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| Our Ref:  | Phone: Fax:  |

Dear

**YOUR MATTER**

We confirm our telephone attendance on you on .

We understand that your children are each the subject to a Care Order where parental responsibility has been allocated to the Minister until the age of 18 years.

We note that the children are all placed with carers . You have advised that have indicated their wish to adopt the children.

We note that you do not consent to the children being adopted.

**What is adoption?**

We confirm our advice that FaCS are likely to file an Application in the Supreme Court for the Adoption Order to be made.

The effect of an Adoption Order being made includes the following:

* Sole parental responsibility for the child to the persons named in the Order:
* The existing parental responsibility for the child (i.e. from the Minister) ceases to have effect;
* The child has the same rights to adoptive parents as their biological children would have;
* The birth parents are no longer regarded in law as parents of the child;
* Family and Community Services or non-government organisations are no longer involved with the family. The adoptive parents are now responsible for arranging contact and for all decisions with regard to the care of the child.
* Often the child’s surname will be changed;
* Child will usually be issued with a new birth certificate with the adoptive parents named as parents;
* There is no possibility for the birth parent to file a Section 90 Application seeking restoration of the child.

Some of the things the Court will look at when deciding whether to make an Adoption Order are:

* The children have been in the long term care of the carers;
* The children have established a stable relationship with the carers;
* The interest and welfare of the children would be promoted by the carers.

The Court can dispense with consent of a birth parent for a number of reasons, including if the child has an established relationship with their carers, and adoption will promote the child’s welfare.

The Court must have regard to the wishes of the birth parents but only in so far as determining what is in the best interests of the children.

**The Adoption Plan**

An Adoption Plan is the document which sets out the plans for your children if they are adopted – including the plan for your contact with the children.

You have provided us with a copy of the Adoption Plan that Family and Community Services (FaCS) are seeking your consent to.

We confirm our advice that the Adoption Plan satisfies the relevant legal requirements.

Optional -We confirm that FaCS had to include your other child *NAME* in the Adoption Plan as it is a requirement that any sibling contact be set out in the plan.

We note the Plan sets out that your current contact regime of supervised contact visits times per year will continue. There is some room for you to discuss future postal and telephone communication direct with the carers.

We confirm our advice that you can consent to the Adoption Plan without consenting to the adoption itself. The Plan is sent to you for consideration and your input as to the arrangements for your contact with the children.

If you agree to the Adoption Plan, once the Court proceedings have started you can ask the Court to “register” the Adoption Plan. If the Court agrees to register the Adoption Plan, the Plan has effect like it is an order of the Court – so if the carers don’t allow you to have contact with the child in accordance with the Adoption Plan, you might be able to go back to court to enforce the Plan.

**Court proceedings**

If FaCS file an application in Court, you will be served with a letter giving you “notice” that the court case has started.

**Please note that if you are served with a Notice of an application for an Adoption Order you only have fourteen (14) days from the date of the Notice to file a form called an “Appearance” with the Supreme Court indicating your wish to contest the Application. If you do not file this Notice within that timeframe it is likely that the Adoption Order will be made with no further notice to you. We suggest if you are served this paperwork that you obtain urgent legal advice.**

There is no guarantee that you will be granted Legal Aid for these proceedings. You will have to satisfy both our means and merits tests.

We have enclosed an application for Legal Aid.You should submit this form once you receive notice of the Court proceedings if you require legal representation.

Yours sincerely

Solicitor

**Encl.** Application for Legal Aid