. Where the father's identity cannot be established or the case is complex, legal advice must be sought as soon as possible to ensure that there is no unnecessary delay for the child.

Further interviews will be essential to continue the counselling process and should lead to a decision being made by the parent(s). The Adoption Social Worker should lead on the provision of this counselling. Counselling should continue and issues to be explored would include:

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- Contact / family time (e.g. while the child is accommodated pending adoption and post adoption).
- Separation and loss.
- Emphasise the legal process and finality of adoption.
- Family medical information.
- Comprehensive background history for the child.
- Alternatives to adoption e.g. extended family members, short term foster care with the aim of returning the child with support or staying with the parent from birth.
- Avenues of support for the parent(s).
- Meeting the adoptive parent(s) / contact post adoption.
- Choice of family.
- Inform of child's rights - access to information provision (useful to record reaction on file).

Every effort must be made to elicit comprehensive family health background information - using CoramBAAF medical forms.

Information from both parents needs to be obtained.

### Options and Alternatives to Adoption

Counselling should ensure that the parent has considered the options:

- Staying with the parent, 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.

If the parent(s) continue to want the baby to be adopted, following counselling, and if the plan remains adoption, the Social Workers must explore the possibility of the baby being placed with Early Permanence carers (approved adopters who are given temporary approval as foster carers) from the outset.

### Counselling following birth of the child

Upon the child's birth, additional counselling must be offered by the Adoption Social Worker to ensure adoption remains the plan.

Counselling with the parent(s) should continue following the birth of the baby. Parent(s) can see the baby at any time and this will need to be arranged with the foster-carer. They will need to be kept informed of the baby's progress and well-being and can be provided with photographs if they wish.

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The parent(s) should be asked to provide photographs, a letter explaining the reasons for the adoption and family history details for the child. The Adoption Social Worker and child's Social Worker must discuss the plan for the baby's long term care as the parent'(s)' wishes are important and should be considered where possible. For example, religious and cultural considerations and any geographical difficulties with regard to the extended family and prospective adopters. If placing the baby with Early Permanence carers at birth, these considerations should be taken into account as part of the pre-birth planning process.

The parent(s) should be advised of the need to register the child's birth as soon as possible - this is a legal requirement. The long birth certificate is required for adoption purposes and should be given to the child's Social Worker. Parents are likely to want their own copy and they should be advised to request two certificates at the time of registration. Additional certificates can be purchased from the Registry office up until the time of the Adoption Order.

All counselling work must be fully recorded by the child's Social Worker and the Adoption Social Worker on their respective electronic case files. Correspondence from the birth parents must be kept on file. Section 19 & section 20 consent forms can be shown and discussed during the counselling process, so that the parent(s) are aware exactly what they will be required to sign to give consent to adoption.

### Information for the Child

Counselling the parent(s) should include providing information about adoption and gleaned information that might be relevant for the child:

- The implications of adoption as being life-long for the child and the birth family / parents (see Section 67 Adoption and Children Act 2002).
- The legal consequences of consenting to a placement for adoption (section 19); advance consent to a future adoption order (Section 20); the withdrawal of these consents; the legal effect of adoption itself; the option of indicating they do not want to be involved in future proceedings once Sections 19 and 20 have been completed.
- The issue of contact, especially contact after the placement for adoption has been made.
- The need for the Local Authority to provide a Later Life Letter and Life Story Book for the child and to seek to involve the parent(s) in assisting with this (providing information, photos etc).
- An understanding from the parent of any known health issues/family medical history within their family that might be relevant to the child - both physical, mental and emotional.
- Whether the parent(s) want to be involved in a matching process.
- Information about the rights of the child to obtain information about their birth parents once they reach 18 years, and the possible implications of this for them as the parent.

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- The role of CAFCASS in ensuring consent is provided unconditionally and that they have a full understanding.
- The availability (providing details) of independent counselling, information and support to the parent(s) and their family.
- Provision of written information about the adoption process.

### The Birth Father and Wider Family

Without Parental Responsibility, the birth father is not entitled to provide consent to a placement for adoption.

If the mother is not married, the child's Social Worker should check the birth certificate of the child to identify whether the birth father has acquired Parental Responsibility as a result of being named on the child's birth certificate.

The child's Social Worker should seek if possible to understand the father's identity from the birth mother, including:

- His address.
- Any known wishes or feelings.
- If the father is seeking to acquire Parental Responsibility.
- If Parental Responsibility is acquired, his potential rights and any part he may wish to play in the process.

However, the mother must not be coerced into identifying the birth father.

