

Inter-Agency Childcare Group
Post-Adoption Contact: An overview of the case-law in Northern Ireland

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Introduction

Precedent is a valuable stabilising influence in our legal system, but comparing the facts and outcomes of cases in this area of law can conceivably lead to a misuse of the only proper use of precedent viz to identify the relevant principles to apply to the facts as found. – Gillen J

In Re DJ and D (Freeing Order) [2001] NIFam 21 and also in *Re J (Freeing without consent)* [2002] NIFam 8

The evolution of the case-law

What is the court’s reasoning for having post-adoption contact?

Re L and O (Care Order) [2005] NIFam 18 – Gillen J

“...This witness emphasised that the purpose of direct contact in such circumstances would be to maintain genealogical identity and preserve the links between parents and children and between siblings. Contact can also help to reduce feelings of loss and rejection which are almost inevitable with adoption or other permanent forms of substitute parenting such as long term foster care.” [9]

“He has regularly appeared in the courts in Northern Ireland dealing with issues of attachment, the quality of contact and the benefits of long term foster care and adoption...”[6]

“extremely convincing and cogent witnesses who gave their evidence in a measured and considered fashion armed with a wealth of professional knowledge and experience” [14]

Down Lisburn Health and Social Services Trust and another v H and another [2006] UKHL 36 – Baroness Hale

“Interest began to develop in preserving some limited contact between an adopted child and her birth family. This might serve two rather different functions. One, which can often be accomplished by life story books and occasional letters and cards, is to help the adopted child develop her sense of identity and self as she grows up. Another, which may indicate the occasional face to face meeting, is to preserve significant attachments, prevent the feelings of loss and rejection which the child who remembers her birth family may feel if she is completely cut off from her past and help her not to worry about the family she has left behind, including siblings (see Department of Health, Adoption Now. Messages from Research, 1999). This form of contact requires the birth parents to be able to put their own feelings of grief and anger aside so that they do not use their contact to undermine the adoptive placement. But if they can do this it can be a great help to the child in making the transition to her new ‘family for life’.” [7]

Bronagh (a pseudonym) (Application to free for adoption) [2011] NIFam 2 – Stephen J

“The purpose of post adoption contact is to help a child with greater understanding of her life history and understanding of her parents, for instance that they remain in good health.”
[16]

ZH v Mr and Mrs H and a Health and Social Care Trust (Post adoption contact: Article 8 application: leave) [2016] NIFam 6 – Keegan J

“In this jurisdiction there has been a steady move towards open adoption. That is seen to be a good progression from the point of view of maintaining identity for adopted children.”
[40]

Adoption numbers and profile

The number of children adopted from care was at its highest in 2016/2017 when 120 children were adopted (Department of Health, 2018). Between 2007 and 2017 there were, on average, 80 children adopted from care in Northern Ireland; Figure 1 below shows how the numbers have varied over time with a recent upward trajectory (Department of Health, 2018).

