

Open Adoption

Introduction

This advice sheet is written for parents and relatives of a child who has been or may be adopted. This might be because you/the parents have agreed that this is the best thing for your child, or because your child has been removed from home, and Children's Services think that adoption is the best thing for them in the long term. When we refer to 'your child' we mean the child you are related to whether you are their parent or relative.

Whatever the circumstances, any plan for your child to be adopted is likely to be an extremely difficult time for you. However, it is important that you consider whether you would still like to keep in touch with your child after they are adopted if that was considered to be in your child's best interests. This is called open adoption.

The law does not define open adoption, but in practice it means a wide range of circumstances and arrangements in which there are some kind of contact or link between the birth family and the adoptive family relating to the adopted child.

This advice sheet aims to help you understand what decisions can be made about contact with your child, when the decisions will be made and by whom. It is quite long, because there is a lot of important information about open adoption, so we have divided it into sections to make it easier to read:

- Part 1 – covers contact with a child who has been placed for adoption (page 5);
- Part 2 – covers contact after an adoption order has been made (page 10);
- Part 3 – gives some tips on negotiating contact in adoption cases (page 12);
- Part 4 – tells you what research says about contact with adopted children (page 14);
- Part 5 – gives information about adoption support services (page 18);
- Part 6 – tells you where you can get more information (page 19).

There is a separate advice sheet on the adoption process, which aims to help you understand what adoption means and how the adoption process works - see FRG Advice Sheet [Adoption: What does it mean for birth parents](http://www.frg.org.uk/need-help-or-advice/advice-sheets) <http://www.frg.org.uk/need-help-or-advice/advice-sheets>. You can also contact FRG's advice line - contact details in part 7 of this advice sheet.

Note: “Social services” are now known as “Children’s Services”. This is how they are referred to throughout this advice sheet.

Key terms used in the advice sheet include:

Accommodation: This is when your child is looked after in the care system with your agreement or the agreement of your child's other parent or anyone else who has parental responsibility or your child themselves if they are aged 16 or 17. This is also known as s.20 accommodation¹.

Adoption Agency: The adoption agency is responsible for arranging your child's adoption and placing them for adoption. There are two types of adoption agency:

- i) it may be part of the Children's Services department which is already involved in making plans for your child's care or
- ii) it may be an independent adoption agency which your social worker has asked to help with plans for your child's adoption.

Whichever type of adoption agency it is, the Children's Services department involved with your child is still responsible for making sure that the correct law and procedure is followed.

Agency decision maker (ADM): This is a senior person within the adoption agency. They have the authority to make decisions on the agency's behalf about whether:

- a child should be placed for adoption;
- prospective adopters are suitable to adopt a child;
- a child should be placed for adoption with particular prospective adopters; and

There may be more than one decision-maker in an agency.

Contact

- Direct Contact: this includes face to face or telephone contact between the birth family and the adoptive family (which may include the child). In some cases the families know each other's identity and make the arrangements directly with each other without the adoption agency being involved. These arrangements are usually informal and may even be unsupervised. In other cases, the families do not know each other's identity or contact details, so the arrangements are made via the adoption agency and usually take place on neutral ground. This type of contact is often supervised either by the adoption agency or someone independent.
- Indirect Contact: this includes the exchange of letters, cards, gifts, photos and audio or video tapes between the adoptive family (including the child) and the birth family, via a third party address. Indirect contact may, but does not necessarily, involve the child. It can be one way e.g. adopters sending cards to the birth family or two way where there is a mutual exchange of letters, photos etc. This type of contact is usually mediated or arranged by the adoption agency.
- Links: This involves information or other material being provided by the adoptive or birth families to the adoption agency to be passed on, in the future, if the relevant person asks for it. This leaves the way open for the adoptive parents, the child and the birth family to consider whether there should be contact at some future date.

In care: A child is in care when they are being looked after in the care system under a care or emergency protection order.

Looked after: A child is "*looked after*" if they are being cared for by Children's Services in the care system, either:

- ✓ with the parents or anyone else with parental responsibility, or with the agreement of the young person if they are aged 16 or 17; or
- ✓ under a court order such as a care order or emergency protection order,

For more information about what Children's Services must do when a child is *looked after* see FRG advice sheet on Duties on Children's Services towards children are in the care system. <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Parent: In the adoption process, the word 'parent' means **parents who have parental responsibility only**.² This includes all mothers, and fathers who have got parental responsibility by:

- being married to the mother at any time since the child's birth; or
- being registered as the father of the child on their birth certificate after 1st December 2003. Re-registration is possible if the mother agrees;
- signing a formal parental responsibility agreement with the mother³; or
- getting parental responsibility by an order of the court.

A father who does not have parental responsibility, whose child may be adopted, should get legal advice immediately. For more information about Parental Responsibility see FRG advice sheet on Parental Responsibility <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Parental responsibility means the legal right to make decisions about how a child is raised. For more information about parental responsibility, see FRG advice sheet Parental Responsibility: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

PART 1: CONTACT WITH A CHILD WHO IS PLACED FOR ADOPTION

When is a child ‘placed’ for adoption?

A child is placed for adoption when formal arrangements have been made for the child to live with a family who may then go on to adopt them. [This is different to *fostering for adoption* where the adoption plan has not been formally approved or authorised.]

A child can only be placed for adoption if Children’s Services and the Adoption Agency have first checked that there are no suitable placements for the child within their family **and either:**

- parents (who have parental responsibility) have given your/their **formal agreement** to the adoption plan in writing and this has been witnessed by an officer of the court (from Cafcass)⁴; **or**
- the adoption agency has been granted a **placement order** by the court⁵.

