



**Is adoption legislation
necessary?
An introduction to a
century of debate**

Professor Harriet Ward

About Professor Harriet Ward CBE

Harriet Ward is Emeritus Professor of Child and Family Research at Loughborough University and an Honorary Research Fellow at the Rees Centre, University of Oxford.

In 2002 she founded Loughborough's Centre for Child and Family Research (CCFR), an independently funded research centre designed to produce methodologically sound, policy relevant research on issues concerning children's social care. She directed the Centre until she stepped down in 2014.

Harriet has over 30 years of experience both as a research director and field researcher, as an adviser to policymakers and service providers, and as a social work practitioner. She was academic adviser to the joint DH/DfE research initiative on safeguarding children and chaired the DfE working party on neglect. She has given invited expert evidence to parliamentary committees and inquiries on looked after children, child and family social work, child protection and foster care.

She represents England on the Board of EUSARF (European Scientific Association on Residential and Family Care for Children and Adolescents), and is a founder member of the international network of research on transitions to adulthood from care (INTRAC). In 2019 she co-founded the International Research Network on Infants and Child Protection Systems (<https://www.irnicp.org>), which she co-directs. She has a EUSARF lifetime achievement award and was awarded a CBE for services to children and families in 2012.

Harriet is currently researching how the adoption of children has developed in this country over the last hundred years for her forthcoming book: *A Centenary of Adoption in England and Wales: Present and Future Implications of Past Policy, Practice and Experience* (forthcoming) London: Coram.

About Coram

This report is published by the **Coram Institute for Children**, the dedicated research and development organisation for children.

Established as the Foundling Hospital in 1739, Coram is today a vibrant charity group of specialist organisations, supporting hundreds of thousands of children, young people and families every year. We champion children's rights and wellbeing, making lives better through legal support, advocacy, adoption and our range of therapeutic, educational and cultural programmes.

Coram's vision for children is a society where every child has the best possible chance in life, regardless of their background or circumstances.

Building on our legacy as the first and longest continuing children's charity, the new **Coram Institute for Children** is instrumental in realising this vision by acting as a catalyst for change and collaboration, seeking evidence-based solutions to the challenges facing children in the 21st century in policy, law and practice.

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The Adoption Act 1926 introduced formal adoption to England and Wales and 100 years on and in the context of further legislative and social development, it is timely to review how it has evolved and the place of adoption in England and Wales today.

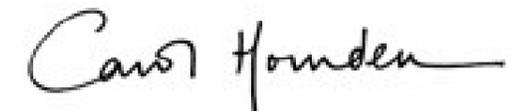
This paper is the first in a series of reflections as part of the programme convened by children's charity Coram (formerly The Foundling Hospital) addressing the experiences through time of all affected by adoption, the academic study and development of research and contemporary practice to inform how adoption might continue and advance in future.

In reviewing the legal framework, debates and consequences, this initial paper by the distinguished social policy academic, Professor Harriet Ward, draws extensively on testimonies from adoptees, adoptive parents and birth parents, collected by Coram to mark the centenary of adoption.

It introduces the reader to the continuing consideration of key issues such as the circumstances under which parental rights can be permanently transferred from birth to adoptive parents; the pros and cons of continuing relationships between adoptees and birth family members; reasons why adoptive parents should be thoroughly assessed; and the need for post adoption support.

The paper is a prelude to the forthcoming book by Professor Ward to be published by Coram, which explores how these issues have been addressed, providing an updated history of the development of adoption through the last hundred years. I would like to thank Professor Ward for her contribution to all aspects of the Centenary of Adoption programme and in particular for this paper which will be an invaluable foundation for further reflection on the importance of adoption today and how it can meet the needs of children in the future.

For further information about the Centenary of Adoption Programme see adoptionstory.org.uk/



Dame Carol Homden DBE PhD
Group Chief Executive



The Adoption of Children Act 1926 introduced, for the first time in England and Wales, a legal process through which parental rights and responsibilities for a child could be permanently transferred from birth parents to adoptive parents.

However, In order to make sense of current debates, it is important to acknowledge that, throughout the century (and beyond) adoption has fulfilled two different purposes – as a solution to socio-economic problems and stigmatisation that have made it difficult for single women to bring up children without support from family members, and as one element in a wider child protection system, designed to offer permanency to abused and neglected children in care who cannot safely return to their birth parents.