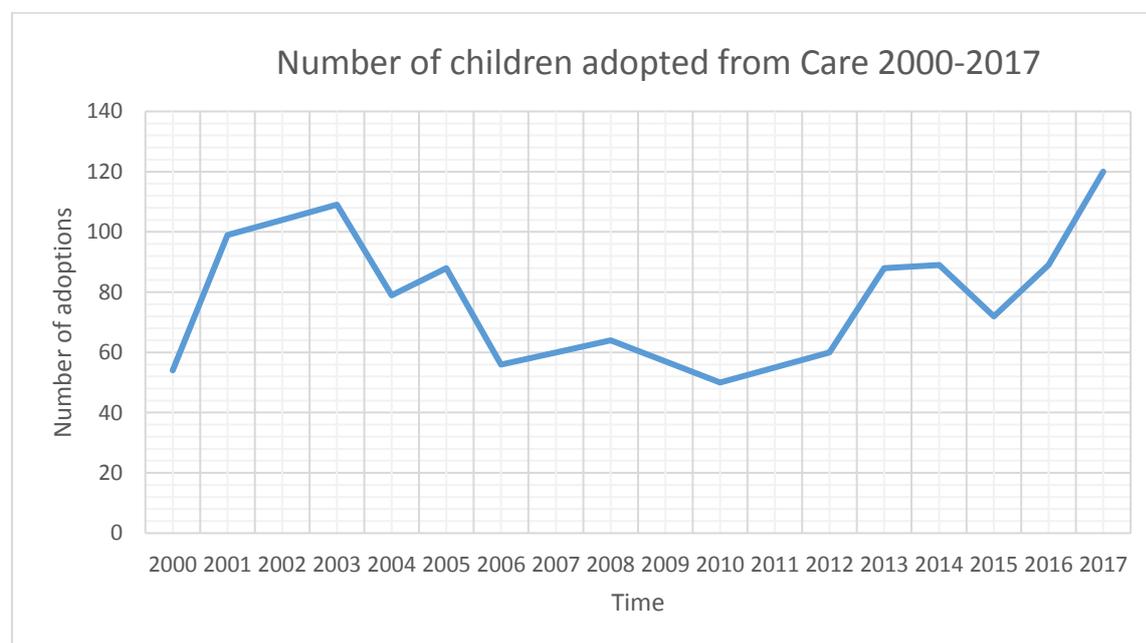


Figure 1: This chart is based on figures from Information Analysis Directorate: Children Adopted from Care in Northern Ireland 2016/17 – Revised, page 8, Figure 1.

A greater proportion of children adopted from care in Northern Ireland fall into the older age bracket between ages 5 and 9 than in England and Wales. Based on Department of Health statistics from 2013 to 2018, in Northern Ireland an average of 65.2% of children adopted from care from 2012/13-

2016/17 were aged between 1 and 4 years old and 32.6% were aged between 5 and 9 years old compared to 73.8% and 20.4% in England and 78% and 20.6% in Wales.¹

Post-adoption contact at the freeing

The role of post-adoption contact in the decision about adoption placements

Re Z and T (Freeing Order Application) [2005] NIFam 6

“...this case should conform to the norm approach which is that where a very high degree of post-adoption contact is required, then that undermines the appropriateness of the wholesale transfer in legal terms which adoption brings about” [para 21(3) p20]

Down Lisburn Health and Social Services Trust and another v H and another [2006] UKHL 36 – Baroness Hale (dissenting)

“The answer to the issue as posed in paragraph 9 earlier is obvious: yes, of course, the court has to take into account the child's need for contact with the birth parents in deciding whether adoption is in the best interests of the child. These days, as already indicated, adoption can take many different forms. In many cases, particularly those where the child has a significant history, it is not enough for the court to decide in a vacuum whether ‘adoption’ is in the best interests of the child. It must decide what sort of adoption will best serve her interests. If the court takes the view that some form of open adoption will be best, then it will have to take that into account in deciding whether it will accord with its most important consideration, the welfare of the child, to make an order freeing the child for adoption before there is any evidence available of the efforts made to secure the right sort of adoptive placement and to prepare both families for it. The court may, of course, take the view that the need to free the child for adoption is so pressing that this should be done even if it is not yet known whether an open adoption will be possible.” [27]

In the matter of S and T (care, freeing, post adoption contact) [2017] NIFam 15 – O’Hara J

There is a point of practice in this case which I consider merits some articulation. The fact that the children are not placed yet makes this a classic Down Lisburn case. The point there was that no guarantees could be made regarding post adoption contact in the absence of an identified placement and the birth parents in the Down Lisburn case were ultimately joined to the adoption hearing to secure their contact. [24]

¹ Department of Health, Information Analysis Directorate, *Children Adopted from Care in Northern Ireland 2012/13 – 2016/17 – Revised, Statistical Bulletins*, Community Information Branch. Available at: <https://www.health-ni.gov.uk/publications/children-adopted-care-northern-ireland-201617> (Accessed 25 July 2018).