For further information about the adoption process, placement orders and fostering for adoption, see FRG advice sheet [Adoption: What does it mean for birth parents - http://www.frg.org.uk/need-help-or-advice/advice-sheets](http://www.frg.org.uk/need-help-or-advice/advice-sheets)

Can I see my child before they are placed for adoption?

Before your child is placed for adoption, they will normally be *looked after* in the care system. Broadly speaking, you should be able to see/keep in touch with your child when they are looked after up until the point when either you/the parents who have parental responsibility agree, or the court orders, that they can be placed for adoption. But in some cases contact may be stopped by the court before then – it will depend on the facts of the case.

The law says that, when children are looked after, Children’s Services must **‘promote’** contact between the child and their parents, guardians, anyone else with parental responsibility, relatives, friends and others connected with them “unless it is not reasonably practicable or consistent with the child’s welfare.”⁶ This means that

Children's Services should take positive steps to make arrangements for the child to be in touch with their parents, grandparents, brothers and sisters and others in their family network whilst they are looked after⁷ unless this would not be good for them. The contact arrangements should be recorded in the child's care plan.

If a care order or emergency protection order has been made in respect of the child, then unless the court says that contact should stop (for example, in care proceedings) **Children's Services must allow reasonable contact** between the child and their

- parents,
- guardian,
- special guardian,
- step parent (if they have parental responsibility for them)
- anyone who had a residence order or a child arrangements order (saying the child should live with them) immediately before the care order was made.

However, Children's Services do have the power to suspend contact for up to seven days in an emergency, "*where they are satisfied it is necessary to do so in order to safeguard and promote the child's welfare*".⁸ If they want to stop contact for longer than seven days they must apply to the court for an order allowing this.⁹

Important note:

These rules about contact also apply when your child is placed in a foster for adoption placement. Fostering for adoption is when the local authority is considering adoption as the permanence plan for your child and they place your child with foster carers who may go on to adopt them (if they cannot return to your family) even though adoption has not yet been formally decided or authorised. It is different to a placement for adoption.

If there is a disagreement between you and Children's Services about how often you see your child before they are placed for adoption, you can also ask the court to decide whether or not you can see your child and what the arrangements should be.

For more information about contact before your child is placed for adoption, see FRG Advice sheets [Contact with Children in Care](#) and [Contact with a Child in Accommodation](#) <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

What happens to existing contact arrangements when a placement order is made?

If the court makes a placement order, giving permission for your child to be placed for adoption, then:

- any previous contact arrangements that were ordered by the court will stop;¹⁰
- the adoption agency no longer has to allow contact between you/other members of the family and your child but they should always consider whether contact is in your child's best interests¹¹ and if so they should arrange it before the placement is made;¹² and
- the court must consider the arrangements which the adoption agency has made for contact, and must invite anyone involved in those arrangements to comment on them, before making a placement order.¹³

Note:

- It is usually better for everyone if contact arrangements can be agreed so that your child is not exposed to any tension. If you want contact with your child when they are placed for adoption, it is best to tell the adoption agency what you want and why you think this would be good for your child.

If you feel able to, you could also ask the adoption agency to arrange for you to meet with the prospective adopters (who your child is placed with) to discuss your wishes. You could ask the agency to arrange for/fund an independent family mediator to facilitate this meeting. To find an independent family mediator see contact details in part 6 of this advice sheet.

Can the parents or a relative have contact if the parents agree to their child being placed for adoption?

If your child is placed for adoption with your/the parents' formal agreement (witnessed by an officer from the court), then any contact arrangement should still be

discussed and agreed between you, the adoption agency, and the prospective adopters before the placement.

Therefore, if you/the parents are thinking of agreeing to your child being placed for adoption, you may want to think about what contact/links you may want to have with your child and then discuss these with the adoption agency before the parents' formally agree to the placement.

If you are the parent, it is also very important that you consider taking independent legal advice about the implications of consenting to a placement for adoption and also about what steps you can take to make any agreement about contact as binding as possible. To find a solicitor specialising in child care law and adoption, see part 6 of this advice sheet.

How do I make arrangements for contact during the placement for adoption?

If the agency is authorised to place your child for adoption, any arrangements for contact must be included in the adoption placement plan. The adopters will therefore know about it and will have had a chance to express their views about the arrangements before the placement happens. These arrangements will be reviewed from time to time by the agency, taking account of the views of everyone involved, whilst your child remains placed for adoption.¹⁴

What happens when contact arrangements are not agreed or there are difficulties?

If contact arrangements during the placement for adoption are problematic, the adoption agency may be able to help resolve the difficulties by providing support services for your child, the adopters and birth family members. This support may, but doesn't always, include:

- family mediation services so that the adopters and birth family members can meet and explore together, in a private meeting, what is going wrong and what might be possible to make things easier; and
- financial help with the contact arrangements – this is not means tested.¹⁵

Please note: The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

For further information on how to access support services, see Part 5 of this advice sheet. However, if the contact remains difficult or is not agreed at all, the court can make an order for contact during the placement for adoption proceedings (see below).¹⁶

Who can apply for a contact order when a child is placed for adoption?

The following people have a right to apply to court for a contact order when a child is placed for adoption:¹⁷ the child, the adoption agency, the parents, guardians, relatives, and anyone who had a previous contact order or residence order before the child was placed for adoption.

Other people can only apply for contact in these circumstances if the court gives permission. Also, the court can make a contact order within placement order proceedings even if no-one has applied for the order.¹⁸

How will the court decide whether to make a contact order during placement?

