
WELSH STATUTORY INSTRUMENTS

2005 No. 1313

The Adoption Agencies (Wales) Regulations 2005

PART 3

**DUTIES OF ADOPTION AGENCY WHERE THE
AGENCY IS CONSIDERING ADOPTION FOR A CHILD**

Adoption agency decision and notification

19.—(1) The adoption agency must —

- (a) take into account the recommendation of the adoption panel;
- (b) take into account any advice given by the adoption panel in accordance with regulation 18(3); and
- (c) have regard to the consideration set out in section 1(2) of the Act

in coming to a decision about whether the child should be placed for adoption.

(2) No member of the adoption panel may take part in any decision made by the adoption agency under paragraph (1).

(3) The adoption agency must, if their whereabouts are known to the agency, notify its decision about whether the child should be placed for adoption and any decision in relation to contact arrangements in writing to—

- (a) the parent or guardian of the child;
- (b) any relative or other significant person whom the agency consulted under regulation 14(1) including any person in whose favour a contact order under section 8 of the 1989 Act or an order under section 34 of the 1989 Act (parental contact with children in care) may be in force immediately before the agency is authorised to place the child for adoption; and
- (c) where regulation 14(2) applies, the father; and
- (d) the agency must in an appropriate manner and in the light of the child's age and understanding explain its decision to the child.

(4) Unless either an application has been made on which a care order might be made in respect of the child which has not been disposed of, or the child is less than 6 weeks old, the agency must ascertain whether the parent or guardian of the child is prepared —

- (a) to consent under section 19 of the Act (placing children with parental consent) to the child being placed for adoption with prospective adopters identified in the consent or being placed for adoption with any prospective adopters who may be chosen by the agency; and
- (b) at the same time to consent to the making of a future adoption order under section 20 of the Act (advance consent to adoption).

(5) Where the parent or guardian of the child is prepared to consent to the making of a future adoption order under section 20 of the Act, the agency must explain and confirm in writing to the parent or guardian of the child that —

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) any consent given under section 20 of the Act may be withdrawn but that the withdrawal of consent is ineffective if it is given after an application for an adoption order is made;
- (b) notice given to the agency may at the same or any subsequent time state their wish not to be informed of any application for an adoption order; and
- (c) such a statement may be withdrawn.