In this case contact is a live issue. It is hard to say what exactly will happen in the future and I consider that there should be a flexible emphasis on post adoption contact in these cases. I have examined that issue in the case of *ZH v Mr and Mrs H A Health & Social Care Trust* [2016] NI Fam 6. I am content that adopters will only be sought that are open to post adoption contact. I am also content that final arrangements will be settled after placement. The aspiration is However, that will obviously depend on how the children have settled and the stability of the parents. I note that the Trust has given an undertaking to inform the parents through their solicitors of the adoption application. I consider that course to be appropriate in a case such as this where placement is not identified at the freeing stage. That does not automatically mean that the parents will become parties to the adoption. I will review this adoption file prior to hearing and decide as to the appropriate case management. The Trust has agreed to include a note regarding contact with the papers. I am confident that [the Trust] will do [their] best to establish contact arrangements on a consensual basis but if not I will deal with the issue at an appropriate stage. [25]

The role of post-adoption contact in whether a parent is unreasonably withholding consent

Down Lisburn Health and Social Services Trust and another v H and another [2006] UKHL 36 – Baroness Hale (dissenting) para 28; Lord Carswell para 66, 67

WH SCT v N and M [2016] NIFam 11 McBride

On what may be taken into account when determining whether a parent is unreasonably withholding consent see para 35-41, contact remains a relevant factor to consider [41]

Note para [84] in considering whether the trial judge had erred in an application of the law to the particular facts, it was noted that in considering whether the parents were unreasonably withholding consent the learned trial judge considered a number of factors including “the fact that this was a case for direct post-adoption contact”

[89] “Whilst the court accepts that two reasonable parents can perfectly reasonably come to opposite conclusions on the same set of facts without forfeiting their title to be regarded as reasonable, it finds that on the facts in the present case, there is only one reasonable view and that is that the child ... should be adopted. This is in accordance with [their] welfare, in circumstances where there is no realistic prospect of rehabilitation, no legitimate sense of grievance and *where the connection with the parents will be continued through direct post-adoption contact.*” (emphasis added)

Levels and nature of post adoption contact – what are the considerations?

1. Contact is for the benefit of the child

Adoption Order 1987

9. Duty to promote welfare of child

In deciding on any course of action in relation to the adoption of a child, a court or adoption agency shall regard the welfare of the child as the most important consideration and shall—

(a) have regard to all the circumstances, full consideration being given to—

(i) the need to be satisfied that adoption, or adoption by a particular person or persons, will be in the best interests of the child; and

(ii) the need to safeguard and promote the welfare of the child throughout his childhood; and

(iii) the importance of providing the child with a stable and harmonious home; and

(b) so far as practicable, first ascertain the wishes and feelings of the child regarding the decision and give due consideration to them, having regard to his age and understanding.

ZH v Mr and Mrs H and a Health and Social Care Trust (Post adoption contact: Article 8 application: leave) [2016] NIFam 6 - Keegan J [42] “The contact is for the benefit of the child”

Re: Kate and William – reduction of post adoption contact [2017] NIFam 13 – O’Hara J

“Arrangements as to contact should not include provision for excessive contact which is not in the interests of children.” [16]

Re J L-P’s Application [2004] NICA 35

“It appears to us that where such contact is likely to benefit the child, it should only exceptionally be denied” [16]

2. Contact should not impact the stability of the placement

Re G and Re S (Care Order, Freeing without consent, contact) [2001] NIFam 14 Gillen J

“More frequent contact in the circumstances of my orders would I believe undermine the sense of stability which these orders are meant to create and would only cause confusion in the mind of the children”

Re L and O (Care Order) [2005] NIFam 18 – Gillen J

Summarising expert evidence on the issue of post-adoption contact

“... X emphasised that direct contact is not meant to a form of shared parenting. One of the reasons why adoptive parents bring a greater commitment to the task than long term foster carers indeed is the sense of being in control of the situation and that their family boundaries are kept almost in tact. The children also need to settle down for good and come to organise their lives around their new family without too many distractions.” [9]

ZH v Mr and Mrs H and a Health and Social Care Trust (Post adoption contact: Article 8 application: leave) [2016] NIFam 6 – Keegan J

“The issue of the frequency of post-adoption contact is often a contentious matter. This requires a determination of the level of contact which serves the best interests of the children in adoptive placements. In this analysis consideration should be given to the fact that any contact requires a preparation and a recovery period and so it is important not to set a level of contact that is too high or unmanageable.” [37]

“If an Adoption Order is made then one should not overload the adoptive family with too many arrangements and there should not be an undermining of the control of adoptive parents.” [42]

3. The views of the prospective adopters

Re E and M [2001] NIFam 2 Higgins J comment in the course of discussions about a specific factual scenario:

“Open adoption requires not just the agreement and co-operation of natural parents but also the agreement and commitment of the prospective adoptive parents. The concept of open adoption is relatively recent in Northern Ireland and is not catered for in the adoption legislation framework of the Adoption Order 1987.”