When the court decides whether or not to make a contact order during placement, it will apply the 'welfare principle' in the Adoption and Children Act 2002 which says:

- the welfare of the child **throughout his/her life** is the paramount consideration,¹⁹ and
- the court must consider a checklist of factors including:²⁰
 - any harm or risk of harm to the child;
 - the child's wishes and feelings;
 - the relationships the child has with relatives and any other person whom the adoption agency considers relevant;
 - the likelihood of such relationships continuing and the benefit to the child of them continuing;
 - the ability and willingness of the child's relatives to provide a secure environment for the child to develop & otherwise meet the child's needs; and
 - the wishes and feelings of the child's relatives/other relevant people.

The court may also attach conditions to the contact order, for example about how often contact should happen, who should supervise it and where it may happen.²¹

PART 2 - CONTACT AFTER AN ADOPTION ORDER HAS BEEN MADE

What happens to my contact when an adoption order is made?

Once an adoption order is made, any *previous* order for contact stops,²² although the court has the power to make a new order for contact at the adoption hearing.

Can the court make a new order for contact after the adoption order is made?

Yes, depending on the circumstances of the case.

Before the court considers making an adoption order, it must consider whether there should be any arrangement for the child to have contact with any person, for example birth family members, including siblings, after the adoption order is made. It must invite everyone involved in the adoption proceedings to comment on any suggested arrangements.²³ This does *not* mean that there is a presumption that contact will happen, only that the court must look at it before making an adoption order.

If the court thinks contact should take place, it can make a new contact order at the same time as the adoption order.²⁴ However, whether or not it will make a contact order will depend on whether the court considers this to be in the child's interests and on the views of the adopters (see below page 12).

But note: you will have a much better chance of keeping in touch with your child if you can understand the adopters perspective, show them that you don't want to undermine the placement by keeping links with your child and manage to agree contact with them – see pages 13-14 below.

Can I apply for a contact order at the adoption hearing or after the adoption order has been made?

Yes, but only if the court gives you permission to apply first. This is the case whether you are a birth parent or a birth relative (including birth siblings).²⁵

When the court decides whether or not to give you **permission to apply for contact**, the court must consider the extent to which allowing such contact would disrupt the child's new life, the applicant's connection to the child, and any representations made to the court by the child or the adoptive family.²⁶

For further advice on this, contact your solicitor or FRG advice service – contact details in part 6 of this advice sheet.

How will the court decide whether I should have contact with my child after the adoption order has been made?

When deciding whether or not to order that contact should happen after an adoption order has been made, the court will do what it thinks is in your child's best interests.²⁷

But it will also listen to what the adopters think about contact.²⁸ Case law suggests that it is very unlikely to make a contact order unless the adopters agree to it²⁹ although the law in this area may be changing. You can get further advice about this from FRG advice service – contact details in part 6 of this advice sheet.

However sometimes an agreement is reached at the adoption hearing between the adopters and the birth family about what contact will take place after the adoption order is made, so no contact order is made. If this happens in your case, **it is still a good idea to make sure that any contact agreement is written down at the beginning of the court order** in what is known as the 'preamble'. This will give you a formal record of what was agreed in case there any later difficulties with making the arrangements work. This happened in one case where the adopters agreed to contact and later changed their minds, but they were asked to explain to the court at a later hearing why they had changed their minds.³⁰ For further advice on this contact FRG advice service – contact details in Part 6 of this advice sheet.

PART 3 – TIPS FOR NEGOTIATION

Contact (or links) in adoption cases are usually only successful if they are arranged in a spirit of cooperation between everyone involved: the adoption agency, the birth parents and the adopters. To help you reach an agreement, we suggest the following tips for negotiating with the local authority from the beginning of the process.

- If Children's Services/the adoption agency is discussing plans for your child to be adopted, whether or not you agree to it, make it clear from the outset that you would like to be involved in selecting and meeting any potential adopters, and ask the adoption agency to look for adopters who will agree to continuing direct or indirect contact between your child and you/members of your family.
- However much you are against the adoption, you will need to find a way to deal with your feelings of anger about the plan, so as to make sure that they do not interfere with any open relationship you may be able to develop with the prospective adopters. If you can establish a good relationship with them, you will have a much better chance of maintaining a link with your child than if you do not.
- Any plan for the adoption of your child should be based on what the professionals and the court think is best for your child. So, if you want to maintain direct or indirect contact, think about what would be best for your child, given his/her new circumstances with the adoptive family, then write to the adoption agency asking for this contact to be arranged, giving your reasons.
- Ask the adoption agency to look for adopters who understand why it is important for your child to retain contact with you, and then ask if they will arrange a meeting for you to discuss it with the adopters directly. If you need help writing the letter, contact a solicitor or Family Rights Group's advice service or an Adoption Support Agency - contact details are at the end of this advice sheet.
- If/when you meet the adopters, try to understand how they feel and reassure them that you will not undermine your child's placement with them. If you can do this, you will have a far better chance of maintaining links with your child.
- If the adopters feel threatened by your request to keep up links with your child, you could suggest that letters are exchanged by way of a **letter box system**, and that any direct visits could be on neutral ground so that you do not need to know their address.