Informal unregulated adoption of children had been widespread for centuries before the 1926 Act was introduced. An increase in illegitimate births following the relaxation of social mores during the First World War made this practice more visible, and concerns grew about a growing trade in infants who were unprotected by their birth families. From the 1890s onwards there had also been pressure, particularly from the children's voluntary societies, to introduce legislation that transferred parental rights and responsibilities permanently to adoptive parents, in order to prevent abused and neglected children in care from being reclaimed by birth parents. The legislation was necessary to protect vulnerable children from exploitation by unscrupulous adults; to secure permanence for children in care who could not live with birth parents; and to ensure that birth parents who relinquished their children had genuinely consented to do so.

The number of adoptions rose until 1968, when there were nearly 28,000 and has since fallen; in England there are now about 3,000 annually, about the same number as there were in 1927.

Improved employment opportunities, better support from the state, fewer unwanted pregnancies and the de-stigmatisation of illegitimacy have all meant that far fewer infants are relinquished by birth parents, although this still occurs.

The vast majority of adoptions in England and Wales today are of maltreated children in out-of-home care, who cannot safely return home within an appropriate timeframe. In order to preserve links with family and culture, more children are now placed with relatives on Special Guardianship Orders, but these are less stable than adoptions and not all relatives are able to meet their needs. Adoption therefore remains an important element of the child protection system for looked after children who have no relatives with the capacity to support them, and for whom the alternative is not to return home, but to remain in care until they reach adulthood. The contribution to society of all those who have provided love and support for our most vulnerable children is and continues to be extraordinary.

Over the last century adoption has continually changed in response to the perennial issues it raises. In the future, practice and policy will need to adapt to take greater account of the needs of maltreated children adopted from care who, together with their carers, require long-term post adoption support to address the consequences of early trauma.

Adoption is progressively becoming more open as contact with birth family members is supported and information is more available. Both these issues will have implications for recruitment and training of adopters and practitioners in their essential role to support long term security and identity for children in care who cannot return safely to birth parents and who have no relatives able to provide them with a safe permanent home.

The Adoption of Children Act 1926 introduced for the first time in England and Wales a legal process by which the rights and responsibilities for a child could be transferred from birth parents to adoptive parents. It gave adoptive parents the same rights and responsibilities as birth parents; it secured the child's new position within their adoptive family and it prevented birth family members from reclaiming their children.

However, this deceptively simple description of the outcomes of the introduction of adoption legislation hides a wealth of complexity. Adoption arouses strong emotions, for it has a life changing impact on all the parties involved. Throughout the hundred years that have passed since the legislation was first introduced, the pros and cons of placing children for adoption have been hotly debated and parliamentary committees, legislators and professionals have struggled with such issues as the perceived need for secrecy or transparency, the desirability of post adoption contact with birth family members, appropriate criteria for the selection of adoptive parents, the need for post adoption support, the need to ensure birth parents freely give consent and the grounds under which such consent can be dispensed with. Those who have been personally affected by adoption have increasingly participated in the debate. Most of these issues are still debated today; it seems unlikely that they will ever be resolved, for they raise contentious questions to which there is rarely an obvious answer, and adoption itself has changed over time and will continue to do so.

These, and other similar issues, are explored in detail in the forthcoming book[1]. This introduction attempts to shed some light on the debate by focusing on three questions:

Was it necessary to introduce adoption legislation a hundred years ago? Should the practice now be abandoned, or is there still a place for adoption in England and Wales today? And if so, how is adoption likely to continue in the future?

As part of its Adoption Centenary Programme, the children's charity, Coram, has invited those touched by adoption (adopted people, adoptive parents, birth family members and others) to tell their personal stories. These constitute the Coram Adoption Centenary Archive which aims to bring together 100 stories of adoption from across the years. This paper draws extensively on these testimonials to illustrate how adoption legislation, policy and practice, and the changes that have occurred over the last century are reflected in the personal experiences of those involved.

Purpose of adoption

The questions this paper attempts to address cannot be adequately answered without taking account of two different views of the primary purpose of adoption that have shaped legislation, policy and practice over the course of the last century. On the one hand, adoption has been (and still is) seen as an integral element of a child protection system, designed to provide legal, residential and relational permanence for abused and neglected children in the care of the state, charities or other third parties who cannot return safely to their birth families within an acceptable timeframe (Palacios et al, 2019).