Re J L-P's Application [2004] NICA 35

[14] Mr Donaldson QC for the appellant submitted that a court should generally order direct contact only where the adoptive parent agrees to it. In advancing this argument he relied principally on the speech of Lord Ackner in *Re C* [1989] AC 1 at 17/18.... C's mother withheld her consent to her adoption on the ground that it might weaken this relationship [*with her sibling*]. Lord Ackner said: -

"It seems to me essential that, in order to safeguard and promote the welfare of the child throughout his childhood, the court should retain the maximum flexibility given to it by the Act and that unnecessary fetters should not be placed upon the exercise of the discretion entrusted to it by Parliament. The cases to which I have referred illustrate circumstances in which it was clearly in the best interests of the child to allow access to a member of the child's natural family. The cases rightly stress that in normal circumstances it is desirable that there should be a complete break, but that each case has to be considered on its own particular facts. No doubt the court will not, except in the most exceptional case, impose terms or conditions as to access to members of the child's natural family to which the adopting parents do not agree. To do so would be to create a potentially frictional situation which would be hardly likely to safeguard or promote the welfare of the child. Where no agreement is forthcoming the court will, with very rare exceptions, have to choose between making an adoption order without terms or conditions as to access, or to refuse to make such an order and seek to safeguard access through some other machinery, such as wardship. To do otherwise would be merely inviting future and almost immediate litigation."

[15] It is apparent from this passage that the then prevailing view was that there should be a complete break from the natural family on adoption. It was for this reason that Lord Ackner considered that an order requiring adoptive parents to allow, against their wishes, access to the adopted child by blood relatives should only exceptionally be made. Even

then, however, it was recognised that such a rule required to be heavily qualified. It was subject to the overriding consideration of what was in the best interests of the child and the precept that each case had to be decided on its own particular facts.

[16] It is now recognised that contact with a natural grandparent is generally in the interests of the child. This calls for a radically different approach from that suggested by Lord Ackner. It appears to us that where such contact is likely to benefit the child, it should only exceptionally be denied, especially where the basis on which it is resisted is opposition from the adoptive parent. In such circumstances it seems to us that, generally, contact should only be refused when it can be shown that this is likely to harm the child.

Re L and O (Care Order) [2005] NIFam 18 – Gillen J

Prospective adopters “have a right to have their views clearly brought before me and I have taken them very much into account. On the other hand, I must recognise that in matters of contact, the paramount interest must remain that of the children.” [62]

In the Matter of J (Care Order) [2008] NIFam 11 Gillen J

“He recognised that any prospective adoptive family would have to take on board the need for ongoing contact with the current primary carer as well as the family. Any post adoption contact would have to be considered in light of the attitude of the birth family to any adoption that would be ordered by the court. I share these views” [94]

In the matter of TMH (Freeing without consent) [2009] NIFam 11 – Stephen J – para [27]

Bronagh (a pseudonym) (Application to free for adoption) [2011] NIFam 2 – Stephen J – para [15] notes the prospective adopters agree

4. The views of the child

Adoption Order 1987 article 9(1)(b)

In the Matter of S (Care Order: Care Plan: Contact) [2006] NIFam 4 – Gillen at para 30 see comments relating to a 10 and 12 year old refusing direct contact, considered it should not be forced upon them.

5. Contact should not undermine the placement

Re L and O (Care Order) [2005] NIFam 18

Summary of the expert evidence

“When contact is properly carried out, it appears to pose no threat to a new adoptive or long term foster care placement. However equally so it is important that for direct contact to work the parents, and other birth relatives, must come to accept and support the adoption or long term foster care without any qualifications or reservations. There is no place for undermining the adopters or long term foster carers for that matter.” [9]

Re L2 and O (Post adoption Contact) [2007] NIFam 12 – Morgan J Balanced the benefit of contact against the risk of the placement being undermined in an application for a contact order under Article 8 of Children (Northern Ireland) Order 1995.