### Involving the Birth Father Without Parental Responsibility and Wider Family

Legal advice should be sought in cases where the mother does not wish the father (without parental responsibility) or wider family members such as grandparents to be notified of the intention to place the child for adoption (it may be that they are not aware of the existence of the child).

If the identity of the birth father becomes known, the child's Social Worker, with the Team Manager, should decide if it is practicable and consistent with the child's welfare, to provide him with information and counselling and to ascertain whether he wishes to obtain Parental Responsibility and /or Child Arrangements Order.

In making this decision, the child's Social Worker must balance:

- The nature of the child's relationship with the father.
- The nature and extent of the father's relationship with the child's mother and any siblings of the child.
- The likelihood of a family placement being a realistic alternative to adoption.

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- Whether it would be contrary to Article 8 (Right to family life) of the European Convention on Human Rights to prevent disclosure of the birth of a child to a child's father.
- The mother's wishes for the child.
- The mother's right to confidentiality.
- The physical, psychological or social impact on the mother or on others of notification being given.
- Cultural and religious factors.
- The avoidance of unnecessary delay. The High Court in 'A Local Authority v JK & Anor (2021) EWHC 33' stated that '...absent good reason to the contrary, a non-notification application should ordinarily be brought within a matter of weeks of the birth, rather than months'.
- The need for the adoption agency to explain carefully and sensitively to the mother every staging post of the proposed adoption process and the non-notification procedure, setting out the competing factors and considerations.
- Any other relevant matters must be considered.

The Court of Appeal in Cases A, B and C (2000) EWCA Civ 41 (Adoption: Notification of Fathers and Relatives) (2020) EWCA Civ 41 (29 January 2020) stated that: *'While the mother's right to confidentiality is important it is not absolute. The presence or absence of family life is an important, though not a decisive, feature and where it exists strong countervailing factors are required to justify withholding knowledge of the existence of the child and the proceedings. The tenor of the [previous] authorities is that in most cases notification will be appropriate, and the absence of notification will be the exception; but each case will in the end depend on its facts'.*

### Birth Fathers Who Acquire Parental Responsibility

Where a birth father acquires Parental Responsibility and the mother has already consented to adoption, and the child has been placed for adoption, (under Section 19, Adoption and Children Act 2002), it is considered that the father has also consented to the placement for adoption. However, the birth father can then withdraw his consent, provided he does so before an application has been made to court for an Adoption Order.

However, where the Local Authority wish to continue with the adoptive placement, a Placement Order application must be applied for. Note: where the application is before the Court, there is no obligation for the Local Authority to return the child to either parent).

As with the mother and birth father without Parental Responsibility, the father's extended family have the same legal position, i.e. it is at the discretion of the Local Authority as to whether contacting them is appropriate.



## **CONSENT AND COMPETENCY**

Both the child's Social Worker and the Adoption Social Worker must be sure that the parent 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 counselling practitioner (Adoption Social Worker).

The High Court in *Re S (child as parent: Adoption: Consent)* (2017) EWHC 2729 (Fam) made clear that parental capacity to consent to a child being accommodated under section 20 of the Children Act 1989, does not equate to their capacity to consent to an Adoption Order in respect of the child - the capacity to consent is decision-specific. (That case concerned a 'child parent' (i.e. below 18 years of age) with learning disabilities. The principles, however, will be of relevance in considering parental capacity, irrespective of their age).

The Court set out the salient or 'sufficient' information which is required to be understood by a parent regarding extra-familial adoption:

- a. Your child will have new legal parents, and will no longer be your son or daughter in law.
- b. Adoption is final, and non-reversible.
- c. During the process, other people (including Social Workers from the adoption agency) will be making decisions for the child, including who can see the child, and with whom the child will live.
- d. You may obtain legal advice if you wish before taking the decision.

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- e. The child will live with a different family forever; you will (probably) not be able to choose the adopters.
- f. You will have no right to see your child or have contact with your child; it is highly likely that direct contact with your child will cease, and any indirect contact will be limited.
- g. The child may later trace you, but contact will only be re-established if the child wants this.
- h. There are generally two stages to adoption; the child being placed with another family for adoption, and being formally adopted.
- i. For a limited period of time you may change your mind; once placed for adoption, your right to change your mind is limited, and is lost when an Adoption Order is made.

When determining the competence of a parent in these circumstances, 'all practicable steps' must be taken to help them to make the decision, for example using simple language, visual aids or other means. A parent will be treated as understanding the information relevant to a decision if they are able to understand an explanation of it given to them in a way which is appropriate to their circumstances.

