

ADOPTION – BIRTH PARENTS

My child is being put up for adoption – what can I do?

Before an adoption can proceed, your consent must be either given, or dispensed with in court.

A solicitor appointed by the court will contact you to ascertain whether or not you consent to the adoption. If you consent to the adoption, this solicitor will have you sign a certificate saying that you agree.

You will receive formal notification of the adoption application. If you agree to the adoption, you do not need to attend court at all.

If you do not consent to the adoption you need legal advice as soon as you know about it. The court will consider whether to dispense with your consent to allow the adoption to proceed. Such a decision would be based on whether the court finds that you are withholding your consent unreasonably, or have failed to fulfil your parental responsibilities.

If the court dispenses with your consent the adoption order will be granted.

What is a Permanence Order?

A local authority can apply to the court for a Permanence Order in respect of a child. The purpose of the Permanence Order is to allow the local authority to make long-term arrangements for the child, for example to decide where the child should reside and to make decisions about whether there should be any contact between the child and his or her birth parents. A Permanence Order is not necessarily followed by adoption.

In many cases the granting of a Permanence Order by the court will end any parental rights and responsibilities which the birth parent of the child has and the Local Authority will then have parental rights and responsibilities in respect of the child.

In some cases, the granting of the Permanence Order will also give authority for the child to be adopted. In these cases, for the Permanence Order to be granted, the birth parent must consent to adoption or the birth parent's consent must be dispensed with by the court.

If you are the birth parent of a child and you have received a copy of an application by the Local Authority to the court for a Permanence Order in respect of your child, you should immediately seek advice from one of our family lawyers.

Will I still be able to see my child after adoption?

An adoption order brings all your parental rights and responsibilities to an end. They are transferred to the adoptive parents.

So, unless the court orders otherwise, you would have no legal right to have any contact with the child after adoption. Courts are often reluctant to order that birth parents should continue to have contact with children after adoption, for fear that this may undermine the adoption placement. It happens only in exceptional circumstances.

However, if adoptive parents agree, arrangements are often made for "letterbox" contact – this means that letters and photographs are exchanged between birth and adoptive families perhaps once a year. This allows the adoptive family to build up a record for the child over the years, so that he or she can know about his or her birth family as he or she grows up.