Re P and C [2005] NIFam 11- Gillen J

“... I am firmly convinced that wherever possible post adoption contact of a direct nature between birth parent and child should be invoked provided no attempt is made to undermine the placement, that the parties have addressed [issues within the case] to the extent that contact can take place safely and harmoniously and that they recognise the purpose is to aid the child to come to terms with her or her new placement whilst at the same time affording confidence and reassurance about the welfare of the birth parents.” [47]

In the Matter of G and A (Care Order: Freeing order: Parents with a learning disability) [2006] NIFam 8 - Gillen

“I believe that the guardian ad litem has approached the question of contact in the aftermath of the freeing application and post adoption contact in the appropriate way.” [91]

GAL evidence [64] (ii)

“In terms of contact post a freeing order and subsequently an adoption order, it was her view that direct contact needed to be considered in the context of whether the parents were in a position to support any placement. That decision about contact should therefore be in her view a considered response. The adoptive parents attitudes was also an important variable. It was her view that direct contact 2/3 times per year was a reasonable aim but it would depend on the ability of the birth parents to engage with counselling to promote the placement. In her view it was too soon to make a judgment call on this matter. She agreed that it was essential to select adopters who favoured post adoption contact whilst at the same time recognising that too much contact was de-stabliishing for adopters.”

In the Matter of J (Care Order) [2008] NIFam 11 Gillen J

“Any post adoption contact would have to be considered in light of the attitude of the birth family to any adoption that would be ordered by the court. I share these views” [94]

In the matter of TMH (Freeing without consent) [2009] NIFam 11 – Stephen J [27]

ZH v Mr and Mrs H and a Health and Social Care Trust (Post adoption contact: Article 8 application: leave) [2016] NIFam 6 – Keegan J

“[*Baroness Hale*] also points to the fact that there has to be a requirement on the part of the former parent not to undermine the placement by means of post adoption contact otherwise the contact cannot take place.” Referring to Down and Lisburn [33]

“The birth parents should provide emotional support and approval to the child in relation to the adoption giving permission for the child to attach to the adoptive parents” [42]

6. Continuity between siblings placed together

Re G and Re S (Care Order, Freeing without consent, contact) [2001] NIFam 14

“... I think it is important that contact remain at the same level to avoid sibling rivalry and misunderstandings if the two of them are not treated in the same way in the context of contact.” – may vary according to needs of the children the level of direct and indirect and the location.

When are decisions made?

Set out post freeing contact plan which approves of and said “Clearly the matter will be revisited if and when adoption proceedings are instituted.” *Re: DJ and D (Freeing Order)* [2001] NIFam 21

Re S and C (Care Order: Freeing for Adoption) [2005] NIFam 15 para 20 Gillen J

“I have looked at the question of contact. I recognise that I can make no final decision on the question of contact post adoption until these children have been adopted, However it may be appropriate to indicate that my views on contact.... However I stress that these matter cannot be finalised until the adoption hearing”

Re L and O (Care Order) [2005] NIFam 18 – Gillen J

“I am of course not permitted to make any ruling about post-adoption contact until the adoption has occurred and these views that I express are simply tentative options pending the adoption” [62]

Re P and C [2005] NIFam 11-Gillen J

“Whilst it is inappropriate for me to look at the question of contact post adoption until these children come before the court for adoption.... I therefore consider that the Trust should strongly consider the possibility of direct contact if these circumstances permit albeit no final decision can be taken until the adoption hearing.... Inter-sibling contact is a good concept provided it is working in practice.” [47]

In the Matter of G and A (Care Order: Freeing order: Parents with a learning disability) [2006] NIFam 8 - Gillen

... The right time to consider what kind of contact natural parents are to have to children being adopted is on the occasion adoption is under consideration (see *Down Lisburn Health and Social Services Trust and H & R* (2005) NICA 47(2) Campbell LJ at para 22... [94]

Re T and E (Freeing Order) [2006] NIFam 13 – Gillen

“I consider that whilst it is not possible for me hearing this freeing adoption to made an order about contact after the adoption, I can express the view that the proposals for contact post freeing made by the Trust seem eminently sensible to me and should be implemented forthwith.” [15] (vi)

Re T (Freeing Order; Contact; Delay; Trust Minute Taking) [2006] NIFam 17 Gillen

The final decision about contact post adoption can of course only be made at the adoption hearing stage. [38]

ZH v Mr and Mrs H and a Health and Social Care Trust (Post adoption contact: Article 8 application: leave) [2016] NIFam 6

“The practice in Northern Ireland has been for the courts to consider post adoption contact at the freeing stage” [34]

A Health and Social Services Trust v X [2018] NIFam 3 – Her Honour Judge Smyth at para 43 “I approve the arrangements for contact.”