Please note: The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

- If the adopters find the idea of continuing contact/links hard to accept, gently suggest that they might benefit from speaking to other adopters whose children have contact with birth relatives. An organisation called **Adoption UK** has many members whose children have contact with their birth families. They may be a good source of support to your child's adopters. There are also helpful videos/DVDs about contact in adoption. Contact details in part 6 of this advice sheet.
- If you do reach an agreement about contact, it is a good idea to record it in writing, preferably in the preamble (introduction) to the adoption order, because then it is clear to everyone what has been agreed and the basis on which the order was made.³¹ For further advice about this, speak to your solicitor or call Family Rights Group's advice line – contact details in part 6 of this advice sheet.
- If the adoption agency or the adopters do not agree to continuing direct or indirect contact, you could:
 - Mention to them and your solicitor the research findings outlined on pages 15-17.
 - think about whether you want to apply to court for contact. You should seek further legal advice about this. However you should also be aware that your application is unlikely to be successful unless the adopters agree – see page 11 above. Your best chance of achieving continuing contact is, therefore, by reaching an agreement about it with the adopters.³²

PART 4 – WHAT DOES RESEARCH SAY ABOUT OPEN ADOPTION?

Can contact with birth relatives help adopted children?

Here is a summary of some of the main messages from research about the different ways in which contact with birth relatives can help adopted children. You will find the full research references at the end of this advice sheet.

- ***Sustained contact is regarded positively:*** In general when contact has been sustained over a number of years, adopted children and young people, adoptive parents and birth relatives generally express satisfaction with open adoption, especially where there is face-to-face contact as this provides an opportunity for communication and trust to develop between those involved³³. Indirect contact can also work well but it can be seen as a difficult way to communicate.³⁴
- ***Birth family contact is unlikely to significantly affect children's broad emotional and behavioral development or placement breakdown rates:*** the evidence to date suggests that other factors such as children's early experiences are more likely to have an effect on these factors than contact.³⁵
- ***Maintaining established relationships.*** When children know and remember their birth family they can often feel very unhappy about losing these relationships after adoption, and birth family contact can be very important to children and young people in these cases. Children may however discriminate between different people in their birth family, preferring to stay in touch with birth relatives with whom they've had a good relationship, and sometimes not wanting to see people with whom they have had a poor relationship. For some adopted children, contact with grandparents, siblings or members of the extended family be more valued and easier to manage and contact with birth parents.³⁶
- ***Staying in touch with important people from the past can help children settle in their new families.*** Some adopted children worry about what is happening to members of their birth family, especially their siblings and parents, and keeping in contact can reassure children that their birth relatives are managing OK.³⁷
- ***Helping children understand their roots and make sense of why they were adopted.*** For both older adopted children who remember their birth family, and children adopted very young who have no memories, contact with birth relatives can help children to understand their own history and roots. This is important

because most adopted people ask questions such as ‘who am I?’, ‘where do I come from?’ and ‘why was I adopted?’³⁸ It is important for adopted children’s feelings about themselves that they have a balanced and realistic view of their birth family. When adoptive parents and the adopted child do not have much information about the birth family, or when they are only given a one sided view, sometimes they can get an unrealistic picture, negative or idealised, in their minds. Having contact with birth family members can help adopted children and adoptive parents know the birth family as real people, understanding both their problems and positive qualities.³⁹ If birth relatives can provide the adopted child and/or the adoptive parents with information about their past and current lives, and where adoptive parents help their child to make sense of this information, this assists adopted children to answer these important questions, giving them a better sense of identity.⁴⁰

- **Contact with birth relatives can help children feel that although their birth family couldn’t care for them, they still care about them.** This is very important, as some adopted children can feel rejected or unloved.⁴¹
- **Promoting birth relatives’ acceptance of the adoption.** When children are adopted against the wishes of their birth family, birth relatives may have ongoing feelings of loss, anger and resentment. Having some positive contact with the child after adoption can help birth relatives come to terms with such feelings, and this in turn can help them to play a constructive role in the child’s life after adoption through providing information for the child and/or adoptive parents, supporting the adoptive placement, and in some cases offering an ongoing supportive relationship to the child and adoptive parents⁴².
- **Helping adoptive parents.** Adopted children have to manage issues of loss and identity and it is important that adoptive parents understand and can support children with these issues. Contact with birth family members can help adoptive parents support the child in a number of ways. It can:
 - help adopters to understand and empathise with the birth family, enabling them to answer children’s questions sensitively;⁴³
 - help them to feel OK about taking over the parenting role and reduce their feelings of anxiety about the birth family;⁴⁴

- give them access to important information about the child’s development, including the family medical history; and
- help them to keep an open communication with their child about adoption⁴⁵.

Research findings about whether or not contact is good for adopted children are mixed; contact will only benefit children in the ways described above if it is good quality contact⁴⁶. There is no one type of contact that is best for every child – each child’s situation should be considered individually. Simple formulas that suggest for example that indirect contact is suitable for younger children, and face-to-face contact more suitable for older children, or that indirect contact is always easier than face-to-face contact, are not supported by research.

What helps to make contact work?

- **Support.** Support may be needed for both direct and indirect contact according to the needs of the parties. These needs may change, and so contact plans and contact support will need to be reviewed over time. All parties may need help with managing the emotions of contact, with building and maintaining relationships, with negotiating and managing risk, and with managing the practical aspects of contact such as transport, venue or costs⁴⁷.
- **Adoptive parents’ attitudes.** Contact works best when adoptive parents have an open and respectful view of the birth family, and a commitment to maintaining contact.⁴⁸ It is also important that adoptive parents communicate openly with their children about adoption before, after and between contact events; this aspect of adoptive parenting (sometimes called “adoption communication openness”) is likely to make contact easier to manage for children, and to have broader benefits for children in terms of making sense of their background⁴⁹.
- **Birth relatives’ attitudes.** Contact works best when birth relatives accept and support the child’s place in the adoptive family (even if they didn’t want or agree to the adoption), when they accept the adoptive parents as the child’s new parents and can work co-operatively with the adoptive parents.⁵⁰ It is important for the child that birth relatives let them know that they still care about them but that they are OK about them having and loving a new family, otherwise children can feel very torn and unable to settle.⁵¹

