

Adopting a child
– transitional arrangements
as the new law comes into force

Adoption







All children deserve to grow up as part of a loving family who can help them flourish during childhood and beyond. Every child needs to feel secure and settled in a family that loves and values them. And that means being cared for by adults who are committed to them long-term, who support their development and who guide them through childhood to adulthood.

Adoption

For children who can't live with their parents, adoption can give them the opportunity to live in and be a part of a permanent loving family. A child becomes adopted when an adoption order is made by a court, passing full parental responsibility for the child to the adopter.

The new Adoption and Children Act 2002, in force from 30 December 2005, brings the law on adoption up to date. It puts the needs of the child above everything else. The changes in the law will help improve the adoption service and help more people consider adoption - unmarried couples may now apply to adopt jointly, for example, making sure that any child they adopt will have two full legal parents. And there will be more consistency across the country when it comes to access to information held in adoption agency records.

Bridging the 'old' and 'new' systems

Any ongoing case being managed by an adoption agency before the implementation of the new Act on 30 December 2005 is a 'transitional case'. The new Act makes provision for actions and decisions taken under the old system to be treated as though they were taken under the new system. Unless alternative arrangements have been made, all new cases – and any new actions happening on or after 30 December 2005 – will take place using the new system.

How will the new arrangements affect my circumstances?

For transitional cases, there are different arrangements depending on the stage your case has reached. Most cases will be able to transfer seamlessly into arrangements with the new rules applying. To avoid delay, some will be able to continue under the old system until they reach a point where it's logical for them to transfer to the new system.

I have a child living with me who has not been placed for adoption and I've given the local authority notice of my intention to adopt the child.

- Notice of intention to adopt is treated as if it were made under the new rules. 'Protected child' status no longer applies. If the child is under 16 and is not closely related to you, you will become a private foster carer. Although you won't have to notify the local authority of the placement, you will need to provide additional information to the local authority within a month to avoid being in breach of the private fostering legislation. You will also need to allow the local authority to visit the child regularly. You need to discuss the situation with your local authority.

What happens if my suitability to adopt a child is currently being assessed – or it's been assessed but the adoption panel hasn't yet made a recommendation?

- You transfer to the new arrangements immediately. Existing work won't need to be redone - but all the requirements of the new regulations will need to be complied with. You can find out more from the leaflet on being assessed as an adopter - and from the adoption agency.

My suitability to adopt has been considered by the adoption panel and a recommendation was made before 30 December 2005 - but we're still waiting for a decision from the adoption agency.

- The decision from the adoption agency will be made under the old rules, then the case will be transferred to the new arrangements. You can read more about this process in the leaflet for prospective adopters or the leaflet on intercountry adoption (depending on your individual circumstances) - and from the adoption agency.

My suitability to adopt has already been confirmed by the adoption agency.

- Their decision stands. All further work to match you as a prospective adopter with a child will continue under the new arrangements. You can find more information on this process in the leaflet for prospective adopters and in the leaflet on intercountry adoption (depending on your individual circumstances) - and from the adoption agency.



What about freeing orders?

- Freeing orders are unaffected by the implementation of the new Act – if a child is free for adoption, the condition that must be met to allow an adoption order to be made can now be treated as being satisfied.
- If an application was made before the Act came into force, the case will continue under the old rules until the freeing order is made.
- If a freeing order has been made, the local authority can place the child for adoption, without the need for a placement order.



I've been provisionally matched with a child as a prospective adopter but the adoption panel hasn't yet considered and made a recommendation.

- Your case will transfer to the new arrangements immediately. Existing work won't need to be redone but all the requirements of the new regulations will need to be complied with. You can find out more in the leaflet on being assessed as an adopter - and from the adoption agency.

I'm waiting to have a child placed with me. A match between us has been considered by the adoption panel, who made a recommendation before 30 December 2005. We're waiting to hear from the adoption agency.

- The decision and the placement will be made under the old rules. There's no need for the case to be delayed while the local authority obtains 'authority to place' the child. Once the placement has been made it will be monitored under the new arrangements. Any application for an adoption order will be made under the new rules.

The adoption agency has agreed that a child should be placed with me as a prospective adopter - but the child is yet to be placed.

- The placement will go ahead under the old regulations and will then be treated as if it were made under the new rules – so the placement won't be delayed. Once the placement has been made it will be monitored under the new arrangements and any adoption order application will need to be made under the new Act.

What if the placement has already gone ahead?

- If a placement has gone ahead in accordance with the old system (whether before or after 30 December 2005), there won't be any need for a subsequent 'authority to place' the child. The placement will be monitored using the new arrangements – and any application for an adoption order will be made under the new rules.

We're waiting for an adoption order

- If the child is living with you and the case is at the stage where you have applied for an adoption order, the case will continue under the old rules until the adoption order is made – so no need to withdraw the existing application and re-apply under the new rules.

What about adopting a child from outside the British Isles?

- If you want to adopt a child from outside the British Isles and you have already travelled to visit the child you intend to adopt - or you've already brought the child into the UK before 30 December 2005 – there's no need to comply with the new requirements under the new Act.
- If you want to adopt a child from outside the British Isles and you are yet to travel to visit the child, you will need to meet the additional requirements that are set out in the intercountry adoption leaflet.



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