Practical issues

ZH v Mr and Mrs H and a Health and Social Care Trust (Post adoption contact: Article 8 application: leave) [2016] NIFam 6

“The process in Northern Ireland has also been that where possible the birth parent should be encouraged to meet the prospective adopters because in the experience of the courts that has led to a better understanding of adoption and a mutual respect.” [37]

Down Lisburn Health and Social Services Trust and another v H and another [2006] UKHL 36 – Baroness Hale (dissenting)

“A second misconception is that it is not possible to run proceedings, whether for adoption or for freeing, in such a way that the parents and prospective adopters are able to hear and to challenge one another's evidence. There are many different ways of conducting contested adoption proceedings and the procedures can be adapted to the particular needs of each case. But it is common practice in the Family Division of the High Court in England and Wales for the prospective adopters to listen to the proceedings in another room while the parents give evidence and for the positions to be reversed when or if the prospective adopters give their evidence. This enables issues such as contact to be properly explored between the very people who will have to make it work if it is to happen at all. It also enables each to understand the other's point of view much more clearly than they can from the papers. Each becomes a person rather than the ogre or the threat they may previously have been.” [37]

The form decisions about post adoption contact take and the effect of that form

In the Matter of G and A (Care Order: Freeing order: Parents with a learning disability) [2006] NIFam 8 - Gillen

....but I believe that the flexibility of the no order principle in this regard is vital. Matters must be assessed as events unfold. [91]

Re T and E (Freeing Order) [2006] NIFam 13 – Gillen

“There is no need for an order to this effect as the Trust may need to react flexibly to the reactions of the birth mother to the consequences of my order.”

Re T (Freeing Order; Contact; Delay; Trust Minute Taking) [2006] NIFam 17 Gillen

“I do not believe there is any need for an order to this effect in that the flexibility of the no order principle should operate in this instance. I therefore encourage the Trust to adopt the approach which they have outlined before this court...” [37]

In the matter of TMH (Freeing without consent) [2009] NIFam 11 – Stephen J [54] no order to allow flexibility

AC and CH’s Application [2015] NIFam 9 – O’Hara

“It should be understood however by all of the parents that it cannot be guaranteed that contact will inevitably continue indefinitely. There can be any number of reasons for the approach to contact to change. If things so change a birth parent... can seek leave from the court to pursue a contact order but that is a relatively untested area in the current era of open adoptions. He and others in similar positions must understand that if adoptive parents offer reasonable and coherent reasons for stopping or reducing contact judges are likely to be very slow to find against them.” [21]

Ms BB v Mr and Mrs A [2015] NIFam 17 O’Hara

“It is important to note the limits to this agreement which is better described as an understanding...” “it has always remained a decision for the parents who have full legal responsibility for [*subject child*] as to whether they would allow indirect contact to continue or develop and, if they did so, on what terms.” [4]

ZH v Mr and Mrs H and a Health and Social Care Trust (Post adoption contact: Article 8 application: leave) [2016] NIFam 6

“It is correct to say that in our jurisdiction it is unusual for a contact order to be made in adoption proceedings. That is because of the inherent inflexibility of an order.” [36]

“However, the practice in this jurisdiction has not been to make adoption contact orders on a regular basis. It is often the case that an agreement is set out in writing or in a care plan as in this case. It is the practice in this jurisdiction that contact arrangements are managed by post-adoption services operated within the Trusts. I consider that orders are really only employed when agreements have been broken or where the court considers that may be a possibility.” [40]

“I consider that those proposals freely given for such contact are more than adequate to meet the Trust’s obligations and if they were to resile from contact along these lines then an appropriate application might be made.” “...there is a need for flexibility in approach without immediate recourse to the court.” [56]

Re Kate and William – reduction of post adoption contact [2017] NIFam 13

“It also needs to be recognised that many cases are resolved without taking up an undue amount of court time on the basis of these agreements. Thus a parent who might not formally consent to a care order or to a freeing order will not actively oppose it, or at least not oppose it strenuously, if there is an agreement which he/she can rely on as to contact. That agreement is deliberately not a guarantee – too many things can change over the years for it ever to have that status – but it represents a way of going forward with a degree of confidence.” [15]