On the other hand, a parallel strand of thought also, and often primarily, has seen adoption as a solution to 'the problem of the unwanted child' (a phrase in common use until the end of the twentieth century) in that it relieved single mothers of responsibilities they could not meet if they had no support from their families or the state, it provided illegitimate children with homes and opportunities that their mothers could not offer, and it fulfilled the needs of childless couples – originally thought by some, though not all, participants to be a perfect solution for all concerned.

As we shall see, these two strands of thought are not mutually exclusive - but it is easier to make sense of the current debate concerning adoption in England and Wales[2], and its historical antecedents, if these two different perspectives - adoption as part of the child protection system, and adoption as a solution to socio-economic problems in the wider society - are acknowledged. If we look back over time, the history of adoption as an element in the child protection system reflects changes in our understanding of the needs of the population of abused and neglected children - and particularly those in out of home care, while the history of adoption as a solution to societal problems reflects changes in attitudes to illegitimacy and altered perspectives on issues such as women's rights and their position in the labour force and the responsibilities of fathers, other family members and the wider society to provide single mothers and their children with adequate support.

The case studies below, from the Coram Adoption Centenary Archive, illustrate how adoption has been applied for children in very disparate circumstances.

Carole's father deserted his family. Her mother was unable to care for her eight children alone, so 'gave her away' and placed her for adoption in 1942.

Sharon's mother was fourteen when she was born in 1965; her father was in his thirties. When her pregnancy was discovered, Sharon's mother was sent to a home for pregnant teenagers and none of her friends were allowed to associate with her. She had to relinquish Sharon soon after the birth, and her baby was adopted at six weeks old.

Joe experienced neglect and violence in his birth family and was taken into care. He spent time in two foster homes and was further abused in one of them. He moved to live with his adoptive family in 1992 when he was nearly eight years old.

[1]Ward, H. (forthcoming) *A Century of Adoption in England and Wales: Present and future implications of past policy, practice and experience*, London: Coram

[2]Scotland and Northern Ireland had slightly different legislation, introduced at different times. Much of the debate in these and other countries has covered similar issues to those explored in this introductory paper, which focusses specifically on England and Wales.

Was it necessary to introduce the Adoption Act 1926?

Informal adoptions

Although the 1926 Act provided for the first time a legal framework for the adoption of children in England and Wales, informal adoptions had always been a relatively common practice, as is evident by the frequency with which they occur in English literature: for instance, Henry Fielding's Tom Jones[3], Emily Bronte's Heathcliff[4] and Oscar Wilde's Jack Worthing[5] were all adopted. An unknown number of these informal adoptions were unofficial private arrangements made between individuals, or semi-official arrangements made between a doctor, clergyman or other person in authority and the birth mother and adoptive parents, both of whom were known to them. However, such arrangements were not supported by legislation that transferred the rights and responsibilities for a child from birth parents to adoptive parents. As a result, birth parents could, and sometimes did, reclaim children who had been brought up by others, and adoptive parents sometimes abandoned children or returned them to birth parents or orphanages if they proved to be 'unsatisfactory'.

There were also financial considerations: before the introduction of the welfare state, children were often seen as commodities, and parent-child relationships were viewed as more transactional than they are today – those who had gone to the expense of bringing up a child could expect to benefit from their wages as they grew older and from their support in old age. Indeed, under the Poor Law, until the introduction of the National Assistance Act, 1948, adult children were financially responsible for impoverished parents and grandparents and could be prosecuted if they failed to support them. Moreover, parents had a reciprocal responsibility to support their children; those who failed to do so had also forfeited their right to custody (Blackstone, 1765).

It was thought to be grossly unfair that, without a formal adoption order, foster parents who had looked after a child since babyhood might be forced to return them to birth parents who came to reclaim them once they were old enough to contribute to the household income.

