



# Adoption Act 1976

## 1976 CHAPTER 36

### PART II

#### ADOPTION ORDERS

##### *Freeing for adoption*

#### **[<sup>F1</sup>18 Freeing child for adoption.**

- (1) Where, on an application by an adoption agency, an authorised court is satisfied in the case of each parent or guardian of the child that—
  - (a) he freely, and with full understanding of what is involved, agrees generally and unconditionally to the making of an adoption order, or
  - (b) his agreement to the making of an adoption order should be dispensed with on a ground specified in section 16(2),the court shall make an order declaring the child free for adoption.
- (2) No application shall be made under subsection (1) unless—
  - (a) it is made with the consent of a parent or guardian of a child, or
  - (b) the adoption agency is applying for dispensation under subsection (1)(b) of the agreement of each parent or guardian of the child, and the child is in the care of the adoption agency.

[<sup>F2</sup>(2A) For the purposes of subsection (2) a child is in the care of an adoption agency if the adoption agency is a local authority and he is in their care.]

- (3) No agreement required under subsection (1)(a) shall be dispensed with under subsection (1)(b) unless the child is already placed for adoption or the court is satisfied that it is likely that the child will be placed for adoption.
- (4) An agreement by the mother of the child is ineffective for the purposes of this section if given less than 6 weeks after the child's birth.

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**Changes to legislation:** Adoption Act 1976, Section 18 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (5) On the making of an order under this section, [<sup>F3</sup>parental responsibility for the child is given to] the adoption agency, and subsections (2) [<sup>F4</sup>to (4)] of section 12 apply as if the order were an adoption order and the agency were the adopters.
- (6) Before making an order under this section, the court shall satisfy itself, in relation to each parent or guardian [<sup>F5</sup>of the child who can be found], that he has been given an opportunity of making, if he so wishes, a declaration that he prefers not to be involved in future questions concerning the adoption of the child; and any such declaration shall be recorded by the court.
- [<sup>F6</sup>(7) Before making an order under this section in the case of a child whose father does not have parental responsibility for him, the court shall satisfy itself in relation to any person claiming to be the father that—
- (a) he has no intention of applying for—
    - (i) an order under section 4(1) of the Children Act 1989, or
    - (ii) a residence order under section 10 of that Act, or
  - (b) if he did make any such application, it would be likely to be refused.
- (8) Subsections (5) and (7) of section 12 apply in relation to the making of an order under this section as they apply in relation to the making of an order under that section.]]

#### Textual Amendments

- F1** Ss. 1-37 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 5** (with **Sch. 4** paras. 2, 6-8); S.I. 2005/2897, **art. 2(b)**
- F2** S. 18(2A) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 88, 108, **Sch. 10 para.6(1)** (with **Sch. 14** para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F3** Words in s. 18(5) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 88, 108, **Sch. 10 para.6(2)** (with **Sch. 14** para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F4** Words in s. 18(5) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 88, 108, **Sch. 10 para. 6(2)**; (with **Sch. 14** para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F5** Words substituted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 9, **Sch. 2 para. 31**
- F6** S. 18(7)(8) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 88, 108, **Sch. 10 para.6(3)** (with **Sch. 14** para. 1(1)); S.I. 1991/828, **art. 3(2)**

#### Modifications etc. (not altering text)

- C1** S. 18 amended (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **ss. 12(3)(a), 33(6)(b)(i), 108** (with **Sch. 14** para 1(1)); S.I. 1991/828, **art. 3(2)**

**Changes to legislation:**

Adoption Act 1976, Section 18 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 1\(2\)](#) (Amendment not applied to [legislation.gov.uk](#). The relevant references were repealed before the amendment came into force.)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 3(6A)(6B) inserted by [1999 c. 18 s. 10](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 repealed (30.4.2003 for W., 1.6.2003 for E.) without ever being in force by 2000 c. 14, ss. 117(2), 122, Sch. 6; S.I. 2003/501, art. 2(3)(b); S.I. 2003/365, art. 3(6)(a))
- s. 13(4) inserted by [1999 c. 18 s. 11](#) (This amendment not applied to [legislation.gov.uk](#). S. 11 ceases to have effect (E.W.) (30.12.2005) by virtue of 2002 c. 38, ss. 139, 148(1), Sch. 3 para. 95 (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o))
- s. 52(1)(c) power to extend conferred by [2002 c. 38 Sch. 4 para. 16\(1\)\(a\)](#)
- s. 52(1A) inserted by [2002 c. 38 Sch. 4 para. 15\(a\)](#)
- s. 56(4)-(6) inserted by [2002 c. 38 Sch. 4 para. 11\(b\)](#)