



Non-Agency
Adoption

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About this document

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Updated by: Elaine Jamieson

Approved by: AIM HOS Jenny Ness

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What is non-agency adoption

Non-agency adoption is the name given to adoption applications which involve a child who has not been placed with the prospective adopter by an adoption agency.

The principal categories of non-agency adoption are:

- Step-parent adoption (application by the partner of the parent of a child)
- Applications by local authority foster carers
- Applications by relatives of the child

SCOPE OF THIS CHAPTER

This procedure applies to applications in relation to adoptive placements that have not been arranged by a local authority or registered adoption agency, other than children brought into the UK for the purposes of adoption. This will include adoption applications by step-parents, relatives, private foster carers or local authority foster carers who have not sought or obtained the local authority's approval for the placement becoming an adoptive placement.

In relation to such applications, the residence requirements are as follows:

- If the applicant or one of the applicants is the partner of the parent of the child, the child must have lived with the applicants continuously for 6 months prior to the application;
- If the applicants are local authority foster carers, the child must have lived with the applicants continuously for 12 months prior to the application;
- In any other case, the child must have lived with the applicant(s) for three out of the last five years prior to the application or the Court must have granted leave for an earlier application.

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1. Initial Contact

Where residents of the local authority area request advice by letter, telephone or in person in relation to a non-agency adoption, the matter should be referred to the Adoption Service and a Referral Form should be completed and the enquirer should be offered general information. This is usually by telephone. Prior to going through the enquiry form with an Adoption worker the AiM information booklet will be sent to the family to ensure the criteria is met. There is also information on the AiM website

The prospective applicants should be offered information and advice on the adoption process and the implications of adoption, including the following:

- i. Alternatives to adoption;
- ii. The child's need to know that (s)he is adopted and have information about the birth family;
- iii. The requirement for the consent of parents with **Parental Responsibility** to be obtained;
- iv. The role of **CAFCASS**;
- v. The need to notify the local authority of their intention to apply for an Adoption Order.

If it is clear that the applicants do not fulfil the criteria of **Domicile / Habitual Residence** in the UK, the duty social worker should advise them to obtain legal advice.

Where a foster carer is making a non-agency application to adopt a Looked After child, with the support of the local authority, the case will be allocated as soon as possible.

The process

- Enquirers must firstly Inform Adoption in Merseyside by emailing recruitmentandassessment@adoptioninmerseyside.co.uk and stating that they want to proceed with making a step parent/partner adoption enquiry.
- Due to the demand of step parent/partner enquiries from across the Merseyside region who form AiM (Sefton, Knowsley, Liverpool and Wirral) a waiting list is held, and all enquiries will be notified about timescales at the point enquiry. At the stage we can progress an enquiry we will ask the step parent/partner to forward to an AiM Team Manager a Letter of intent to make an adoption application.
- Although AiM hold responsibility for the enquiry and screening part of the step parent/partner adoption process, once it is agreed the enquiry meets all the criteria, subject to the waiting list the information will then be forwarded to the Local Authority where the applicant lives and be allocated to a social worker for completion of the assessment.
- The dedicated social worker will interview all family members together and separately to ascertain their views. This includes the birth parents and their extended family. It is important that all children are seen alone to ascertain their wishes and views.
- Prior to any visits by the social worker a document will be sent by AiM for family to complete to support with the assessment.
- The family will then make a formal application to the Liverpool Family court after discussion with social worker.

The Adoption Regulations state:

- You must be over 21 to adopt
- Many courts will not consider applications from people who have lived together for less than a year. This is a minimum and we would normally only consider cases where people have lived together for 3 years or more. It is important there is an established secure relationship as a couple, and for family bonds to be formed before an application to adopt.

2. Notifications

Applicants for adoption, in the case of non-agency placements, must notify the local authority for the area where they live of their intention to apply for an Adoption Order. The notification should be sent at least three months and not more than two years before the date of the adoption application.

3. Medical Information

Except where the application is by a step parent in which case a medical report is not required, the social worker will check that the applicants(s) and the child have received a medical examination before the adoption application is submitted.

If medical examinations are required, the social worker will provide the applicants with the relevant CoramBAAF medical forms for completion. These should be submitted to the Court with the adoption application and the Court will send copies to the local authority when a Court report is requested. Upon receipt, the completed medical forms should be passed by the social worker to the Medical Adviser for comment

4. Other Checks

The following checks include:

- DBS checks – The cost of this lays with the family. In some cases, it may be appropriate that other adult household members have a DBS check.
- A Certificate of Good Conduct is required for anyone over the age of 18 who has lived abroad for 90 days or more
- Children's Social Care records check to see if there has been any social work involvement.
- 3 personal references
- School reference
- We must always contact the absent birth parent for his or her consent and family will need to provide contact details and address.

5. Local Authority Duty to Supervise Child

On receipt of a notification in relation to a child, the allocated social worker must supervise the child until an Adoption Order is made.

The aim of the supervision is:

- To ensure the child is well cared for and in receipt of appropriate health and education services;
- To support the prospective adopters and help them focus on the task of integrating the child into their family and of providing the child with full information about his or her background and birth family.

All visits should be recorded, including whether the child was seen and if so, whether the child was seen alone.

