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Response to	<b>Draft adoption guidance on listing final hearings in adoption cases consultation</b>
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## **Overall**

In general the MA is supportive of the changes and the clarity they bring.

### **First Directions (FD) hearing**

As far as FD are concerned this element of the guidance [paragraph 4-6] in the main formalises what magistrates already do.

This section also gives clarity to the need for birth parents to be made aware of proceedings and be given adequate opportunity to respond and prepare for the hearing. Four weeks is adequate time for preparation in many cases but it should be borne in mind parents in these circumstances may have numerous issues they are dealing with.

### **Final order**

Paragraphs 21 and 22 are appropriate directions. Magistrates have been in the habit of making the final order but listing a celebration where desired and giving the certificate at that latter “hearing”, which possibly gives the impression that that is the “real” adoption date.

### **Celebratory event/ adoption visits**

Para 27 in the new guidance is certainly helpful. Magistrates have observed confusion in the retiring room about the formal status of the occasion.

We do however have some concerns about the way in which the new draft guidance proposes to treat the adoption “visit”. Magistrates have experienced that children, adoptive parents, their extended families and the social workers involved in their case attach much importance to the ‘celebration’ that is currently held. Occasions observed and participated in by magistrates have been described as being joyful and celebratory. We would suggest that the word ‘celebration’, which does appear in the current guidance, be retained in the new guidance.

The MA recognised the practical sense in not holding the adoption visit before the time period for an appeal is up (unless no appeal is likely). Holding the adoption visit separately also avoids the risk of the adoptive family, including the child, coming into contact with the birth parents, who will have had notice of and be able to attend the adoption hearing itself. In addition adoption sometimes cannot be made on the planned date – for instance because there questions over whether papers have been properly served on the birth family, or others to whom notice should have been given. This also

suggests it might not be appropriate to get the adopters along to the adoption hearing, but to hold the adoption visit at a separate date.

The proposed guidance requires holding the adoption visit out of court hours. Though we appreciate that scheduling these events within normal court hours does appear to reduce the time available for other business, they usually take no more than 10-15 minutes and their value to the adoptive families and others seems to us to outweigh the disadvantage of having the option of listing them at 10 am or 2 pm (the start of the morning or afternoon session). There should therefore be flexibility in when magistrates can hold the adoption visit either within or out of court hours.