- **Adults working together.** Post-adoption contact is most likely to be a positive experience for the child when adult parties can work together with give and take, and when conflict between people is low.⁵² Research has highlighted the importance of flexibility, as the needs of all parties change as time goes by.⁵³
- **Keeping up contact over time.** Post adoption contact plans are not always kept up over time and when contact stops this can be very upsetting for children, birth relatives and adopters.⁵⁴ Some people, especially birth relatives, may need help to keep up contact as it can be a painful, as well as a good, experience.⁵⁵
- **Managing risk and ensuring contact is a safe and pleasant experience for the child.** For some children it may be necessary to stop contact with certain birth relatives, especially people who may have had an abusive relationship with the child⁵⁶. Several studies have found that contact can be a mixed experience for children because their relationships with birth relatives can be tense or difficult, especially as people become less familiar with each other⁵⁷. It is important that children feel, and are, safe during contact meetings and in many cases this means they will need their adoptive parents or another trusted adult to stay with them. In some cases it will be important that firm boundaries are applied in the contact situation; rules and restrictions in contact should be proportionate to the potential risks⁵⁸. Birth relatives may need help to get on better with the child - especially when there are long gaps between meetings; they may also need clear explanations about rules and boundaries of contact.⁵⁹ Whilst managing risks may be necessary in some cases, it is also important that contact meetings are enjoyable and fun, especially for children; ways to make contact a positive experience should be considered alongside measures to prevent possible harm⁶⁰.
- **Avoiding unplanned or unexpected contact.** The growing use of the Internet and social networking sites provides ways that birth families and adopted children can potentially be in contact with each other without going through the adoption agency or adoptive parents. For adopted children and young people, unexpected or unplanned contact can be a very un-settling experience⁶¹. This is also true for birth relatives who may be contacted “out of the blue” by an adopted child. Contact is most likely to be good for children when everyone involved (the child/young person - where old enough, the adoptive parents, and the birth relative) is involved in discussing and planning the arrangements⁶².

PART 5 - SUPPORT SERVICES AFTER ADOPTION

Will I be offered any support after my child has been adopted?

The adoption agency has a general duty to provide adoption support services but whether or not these are available in a specific case will depend on what the adoption agency decides when they have assessed your need for support.⁶³ If you are a parent or relative or someone who has a significant relationship with a child who has been adopted, you have a right to ask for your need for support to be assessed.⁶⁴

What kind of help can I get with the contact arrangements?

The help they can give you includes:⁶⁵

- financial support with transport for the contact arrangements; and
- arranging for/funding professional mediation services to help sort out contact difficulties for example, between the adopters and a birth parent or relative.

How can I get help with contact arrangements?

You will only get this help if you are assessed as needing this support so the starting point is to ask the adoption agency to assess your need for help with contact.

Following an assessment of your need for support, the adoption agency must decide whether to provide services to meet your needs, but **they don't have to actually help you**. However they should not be unreasonable in refusing to help you and they must take account of the circumstances in each individual case and the resources available locally. They must also tell you their decision and give reasons.⁶⁶

If you are refused an assessment of your need for services or you have been assessed but the adoption agency refuses to provide the help you feel you need, you may want to seek advice as to whether this refusal can be challenged. (Contact Family Rights Group Advice line - details in part 6 of this advice sheet).

PART 6 - WHERE CAN I GET MORE INFORMATION AND SUPPORT?

After Adoption helps anyone affected by adoption. They have:

- (1) A telephone line just for birth relatives worried about adoption. Ring 'birth ties' helpline on 0800 840 2020 for support, information, help with contact or links to support groups in your area.

Or post to: Unit 5, Citygate, 5 Blantyre Street, Manchester, M15 4JJ.

Or email to: information@afteradoption.org.uk

Or see their website for more information at:

<http://www.afteradoption.org.uk/worried-about-your-child-being-adopted>

- (2) A general 'Action Line' for anyone else affected by adoption wanting advice or information including about searching for a relative or support for adoptive families: 0800 0 568 578

Or by post to: 12-14 Chapel Street, Manchester, M3 7NH.

Or email to: information@afteradoption.org.uk

Website; www.afteradoption.org.uk

British Association for Adoption & Fostering (BAAF) provides information and advice for everyone concerned with adoption, fostering and child care issues through its website, extensive list of publications and advice lines.

Head Office Tel: 020 7421 2600

Saffron House, 6-10 Kirby Street, London EC1N 8TS or

find details of your local BAAF office via the website

www.baaf.org.uk.

BAAF also provides information about searching for birth and adopted relatives and maintains a database of agencies providing adoption support and intermediary services on the Adoption Search Reunion website

www.adoptionsearchreunion.org.uk.

Citizens Advice is an independent organisation providing free, confidential and impartial advice on all subjects to anyone. The address and telephone number of your local CAB can be found in the telephone directory. There is also advice on line

Please note: The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

on their website. They may be able to help you find a local solicitor.

Website: <http://www.citizensadvice.org.uk>. Advice on line Website:

www.adviceguide.org.uk.

Civil Legal Advice: A free and confidential advice service. It provides information directly to the public on a range of common legal issues and helps people find legal help and information. It can also help you find legal advisors and find out if you are eligible for publicly funded free legal help.

Website: <https://www.gov.uk/civil-legal-advice> .

Telephone: 0845 345 4345. Minicom: 0845 609 6677

Monday to Friday, 9am to 8pm; Saturday, 9am to 12:30pm

Calls cost 4p a minute from a BT landline. Mobile calls usually cost more.

