



*Eatons*

## Adoption Agency Need Not Consult Father

The Adoption and Children Act 2002 does not require a local authority or other adoption agency to consult the father or extended family of a child put up for adoption by its mother.

This was the ruling of the Appeal Court in a case involving a mother who wished to give birth without the knowledge of her family or the baby's father.

In this case, the pregnancy arose from a one night stand. The mother did not want the father, or her own family, to know about the pregnancy and wished to put the child up for adoption at birth. As a consequence of a County Court judge's ruling, the authority wrote to the mother's parents, which led to them finding out about their grandchild.

Relying on the Adoption and Children Act 2002, the Court of Appeal held that when a decision needed to be made about the long-term care of a child whom the mother wished to be adopted, there was no duty of an absolute kind to make inquiries. There was only a duty to make inquiries if it was in the interests of the child to do so.

It was further held that the provisions of the European Convention on Human Rights concerning a father's right to respect for his family life did not apply in this case. The father had no family life with the child. He had never lived with the mother nor expressed any commitment to the child, because he was unaware of the child's existence.

The Adoption and Children Act requires the interests of the child to be considered. It does not give the family the right to be involved in decisions relating to the child in circumstances such as these.

For advice on adoption, fathers' rights and other family matters, contact Liz Williams on Tel: 01274 728 327.

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