



Adoption Act 1976

1976 CHAPTER 36

PART II

ADOPTION ORDERS

Freeing for adoption

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—
- he freely, and with full understanding of what is involved, agrees generally and unconditionally to the making of an adoption order, or
 - 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—
- it is made with the consent of a parent or guardian of a child, or
 - 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.

[^{F1}(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.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Adoption Act 1976, Section 18 is up to date with all changes known to be in force on or before 20 January 2024. 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)

- (5) On the making of an order under this section, [^{F2}the parental rights and duties relating to the child vest in][^{F2}parental responsibility for the child is given to] the adoption agency, and subsections (2) [^{F3}and (3)][^{F3}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 [^{F4}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.
- [^{X1}] Before making an order under this section in the case of a child whose father and [^{F5}(7) mother were not married to each other at the time of his birth and whose father is not his guardian, the court shall satisfy itself in relation to any person claiming to be the father that either—
- (a) he has no intention of making—
 - (i) an application under section 4 of the ^{M1}Family Law Reform Act 1987 for an order giving him all the parental rights and duties with respect to the child; or
 - (ii) an application under any other enactment for an order giving him a right to custody, legal or actual custody or care and control of the child; or
 - (b) if he did make such an application, the application would be likely to be refused.]
- [In subsection (7) the reference to a child whose father and mother were not married [^{F6X1}(8) to each other at the time of his birth shall be construed in accordance with section 1 of the ^{M2}Family Law Reform Act 1987.]]
- [^{F7}(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.]

Editorial Information

- X1** S. 18(7)(8) second appearing substituted (*prosp.*) for s. 18(7)(8) first appearing by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 88, 108, Sch. 10 para. 6(3) (with [Sch. 14 para. 1\(1\)](#))

Textual Amendments

- F1** S. 18(2A) inserted (*prosp.*) by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 88, 108, Sch. 10 para. 6(1) (with [Sch. 14 para. 1\(1\)](#))
- F2** Words commencing “parental responsibility” substituted (*prosp.*) for words commencing “the parental rights” by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 88, 108, Sch. 10 para. 6(2) (with [Sch. 14 para. 1\(1\)](#))
- F3** Words “to (4)” substituted (*prosp.*) for words “and (3)” by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 88, 108, Sch. 10 para. 6(2) (with [Sch. 14 para. 1\(1\)](#))

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Adoption Act 1976, Section 18 is up to date with all changes known to be in force on or before 20 January 2024. 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)

- F4** Words substituted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 9, **Sch. 2 para. 31**
- F5** S. 18(7) substituted by Family Law Reform Act 1987 (c. 42, SIF 49:7), **ss. 7(1)**, 34(1)
- F6** S. 18(8) added by Family Law Reform Act 1987 (c. 42, SIF 49:7), **ss. 33(1)**, 34(1), **Sch. 2 para. 67**
- F7** S. 18(7)(8) second appearing substituted (*prosp.*) for s. 18(7)(8) first appearing by Children Act 1989 (c. 41, SIF 20), **ss. 88**, 108, **Sch. 10 para. 6(3)** (with **Sch. 14 para. 1(1)**)

Modifications etc. (not altering text)

- C1** S. 18 amended (*prosp.*) by Children Act 1989 (c. 41, SIF 20), **ss. 12(3)(a)**, 33(6)(b)(i), 108, (with Sch. 14 para. 1(1))

Marginal Citations

- M1** 1987 c. 42(49:7).
- M2** 1987 c. 42(49:7).

Status:

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