You can ask Civil Legal Advice for a free call back - use the [online service](#) or text 'legal aid' and your name to 80010. They will call you back within 24 hours and have a free translation service, if English isn't your first language.

CLA find a legal advisor service at

<http://legaladviserfinder.justice.gov.uk/AdviserSearch.do>

Consortium of Adoption Support Agencies (CASA) is a group of independent Adoption Support Agencies (ASAs) who are registered under the Adoption and Children Act 2002. They provide support services to all parties affected by adoption or long-term fostering throughout the UK. .

To find out more information visit: www.casa-uk.org.

Coram Children's Legal Centre provides free independent legal advice to children, parents, carers and professionals. Their Child Law Advice Line provides free legal advice and information covering all aspects of law and policy affecting children. An advisor can be contacted on 08088 020 008. The advice line is open from 8.00am to 8.00pm Monday to Friday.

Family Rights Group: is an organisation which provides free telephone and email advice to family members who are involved with Children's Services about the care and protection of their children.

Please note: The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

- Contact FRG's advice line for further advice, on 0808 801 0366. It is open Monday-Friday 9.30am-3. pm. You can also email to advice@frg.org.uk.
- You can also visit <http://www.frg.org.uk/need-help-or-advice/advice-sheets>. where you can download other relevant advice sheets.
- There are parent and family and friends carers discussion boards at: <http://www.frg.org.uk/discussion-board-for-homepage>.

Grandparents' Association is an organisation which provides advice and support to grandparents about caring for, or having contact with, their grandchildren. They can be contacted at: Moot House, The Stow, Harlow, Essex CM20 3AG Office: 01279 428040 Helpline: 0845 4349585 E-mail: info@grandparents-association.org.uk. <http://www.grandparents-association.org.uk/index.php>.

Family Mediation

To find a mediator, you can contact:

- Your local National Family Mediation (NFM) service in your area. A list of services can be found at the following weblink; <http://www.nfm.org.uk> or you can also call NFM on 01392 271610 - open 9.00am - 5.00pm (Monday - Friday) or email: general@nfm.org.uk ; or
- The Ministry of Justice's Family Mediation Helpline (on 0845 602 6627) who can refer you to a mediator from their joint register.

Website: <http://www.familymediationcouncil.org.uk/>

Email: info@familymediationcouncil.org.uk

Address: Family Mediation Council, PO Box 593, Exeter, EX1 9HG.

Natural parents network (NPN) is a UK-based, self-help organisation which offers non-judgmental, confidential and independent support to people affected by adoption.

You can call their Help Line: 0845 4565031 which is open Monday – Friday: 09:30am - 11:30am. An answering/fax service is provided outside the above times:

Email: administrator@n-p-n.co.uk or write to the Secretary at: 41 The Lindens, Friern Park, North Finchley, London N12 9DL

Website: <http://www.n-p-n.co.uk>

Please note: The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

Post-Adoption Centre supports birth relatives. They offer counselling, advice and information via the Advice Line 020 7284 5879 Mon, Tues, Wed & Fri 10.00am – 1.00pm and Thurs evening 5.30pm – 7.30pm. They also offer:

- individual counselling at PAC
- outreach counselling clinics and
 - assistance with negotiating contact arrangements

5 Torriano Mews, Torriano Avenue, London NW5 2RZ, Tel: 020 7284 0555

Solicitor:

To find a solicitor who specialises in childcare law, you can contact:

i) Solicitors Regulation Authority, Ipsley Court, Redditch, Worcestershire B98 0TD

Telephone: 0870 606 2555 <http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page>;

ii) The Law Society of England and Wales, 113 Chancery Lane, London WC2A

1PL Tel: 020 7242 1222 Minicom: 0870 600 1560 Fax: 020 7831 0344

E-mail: info.services@lawsociety.org.uk www.lawsociety.org.uk.

You can search their website for details of local solicitors who are members of the Children Panel:

<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>

iii) CLA (details above).

iv) Citizens Advice (details above).

Legal References

AA	Adoption Act 1976 http://www.legislation.gov.uk/ukpga/1976/36/contents
ACA	Adoption & Children Act 2002 http://www.legislation.gov.uk/ukpga/2002/38/contents
ASG	Adoption Statutory Guidance July 2013
AAR	Adoption Agencies Regulations Act 2005 http://www.legislation.gov.uk/uksi/2005/389/contents/made
AAPCAR	The Adoption Agencies (Panel and Consequential Amendments) Regulations

Please note: The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

	2012
ASSR	Adoption Support Services Regulations 2005 http://www.legislation.gov.uk/uksi/2005/691/contents/made
CPPCR	Care Planning, Placement and Case Review Regulations 2010 http://www.legislation.gov.uk/uksi/2010/959/contents/made
CA	Children Act 1989 http://www.legislation.gov.uk/ukpga/1989/41/contents
FLR	Family Law Reports
FP(A)R	Family Proceedings (Amendment) Rules 2005 http://www.legislation.gov.uk/uksi/2005/1976/contents/made

Last updated 3rd November 2014

RESEARCH REFERENCES:

Bond H (2007) *Top ten tips for managing contact*, London: BAAF

Brodzinsky D (2005) 'Reconceptualizing openness in adoption: Implications for theory, research and practice', in D Brodzinsky and J Palacios (eds), *Psychological issues in adoption: research and practice*, New York: Greenwood

Brodzinsky, D. (2011) Children's understanding of adoption: developmental and clinical implications. *Professional Psychology*, 42/2, 200-207.