'A girl marries or a girl deserts her child. The foster parent says 'I will keep this child as one of my own'. Sometimes they give an extraordinarily good home to the child...When the child is about fourteen or fifteen, down swoops the mother'

(Mrs R P Wethered Associated Societies for the Care and Maintenance of Infants, Evidence to Hopkinson Committee, 1920, p17-18)

The role of the voluntary societies: semi-formal adoptions

Mrs Wethered was speaking to the first Parliamentary Committee on the adoption of children in 1920. She was speaking from her own experience but also presenting recommendations agreed by most of the major children's voluntary societies, including the Waifs and Strays Society (now the Children's Society) and Dr Stephenson's Home (now Action for Children). (Coram was not part of this consortium). In the late nineteenth and early twentieth centuries the death of a parent was often a catastrophe that broke up the family: widowers could not find childcare unless they remarried, and widows could rarely earn enough to support their children. Other single parents such as unmarried mothers (and also divorced and separated wives) additionally faced ostracism and stigma, reducing their employment prospects still further. Statutory relief provided by the Poor Law was inadequate, punitive and stigmatising.

Although relatives often helped out, thousands of orphans and children of single parents grew up away from their families, many in poor law institutions or with private foster carers, but many others in orphanages, large residential homes or foster homes run by these and other children's charities.

From the mid to late nineteenth century, when most were founded, until this day, they have played a major role in shaping child protection policy and practice; until the late twentieth century they played a leading role in providing care. In 1948, when local authority children's departments were introduced, children's charities looked after at least a third of all children in out of home care (Curtis, 1946).

The children's charities represented different branches of the Christian church and had a strong evangelical tradition. Their aim was not only to rescue the children of the poor from semi-starvation, homelessness and disease, but also to save their souls. Children who entered their homes were given a strong Christian upbringing and taught the habits of cleanliness, obedience and subservience that the societies' middle class supporters expected of their servants.

At a time when poverty was, in itself, considered to be an indicator of moral failure, it was easy to view parents who were unable to maintain their children as 'unfit'; many of the charities operated policies designed to sever the relationship between children and parents whom they regarded as a pernicious influence. Parents who asked for help from the voluntary societies in the late nineteenth and early twentieth centuries were required to sign an agreement that had the appearance, though not, until 1891, the authority, of a legal document, committing the child to their care until they reached their teens, and permitting the charity to place them anywhere in the UK (or the colonies in the case of Barnardo's and Dr Stephenson's Homes).

Parents also had to agree to reimburse the charity for all the money that had so far been spent on their child's care if they were removed prematurely – an obvious deterrent to those who wanted to reclaim them. Premature removal from the societies' care was regarded as at best unfortunate, and at worst dangerous, for children who returned to parents who were widely considered to be ungodly risked not only a return to destitution, but also perdition.

The societies also arranged semi-formal adoptions from the late nineteenth century onwards. Some, such as the numerous adoptions arranged by Dr Stephenson's Home, were designed to provide permanent homes for children whose chronically sick or disabled parents were in the workhouse and never expected to be in a position to resume their care (Author unknown, 1887); others, such as the pseudo-adoptions arranged by the Waifs and Strays Society in the nineteenth and early twentieth centuries were intended to provide security for 'adoptive' parents and the children placed with them. However, they ignored the rights of birth family members who were sometimes persuaded to sign spuriously 'legal' documents, and their actions led to reputational damage if they were challenged.

In 1888 Alice S. became an orphan at the age of two, when her father died. The Waifs and Strays Society placed her in the care of a Mr and Mrs M. who had applied to adopt a young child to replace their daughter who had died. Alice's case notes contain a formal contract of adoption, drawn up by a solicitor and giving all the appearance of a legal document, except that it is accompanied by a note warning the Society that such contracts had no legal validity. After six months, Alice's elder brother asked for her to be returned to him, claiming that he had neither been informed about the proposed adoption, nor given his consent.

[3] Henry Fielding (1749) *The History of Tom Jones, A Foundling*, London: Andrew Millar

[4] Emily Bronte (1847) *Wuthering Heights*, London: Thomas Newby

[5] Oscar Wilde (1899) *The Importance of Being Earnest*, London: Leonard Smithers

The adoptive parents refused to give her up, pointing out that they had already spent a considerable sum of money on Alice, and claiming that the Society had led them to believe that the birth family had formally 'relinquished all future claims to her'. Alice died before the case could be resolved. (Children's Society archive, 1888)

Others showed a disregard both for birth parents' rights and for their children's welfare. Henry Gossage's case is one of several in which Barnardo tried to save a child from what he considered to be the dangers of Roman Catholicism.