The decision to consent to adoption is significant and life-changing. Before exercising their decision-making, the parent should freely and fully understand the information set out on the consent forms, which should be conveyed and explained to them in an appropriate way; there is no expectation that the parent would be able to understand the precise language of the consent forms.

If there is any doubt about the competence of a parent to give consent to adoption or placement for adoption, the issue should be referred to a Court.

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).

### Advance Notification

As soon as counselling has been offered to the birth parent(s) and they indicate that they intend to consent to the child being placed for adoption, advance notification of this should be sent to the Children and Family Court Advisory and Support Service (CAFCASS) using a standard letter.

## **DECISION OF THE LOCAL AUTHORITY**

Following the counselling stage and if the parent(s) continue to express their need for the child to be adopted, a decision to proceed to the Adoption Tees Valley's Adoption Panel for the child to be considered for adoption as a relinquished child should be made. (Note it is the Adoption Panel recommendation and the Local Authority Agency Decision Maker that will confirm the plan for the child).

In addition the Local Authority need to inform the Cafcass office (closest to the parent'(s)' address) (see [Letter 1: Advanced Notification of the child to be relinquished for adoption: Sections 19 and 20 Adoption Children Act 2002](#)).

### Child Who Is Already Born – Arrangement for Placement

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, bearing in mind that separation will impact upon the child's developing attachment; this could be 'positively' if the parent'(s)' bond is poor, with the consequent impact upon the child's attachment. In many circumstances, the child will be accommodated promptly under Section 20 (1989 Act) because of a parent'(s)' circumstances and wishes.

The parent(s) 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.

Adoption Tees Valley will be involved within the consensual adoption process so that efforts can be made to identify an appropriate placement, including being placed with Early Permanence carers. If for any reason it is agreed that Early Permanence is not the appropriate route to placement then the child's Social Worker will make a referral to the relevant Fostering service for a fostering placement. Once a foster-carer is identified, the birth parent(s) should be provided an opportunity to meet the foster-carer if appropriate. The placement must conform to the Care Planning, Case and Placement Review (England) Regulations 2010. The parent(s) with parental responsibility need to give consent for the child to be accommodated by signing the placement agreement and the medical consent form.

### Accommodation of the Child

Following accommodation of the child, the child's Social Worker should progress the matter as with any other child who becomes looked after:

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- Ensure a case record for the child is opened and the electronic recording system is provided with all relevant information, particularly the child's status, (this to be updated throughout).
- Advise the Independent Reviewing Unit of the child's placement and status and ensure the first review is completed within 20 working days, completing all necessary documentation.
- Complete a Care Plan for the child.
- Commence the child's Child Permanence Report (for Adoption Panel and the Agency Decision Maker).
- Progress a referral to the Adoption Panel's Medical Advisor for the child's adoption 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.
- Visit the child's placement in accordance with the regulations and other requirements.
- Continue to keep in contact with the parent(s) and continue with counselling about adoption as wanted/needed by them.
- 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 a continuous basis.
- At 6 weeks, 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.

In many instances the parent(s) will be completely disengaged at an early stage and there might therefore be an issue of continuing engagement to undertake necessary tasks, e.g. obtaining a birth certificate, completing consent forms, etc.

See [ADCS, Good Practice Guidance for Adoption Agencies and Cafcass: Children Relinquished for Adoption - 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' Proforma.](#)

### Preparing the Child

Work with the child, in an age-appropriate way, should begin to be undertaken to help prepare them for the planning and changes that will progress them to their permanent placement. The nature and style of this work will vary greatly on the child and their age, understanding and capacity and is likely to be a mixture of play, counselling and 'discussion'. This could include a final 'goodbye' contact with their parent(s) and family.

### Adoption Case Record

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.

### Pre-Birth Child

Many children who are relinquished will come as a pre-birth request from the mother. Counselling processes / information gathering processes with the mother and, (where appropriate and known), putative father need to be undertaken and progressed.

Additionally, an early permanence placement can be sought, (if assessed as appropriate), or initial request for a placement, together with planning a schedule for Adoption Panel.

The social worker should discuss with the Mother, and ensure that midwifery services are aware of the planned consensual adoption, and of plans for the period following the birth.

Note however that formal consent by the mother for an adoption placement and advance consent to adopt cannot be given until the child is 6 weeks old.

### Child's Birth and Discharge from the Maternity Unit or Hospital

At the point of the child's birth, the mother can decide to care for the child or request separation. However, greater involvement at this stage by the mother is likely to make it more difficult to separate.

The practitioner should seek to meet with the mother as soon as reasonably possible, checking with maternity staff that this is appropriate. The focus should be on the mother's welfare; reflecting on the plan for relinquishing the new-born child and exploring how the mother / father (if appropriate) want to deal with this stage of the process. It should also include advice / information, perhaps particularly around separation and naming the child.