Christian C L, McRoy R G, Grotevant H D and Bryant C M (1997) 'The grief resolution of birth mothers in confidential, time-limited mediated, ongoing mediated and fully disclosed adoptions', *Adoption Quarterly*, 1, 35–58

Fratter, J, et al (1991) *Permanent Family Placement: A Decade of Experience*, London: BAAF

Fratter, J (1996) *Adoption with Contact: Implications for Policy and Practice*. London: BAAF.

Fursland, E. (2010) *Social networking and contact: how social workers can help adoptive families*. London: BAAF.

Grotevant, H D (2009) 'Emotional distance regulation over the life course in adoptive kinship networks', in G Wrobel and E Neil (Eds) *International advances in adoption research for practice*, Chichester: Wiley

Grotevant H D, Perry Y and McRoy R G (2005) 'Openness in adoption: outcomes for adolescents within their adoptive kinship networks', in D Brodzinsky and J Palacios (eds), *Psychological issues in adoption: research and practice*, New York: Greenwood

Howe D and Steele M (2004) 'Contact in cases in which children have been traumatically abused or neglected by their birth parents', in E Neil and D Howe (eds), *Contact in Adoption and Permanent Foster Care: Research, theory and practice*, London: BAAF.

Logan, J (1999) 'Exchanging information post adoption: Views of adoptive parents and birth parents'. *Adoption and Fostering*, 23 (3), p. 27-37.

Logan J and Smith C (2004) 'Direct post-adoption contact: experiences of birth and adoptive families', in E Neil and D Howe (eds), *Contact in Adoption and Permanent Foster Care: Research, theory and practice*, London: BAAF

Please note: The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

Lowe, N. Murch, M, Borkowski, M, Weaver, A, Beckford, V and Thomas, C (1999) *Supporting Adoption: Reframing the Approach*. London: BAAF.

Macaskill, C (2002) *Safe Contact? Children in Permanent Placement and Contact with their Birth Relatives*. Lyme Regis: Russell House.

MacDonald, M. & McSherry, D. (2011) 'Open adoption: adoptive parents' experiences of birth family contact and talking to their child about adoption'. *Adoption and Fostering*, 35 (3), 4–16.

MacDonald, M. & McSherry, D. (2013) 'Constrained adoptive parenthood and family transition: adopters' experiences of unplanned birth family contact in adolescence'. *Child and Family Social Work*, 18, 87-96.

Mendenhall T, Berge J M, Wrobel G M, Grotevant H D and McRoy R G (2004) 'Adolescents' satisfaction with contact in adoption', *Child and Adolescent Social Work Journal*, 21, pp 175–90

Morgan R (2006) *About Adoption. A children's views report*, Newcastle: Office of the Children's Rights Director, Commission for Social Care Inspection.

Neil E (2007) 'Coming to terms with the loss of a child: the feelings of birth parents and grandparents about adoption and post-adoption contact', *Adoption Quarterly*, 10 (1), 1–23

Neil E (2009a) 'Post-adoption contact and openness in adoptive parents' minds: consequences for children's development', *British Journal of Social Work*, 39/1, 5-23.

Neil E (2009b) 'The corresponding experiences of adoptive parents and birth relatives in open adoptions', in G Wrobel and E Neil (eds), *International advances in adoption research for practice*, Chichester: Wiley

Neil, E., Beek, M. and Ward, E. (2013) 'Contact after Adoption' : a follow up in late adolescence, Norwich, UEA, Available online from: <http://www.uea.ac.uk/centre-research-child-family/child-placement/project-contact-after-adoption>

Neil E, Cossar J, Lorgelly P and Young J (2010) *Helping Birth Families: Services, cost and outcomes*, London: BAAF. Summary available here: http://www.adoptionresearchinitiative.org.uk/summaries/ARi_summary_9.pdf

Neil E, Cossar J, Jones, C., Lorgelly P and Young J (2011) *Supporting direct contact after adoption* London: BAAF. Summary available here: http://www.adoptionresearchinitiative.org.uk/summaries/ARi_summary_10.pdf

Neil, E & Howe, D. (2004) 'Conclusions: a transactional model for thinking about contact. in E Neil and D Howe (eds), *Contact in Adoption and Permanent Foster Care: Research, theory and practice*, London: BAAF

Quinton D and Selwyn J (2006) 'Adoption: research, policy and practice', *Child and Family Law Quarterly*, 18, 459–77

Selwyn J (2004) 'Placing older children in new families: changing patterns of contact', in E Neil and D Howe (eds), *Contact in Adoption and Permanent Foster Care: Research, theory and practice*, London: BAAF

Sykes, M (2000) 'Adoption with contact: a study of adoptive parents and the impact of continuing contact with families of origin.' *Adoption and Fostering*, 24 (2) 20-32.

Thoburn, J (2004) 'Post-placement contact between birth parents and older children: the evidence from a longitudinal study of ethnic minority children'. In E. Neil and D. Howe (Eds) *Contact in Adoption and Permanent Foster Care: Research, Theory and Practice*. London: BAAF.

Thomas, C, Beckford, V, Lowe, N. and Murch, M (1999) *Adopted Children Speaking*, London: BAAF.

Von Korff L and Grotevant H D (2011) 'Contact in adoption and adoptive identity formation: The mediating role of family conversation', *Journal of Family Psychology*, 25(3), pp. 393-401

Von Korff L, Grotevant H D and McRoy R G (2006) 'Openness arrangements and psychological adjustment in adolescent adoptees', *Journal of Family Psychology* 20, (3), pp 531–34

Wilson K and Sinclair I (2004) 'Contact in foster care: some dilemmas and opportunities', in E Neil and D Howe (eds), *Contact in Adoption and Permanent Foster Care: Research, Theory and Practice*, London: BAAF

Wrobel, G.M, Grotevant, H.D, Berge, J, Mendenhall, TJ, & McRoy, RG (2003). Contact in adoption: The experience of adoptive families in the USA. *Adoption and Fostering*, 27(1), 57-67.

