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STATUTORY INSTRUMENTS

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**2005 No. 389**

**The Adoption Agencies Regulations 2005**

**PART 8**

**MISCELLANEOUS**

**Contact**

**46.**—(1) This paragraph applies where an adoption agency decides that a child should be placed for adoption.

(2) Where paragraph (1) applies and subject to paragraph (3), the adoption agency must consider what arrangements it should make for allowing any person contact with the child once the agency is authorised to place the child for adoption (“the contact arrangements”).

(3) The adoption agency must—

- (a) take into account the wishes and feelings of the parent or guardian of the child and, where regulation 14(3) applies and the agency considers it is appropriate, the father of the child;
- (b) take into account any advice given by the adoption panel in accordance with regulation 18(3); and
- (c) have regard to the considerations set out in section 1(2) and (4) of the Act,

in coming to a decision in relation to the contact arrangements.

(4) The adoption agency must notify—

- (a) the child, if the agency considers he is of sufficient age and understanding;
- (b) if their whereabouts are known to the agency, the parent or guardian, and, where regulation 14(3) applies and the agency considers it is appropriate, the father of the child;
- (c) any person in whose favour there was a provision for contact under the 1989 Act which ceased to have effect by virtue of section 26(1) of the Act<sup>(1)</sup>; and
- (d) any other person the agency considers relevant,

of the contact arrangements.

(5) Where an adoption agency decides that a child should be placed for adoption with a particular prospective adopter, the agency must review the contact arrangements in light of the views of the prospective adopter and any advice given by the adoption panel in accordance with regulation 32(3).

(6) If the adoption agency proposes to make any change to the contact arrangements which affects any person mentioned in paragraph (4), it must seek the views of that person and take those views into account in deciding what arrangements it should make for allowing any person contact with the child while he is placed for adoption with the prospective adopter.

(7) The adoption agency must—

- (a) set out the contact arrangements in the placement plan; and

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<sup>(1)</sup> For the definition of “a provision for contact under the 1989 Act” see section 26(6) of the Act.

(b) keep the contact arrangements under review.