This stage of the process is one of particular sensitivity and should be led by the mother. The parent(s) can provide as much or as little for the child as they feel they want to at this very initial stage and should be encouraged / supported - but not pressured - to have contact with the child. This contact could be at the foster carer's home - given that, unless there are health issues for the child requiring the child to remain in the maternity unit, discharge is likely to be after 24 hours and should be to the identified foster carer.

It should also be considered that this is the point at which the child's Life Story Book starts, and provides an opportunity to collate detail and (with permission) photographs for the child's Life Story Book.

At the time of birth, the practitioner should:

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- Provide the maternity unit/hospital 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 (Medical Adviser).
- Mother's Consent Form (CoramBAAF PH) consenting to the completion of the above M and B Forms.

These forms should be completed before the child's discharge, so as to avoid unnecessary delay later.

Following discharge from hospital, the child's Social Worker should progress the matter as with any other child who becomes looked after.

Additional counselling for the parent should be provided where the Local Authority is seeking to obtain their signed agreement to the placement for adoption of the child aged under 6 weeks. The Local Authority should make it clear orally and in writing:

- That the parent 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.
- The parent may only have contact with the child by agreement with the agency or by order of the court.
- Their rights in the event that the parent asks for the child to be returned.
- That after the child is 6 weeks old, the Local Authority will seek to arrange for them to give their formal consent to the child being placed for adoption.

Subject to the agreement being signed, the Local Authority may now place the child. It should seek to maintain contact for the child with the parent(s) and ascertain when the child reaches the age of 6 weeks, whether they are prepared to consent to:

- A placement of the child for adoption under Section 19 (2002 Act) with a prospective adopter identified in the Consent, or with any prospective adopter who may be chosen by the Local Authority; or
- A placement of the child for an adoption can proceed. If they are not, and they request that the child be returned to them, the Local Authority must comply with that request unless there are grounds for seeking a Placement Order, or instituting other proceedings.

## **PARENT(S) WITHDRAW THEIR CONSENT OR CHANGE THEIR PLAN FOR THE CHILD**

### **CHANGE OF PLAN**

Where the child is accommodated via Section 20 (Children Act 1989) and is less than 6 weeks old and the parent changes their mind, a request for the child to be returned to the parent'(s)' care must be responded to.

Nevertheless, an evaluation of the circumstances should be undertaken and include any factors that may require a formal safeguarding risk assessment.

Following such an assessment, and if the Local Authority identify the child's welfare and best interests would not be met by a return to the parent'(s)' care, the Local Authority may apply for: an Emergency Protection Order or Interim Care Order; a Placement Order or Adoption Order.

In all circumstances, any child returning home should be made on the basis that they are safeguarded and their welfare and best interests will be promoted. This should take into account the support that can be provided by Children's Services and its partner agencies.

**Note:** Where the parent(s) withdraw(s) their consent to adoption it should not be assumed that the threshold criteria under section 31(2) will be satisfied and each case needs to be considered on its own facts (see Re A O (care proceedings) 2016 EWFC 36

### **WITHDRAWAL OF CONSENT**

The parent(s) can withdraw their consent to the child's placement for adoption at any stage prior to the prospective adopters issuing 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](#) or by written notice given to the Adoption Agency.

On receiving the Notice of Withdrawal, the Local Authority (as the agency) will lose the authority to place and there should be an immediate review of the child's plan for adoption.

Following legal advice, the Local Authority may decide to apply for a Placement Order, or an Interim Care Order.

**Where the child is not yet placed with adoptive applicants** - and the parent informs the Local Authority that they wish the child to be returned to their care, the child should be returned to the parent(s) within 7 days, unless the Local Authority has either made an application for a Placement Order or a decision is made to apply for a Placement Order.

**Where the child is placed for adoption** - and the parent requests the return of the child, the child should be returned to the agency within 14 days, beginning with the day on which the

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notice was given, unless the Authority has either made an application for a Placement Order or a decision is made to apply for a Placement Order.

### **ADOPTION PANEL**

Once consent has been signed the child's Social Worker should book onto the Adoption Tees Valley's Adoption Panel for consideration of the child's adoption plan. The following reports will be required for Panel's consideration:

The Child Permanence Report (CPR). The CPR will be completed by the Child's social worker, and should be discussed with the birth parent(s) and their wishes clearly recorded. The report content must be read and signed by the child's Social Worker's Team Manager.