Please note: The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

Young, J and Neil, E (2004) 'The 'Contact after Adoption' study: The perspective of birth relatives after non-voluntary adoption'. In E. Neil and D. Howe (Eds) *Contact in Adoption and Permanent Foster Care: Research, Theory and Practice*. London: BAAF.

¹ S.20 Children Act 1989 <http://www.legislation.gov.uk/ukpga/1989/41/contents> and Children Act 2004 <http://www.legislation.gov.uk/ukpga/2004/31/contents>

² s.52(6) ACA

³ Registration is with the Principal Registry in London

⁴ s.19, s52 ACA and AAR reg20

⁵ s.21 ACA

⁶ Schedule 2 para 15(1) Children Act 1989

⁷ Regs 5 & 9; CPPCRR; Schedules 1 & 2 CPPCRR; Para 2.44, 2.78-2.80 G & R Vol 2;

⁸ s.34(6) CA

⁹ S.34(4) CA

¹⁰ s.26(1) ACA

¹¹ s. s.1(2) & 1(4) ACA and chapter 7 Guidance

¹² Reg 46 AAR

¹³ s.27(4) ACA

¹⁴ Reg 46(7) AAR

¹⁵ Reg 3 ASSR

¹⁶ S.26 ACA

¹⁷ s.26(3) ACA

¹⁸ s.26(4) ACA

¹⁹ s.1(2) ACA

²⁰ s.1(4) ACA

²¹ s.27(5) ACA

²² s.27(1) ACA

²³ s.46(6) ACA

²⁴ s.51A, s.51B ACA

²⁵ S.51A ACA

²⁶ S.51A(5) ACA

²⁷ Section 1 (1) CA

²⁸ S.46(6) ACA

²⁹ Re: T (Adoption: Contact) [1995] 2 FLR 251 ; Re R (Adoption: Contact) [2005] EWCA Civ 1128; Oxfordshire

County Council v (1) X & Y J [2010] EWCA Civ 581

³⁰ Re: T(Adopted Children: Contact) 1995 2FLR 92

³¹ Re: T (Adopted Children: Contact) (1995)

³² Re: T (Adoption: Contact) (1995) 2 FLR 251

³³ Mendenhall et al, 2004; Thomas et al, 1999; Logan & Smith, 2004; Neil et al, 2013.

³⁴ Neil et al, 2013; Logan, 1999.

³⁵ Neil, 2009a; Neil et al, 2013; Von Korff et al, 2006; Fratter et al, 1991.

³⁶ Thomas et al, 1999; Macaskill, 2002; Morgan, 2006; Neil et al, 2011, Neil et al, 2013.

³⁷ Fratter, 1996; Thoburn, 2004; Neil et al, 2011; Neil et al, 2013

³⁸ Brodzinsky, 2011

³⁹ Neil et al, 2013; Thoburn, 2004

⁴⁰ Fratter, 1996; Thoburn, 2004; Von Korff & Grotevant, 2011; Neil et al, 2013.

⁴¹ Thoburn, 2004

⁴² Young & Neil, 2004; Neil, 2007; Neil et al, 2010; Christian et al, 1997

⁴³ Neil et al, 2013; Sykes, 2000

⁴⁴ Neil et al, 2013; Neil et al, 2011

⁴⁵ MacDonald & McSherry, 2011. Von Korff & Grotevant, 2011; Neil et al, 2013.

⁴⁶ Quinton & Selwyn, 2006; Neil & Howe, 2004; Grotevant et al, 2005

⁴⁷ Bond, 2007; Neil et al, 2011.

⁴⁸ Fratter, 1996; Sykes, 2000; Neil et al, 2011, Neil et al, 2013

⁴⁹ Brodzinsky, 2005; Neil et al, 2013.

⁵⁰ Logan & Smith, 2004; Neil 2009b; Neil et al, 2011

⁵¹ Lowe, et al, 1999; Fratter, 1996; Neil et al, 2011

⁵² Grotevant, 2009; Macaskill, 2002; Neil, 2009b

⁵³ Wrobel et al, 2003; Neil et al, 2011; Grotevant, 2009; Neil et al, 2013.

⁵⁴ Wrobel et al, 2003; Macaskill, 2002; Neil et al, 2013.

⁵⁵ Young and Neil, 2004; Logan, 1999; Neil et al, 2011; Neil et al, 2013.

⁵⁶ Howe & Steele, 2004; Wilson & Sinclair, 2004; Selwyn, 2004; Neil et al, 2011.

⁵⁷ Macaskill, 2002; Neil et al, 2011; Neil et al, 2013.

⁵⁸ Neil et al, 2011

⁵⁹ Neil et al, 2011.

⁶⁰ Bond, 2007; Neil et al, 2011

Please note: The information contained in this advice sheet is intended for guidance only and whilst every effort is made to ensure it is correct at time of publication it should not be used as a substitute for legal advice or for individual advice about your case. Please also note that Welsh law is often different from English law. If you want specific advice about children in either England or Wales please contact the Family Rights Group advice service 0808 801 0366. © Family Rights Group

⁶¹ Fursland, 2010; MacDonald & McSherry, 2013; Neil et al, 2013.
⁶² Neil et al, 2011
⁶³ s.3 ACA
⁶⁴ s.4 ACA and Adoption Support Services Regulations 2005 reg 4
⁶⁵ Reg 3(1)&(3) ASSR
⁶⁶ Reg 18 ASSR.