The duty to supervise will continue until an Adoption Order is made or until notification is given that the prospective applicants no longer intend to apply to adopt.

Prospective applicants should be asked to clarify their intentions if there is a delay, and no adoption application is lodged. If this is not forthcoming, the allocated social worker involved should write to the prospective applicants indicating that unless confirmation is provided of an intention to adopt, it will be assumed that the notification is withdrawn. In any event, after 2 years the notification will lapse.

6. Court Request for Report

Where a Court receives an adoption application in relation to a non-agency adoptive placement, the Court will notify the local authority of the hearing date and request a Report be prepared and submitted to the Court, usually within 6 weeks of the receipt of the notification. The Court timescales should be clarified at an early stage and if more time is required, a written request must be submitted to the Court as soon as the need for an extension is identified.

The social worker responsible for the supervision of the child will be responsible for preparing the Report, and for this purpose should gather available information on the child and parents - see sections below.

The allocated worker must fulfil the qualifications and experience criteria set out in [Adoption Panel Policy](#).

For the contents of the report, see [Court Reports in Adoption and Special Guardianship Guidance](#).

Once completed, the social worker should send the Court Report to the Manager for approval so that it can be filed with the Court within the required timescale.

The court proceedings

- The court appoints a recording officer from CAFCASS who verifies the consent of both birth parents.
- The court sets a date for the adoption hearing and all immediate birth family members attend.
- The court must consider whether the order applied for is the best order for the child or whether another order or no order at all would be better.
- The court will invite both birth parents to the hearing whether they are named on the birth certificate or not. The absent birth parent has a right to go to court and express a view.

7. Parental Consent

The adoptive applicants will have to indicate in their adoption application whether or not there is Parental Consent to the application. If the parents do not consent, it is for the applicants to ask the Court to dispense with the agreement of the parent or parents.

The social worker preparing the report should attempt to interview both birth parents in relation to the adoption application and ascertain their views. If the parents do not live within a reasonable travelling distance, the social worker may request that a social worker from the local authority for the area where the birth parents now live interview them.

The report should address the significance of the role played so far by the birth parents in the child's life and the implications of an Adoption Order for any future parental role.

8. Child's Wishes and Feelings

The social worker should speak to the child to ascertain his or her wishes and feelings in relation to the adoption and report on these to the Court.

The discussion with the child should address any confusion on the part of the child in relation to the implications of an Adoption Order for example where the adoptive applicant is a relative.

It is important for children that they know about their history as this is an important part of their identity, which makes a healthy person. Adoption is not about replacing a birth parent from a child's life. Children who are denied parts of their story, history and part of their biological identity may grow up with feelings of shame and an inability to trust and invest in future relationships as part of where they come from is not shared in an open and honest way. It is their right to know their full story.

As adoption is one of the most final and serious orders any Judge can grant it is important that a child or children's wishes, and feelings are gathered about being adopted and their understanding of what adoption means. Although AiM has no blanket rule and will look at all enquiries on a case-by-case basis we seriously take into account the age of a child and may ask families to consider waiting until they are of an age where they can be fully involved in the process and express their wishes and feelings. We will not proceed with an enquiry if a child does not have an awareness that their step parent is not their biological parent as all adoption agencies have a duty to be open and honest with children.

9. The Applicants

The report will need to comment on the strength and duration of any new family relationships, particularly in the case of an adoption application by a step parent. Where there is limited evidence of the strength and stability of the relationship, the applicants should be advised to consider deferring the application until there is more evidence of stability.

In addition, alternatives to adoption should be discussed and explored with the applicants, who should be encouraged to consider them.

For example where the main concern is the child's name, the applicants should be advised to seek legal advice on how to achieve this without the need for an adoption order.

10. Adoption Support

Other than an application by a step parent, the social worker should consider the likely need of the child and adoptive family for adoption support. See [Adoption Support Procedure](#).

11. Alternatives to Adoption

The report should address any alternatives to adoption, which may offer a better framework for the child and the birth parents' future role.

Alternate routes to gain parental responsibility

Parental responsibility (PR) agreement or order

- This is a simple agreement between the step parent and birth parent if married, or have a civil partnership, by which the step-parent acquires PR for the child but does not remove it from the birth family.
- The PR agreement is free if the absent party agrees. This can be downloaded online and all 3 parents sign, see the Gov.uk website for more information.

Child Arrangement Order (CAO)

- The CAO can be made in favour of a person with whom a child lives, giving them PR in addition to birth parents. This continues if birth parent dies, as long as the child continues to live with the step parent.
- A Child Arrangement Orders can be made by any family court, there is no need to give notice to the local authority. You can see a solicitor for advice.

Change of name

A name change can be done legally by deed poll with birth parents' consent or permission of court. If the absent parent has PR, they need to consent to a name change otherwise a court order is required.

Guardianship

Birth parent can appoint the stepparent as a guardian for the child. This just needs an agreement, signed and dated.

12. Adoption Hearing

The social worker responsible for preparing the report should attend the adoption hearing.

13. After the Court Process

Once the adoption proceedings are complete, the social worker should complete the child's [Adoption Case Record](#) and arrange for its safe storage in the Adoption Archives.