- The child's adoption medical report.
- The child's birth certificate.
- Signed Section 19 /20 documents if available.
- Behavioural profile from the child's foster-carer.

When the matter has been presented to Adoption Panel and a 'should be placed for adoption' decision has been made by the Local Authority Agency Decision Maker, Adoption Tees Valley will progress with the matching process, with selected prospective adopters. It is usual practice to have identified a prospective adoptive family, who will be available to take the placement at the earliest possible time following the Adoption Panel meeting and Local Authority decision that the child's plan is adoption. Best practice is for the child to have been placed through early permanence with carers who fully understand the uncertainties of the planning process, but who will go on to adopt the child, should that become the plan.

Adoption Panels are only able to recommend a child's match once the birth parents have given their formal written consent to adoption with a CAFCASS officer, however the plan for the child and the match can be heard at the same Panel.

Once a match has been agreed by the Local Authority Agency Decision Maker, a Placement Planning Meeting will be held and the relevant statutory notifications must be processed by the adoption administrator.

The prospective adopters can apply to court for the making of an Adoption Order 10 weeks after placement and if the child care review has recommended this.

The Adoption Order hearing will be in two parts, so that the birth parent(s) do not attend with the adopters.

The child's Social Worker will attend the full Adoption Hearing, where birth parents may also attend, and inform the adopters of the outcome of this.



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The child's Social Worker will accompany the adopter(s) and the baby to Court for the adoption celebration hearing. The Court will officially notify the birth parent(s) of the outcome of the Adoption Hearing and the child's Social Worker will also confirm the outcome in writing to the birth parent(s).

The adoption service does not normally continue to see the birth parents following the adoption hearing but can offer further advice and support if required or preferably refer them for independent birth parent counselling through the service commissioned via Adoption Tees Valley, prior to the 'should be placed for adoption' decision has been made.

### **CAFCASS**

Once the Adoption Panel and Local Authority Agency Decision Maker have confirmed the plan for the child to be adoption, notification must be urgently sent to CAFCASS.

Note that it is usual practice for the Local Authority to refer to CAFCASS after the Panel and Agency decision to place for adoption. However, the law allows a parent to give consent for adoption ahead of these processes - although the child must be 6 weeks of age. (This might be the case if a parent is anxious to give consent at the point of the child being 6 weeks of age, or the Local Authority are satisfied that every effort has been made with respect to the counselling of the parent who wishes to give consent, and to delay for an Adoption Panel meeting might then lead to difficulties and, as a result, undue delay for the child's plan).

The principal role of CAFCASS is to ensure 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. In doing so, it is helpful for the Schedule 2 (Adoption Agency Regulations) report to be sent with the formal request to CAFCASS.

It is not however, the role of CAFCASS to challenge the birth parent(s) about their decision to relinquish the child, (as long as they are competent) or the Local Authority / Adoption Agency's decisions in respect of birth fathers without Parental Responsibility, involvement of extended family etc.

### Notification to CAFCASS

The following needs to be sent to Cafcass:

- [Notification of child to be relinquished for adoption](#);
- [Schedule 2 Proforma](#).

Consent forms to be completed and signed by the parent(s)

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The following consent forms need to be completed by the parent(s) following the counselling and witnessed by a CAFCASS Officer:

[A100: Consent form to placement for adoption with any prospective adopters chosen by the Adoption Agency - under Section 19 \(Adoption and Children 2002 Act\)](#)

[A101: Consent form to the placement of adoption with identified prospective adopter\(s\) - under Section 19 \(Adoption and Children 2002 Act\)](#)

[A102: Consent form to the placement of adoption with identified prospective carers and, if the placement breaks down, with any prospective adopters chosen by the Adoption Agency - under Section 19 \(Adoption and Children 2002 Act\)](#)

[A103: Advance consent to adoption - Section 20 \(Adoption and Children Act 2002\)](#)

[A104: Consent to Adoption \(Adoption and Children Act 2002\)](#)

[A106: Withdrawal of Consent to Sections 19 and 20 \(Adoption and Children Act 2002\)](#)

### CAFCASS 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.

The Local Authority should receive the following letter from the Cafcass Officer:

[Relinquished child: Countersigning Consent Forms \(Letter 3\).](#)

### Note:

- Where advance consent to the making of an Adoption Order (Section 20) this letter is amended to reflect this).
- Where the parent(s) has identified and given notice that they do not wish to be notified when an application for an Adoption Order is made, Section 20(4) Adoption and Children Act) the letter should also acknowledge this and attach a 'Statement' to this effect.

See [Annex 5: Statement That I Do Not Wish to be Notified of the Application for an Adoption Order for my child.](#)