“...Agreements as to contact should not include provision for excessive contact which is not in the interests of the children. Nor should whatever agreement on contact is reached then be altered by an early reduction of that contact in the

absence of any developments which are genuinely fresh or significant enough to warrant such alterations.” [16]

Applications after the freeing (and after the adoption)

Applications in relation to contact

At the adoption

In the matter of C and D Children [2016] NIFam 3 – O’Hara J

In this jurisdiction the only issue on which birth parents have made any representations at or near the time of adoption hearings is in relation to contact. Even that has been a recent and limited development in the context of the increased frequency of post adoption contact...” [32]

After the adoption

On the issue of leave see Children (Northern Ireland) Order 1995 Article 10 and the recent decisions in ZH [2016] and AC [2015]. Note the issue, recognised in ZH that a hearing could damage the relationships between adults [46].

AC and CH’s Application [2015] NIFam 9 – O’Hara

”...if adoptive parents offer reasonable and coherent reasons for stopping or reducing contact judges are likely to be very slow to find against them.” [21]

Ms BB v Mr and Mrs A [2015] NIFam 17 O’Hara (note on the facts the birth parent did not succeed)

“I accept Mr Ritchie’s well-reasoned and presented analysis of the applicable principles in this type of case, which may become more common in an era of open adoptions.” [8]

“Mr T Ritchie appeared for the applicant whose essential contention is that whether one describes it as an agreement or understanding the indirect contact, which was outlined at the time of the freeing hearing and which was then approved at the time of the actual adoption, should continue unless there is evidence that contact would be damaging to P. The rationale for this, he submitted, is that contact may be of fundamental importance to the long term development of the child for any or all of the reasons expressed by Lord Carswell in his decision in *Down Lisburn Health and Social Services Trust v H* [2006] UKHL 36 at paragraph [44]. Those reasons include the fact that contact can contribute to reassurance and security and the feeling of identity for adopted children. It can also help to dispel feelings of rejection. Mr Ritchie further submitted that contact should continue in order to protect the child’s rights over and above those of the parents who might wrongly want to exclude the birth mother from their child’s life even if that is not in the best interests of their child. The fact that the child’s interests have to be prioritised as the determining factor in every case reflects the provisions which are found in the Children (NI) Order 1995, Article 8 of the European Convention on Human Rights and Article 8 of the United Nations Convention on the Rights of the Child. It has also been recognised repeatedly in the judgments of courts at all levels in this jurisdiction and beyond.” [7]

“In the event that further applications of this type are brought in other cases here children have been adopted, it will be helpful for the position of the parents to be articulated at the

earliest opportunity through an organisation such as a Trust or the Family Care Society. In that way the grant of leave to proceed with an application can be made on an informed basis” [16]

Information and identity

ZS v A Health and Social Services Trust (Adoption: genetic identity: declaratory relief) [2018] NIFam 9

Re A (Adoption: Disclosure of Reports of Guardian Ad Litem and Adoption Agency or Board) (2002) NIFam 5

P (Foreign adoption: Original documents from country of origin) [2011] NIFam 17

European Convention on Adoption 2008 (UK is a signatory but has not ratified this) Article 22

Adoption Order 1987

The Adoption Agencies Regulations (NI) 1989

UN Convention on the Rights of the Child – Article 7

ECHR – Article 8 and related jurisprudence (*Gaskin v UK* [1990] 12 EHRR; *Odievre v France* [2004] 38 EHRR 43; *Jaggi v Switzerland* [2008] 47 EHRR 30; *Phinikaridou v Cyprus* [2007] ECHR 23890/09)

Human rights and post-adoption contact

Yousef v The Netherlands [2003] 1 FLR 210 – when rights conflict the interests of children should prevail

Re A (A Child) (Adoption: Human Rights) [2015] EWHC 2609 also known as “*Seddon v Oldham*” [2015]

TJ (Relinquished Baby: Sibling Contact) [2017] EWFC 6

ZH v Mr and Mrs H and a Health and Social Care Trust (Post adoption contact: Article 8 application: leave) [2016] NIFam 6 see comment at para [47] in relation to half siblings