Henry Gossage was about twelve years old when he was taken into the care of Dr Barnardo's Home. His father had died and his mother could not afford to keep him, so had given him into the care of an organ grinder who had abandoned him and left him destitute on the streets of Folkestone. His mother wrote a letter to Dr Barnardo, agreeing to leave Henry in the Society's care, but never signed a formal agreement. Two months later she asked the manager of a Roman Catholic charity to receive Henry as she wanted him to be brought up as a Catholic. The manager wrote to Dr Barnardo, asking to arrange a transfer. The previous day a Mr Norton had approached Barnardo, asking to adopt a child, and take him back to his home in Canada. He chose Henry, who was sent off to Canada with him two or three days after the letter arrived. Mr Norton had left no address, and Henry could not be traced.

Probably with the support of the Roman Catholic Church, Henry's mother issued a writ of habeas corpus. Barnardo responded by claiming that there was no case to answer as he could no longer produce the body. He argued that he had agreed to Mr Norton's request not to leave an address on the grounds that: he [Mr Norton] was 'very anxious that there should be no interference with the child on the part of the child's relatives;

that in other cases of the kind arrangements for adoption of children from the Home by persons in Canada often had to be broken off owing to the persistent annoyance of relatives of an impecunious condition or vicious character; that he believed from what the boy Gossage had told him, and from facts that had come under his knowledge from other sources concerning the mother, that she was indifferent as to what became of the child; [and] that he saw in Mr. Norton's offer a prospect of placing the boy where he could not again be injured by his mother's unkindness or indifference.' (R.v. Barnardo, 1890, QBDXXIV, p284).

The courts were not impressed by Barnardo's arguments and dismissed his appeal. But I have presented Henry Gossage's case in some detail because it illustrates so many of the contentious themes that have run through the debates on adoption throughout the last century and beyond. Concerns about secrecy and transparency, the rights of birth parents and the grounds on which they can be dismissed, questions about where the child's interests really lie, the vulnerability of children who have no powerful relatives to protect them (and Henry's mother, being a widow, had little power) and the importance of ensuring that adoptive parents are properly vetted and assessed are all raised by this case. It also shows how professionals can misuse their authority when highly emotive issues are at stake – another thread that runs through the history of adoption.

Finally, Henry Gossage's case was being argued in the courts at the time that the House of Lords was debating the first and second Adoption Bills in England and Wales, and was referred to in the debate. Both of them mark a point at which the introduction of legal adoption began to be seriously contemplated as a necessary move to safeguard abused and neglected children who could not safely live with their birth parents and to counteract some of the dangers of informal arrangements.

The Adoption of Children Act 1926

Adoption as part of the child protection system

The 1926 Act was the culmination of numerous attempts to introduce formal adoption to England and Wales that stretched back over the previous forty years. Between the first Adoption of Children Bill in 1889 and the 1926 Act, nine Adoption Bills were introduced to parliament and failed. One reason they failed at first was because it was not thought possible to restrict the father's right to the custody and control of his children, a right that was considered to be not only absolute but also sanctified by scripture.

You are asked to change one of [the principles of the English Common Law] ...for none of its principles are more settled than that of parental authority. By a great Judge it has been called, ..., "the sacred right of the father to be the ruler in his own household," and any interference with the parental authority, so as to either abrogate or diminish it, should never be contemplated, except for the most weighty reasons....

But as I read this Bill it is not only the principles of the law that are to be violated, but the Decalogue [Ten Commandments] itself is to be interfered with by this measure, for children are to be freed from all obligations of respect or obedience to their parents. I thought one of the Commandments was "Honour thy father and thy mother," not an "adopted father and mother.... (Lord Morris, Adoption of Children Bill 1890, second reading, HL debate, Hansard)

However, as married women began to gain more rights towards the end of the nineteenth century and as the needs of children achieved greater recognition, there was a shift in the balance of power and it was increasingly acknowledged that, where children had been abused or neglected, parental rights could be limited (see Ward, 1990).

Legislation introduced in the 1880s and 1890s had made it possible to transfer custody, and sometimes guardianship, of abused and neglected children to third parties, but this did not constitute a full transfer of parental rights and responsibilities. The Poor Law Amendment Acts of 1889 and 1899 did allow the guardians of the poor to assume such rights and responsibilities for children whose parents had died or deserted or maltreated them; however these 'poor law adoptions' were only available for pauper children, and the guardians' responsibilities ceased when they reached adulthood. There was an increasingly powerful argument that maltreated and abandoned children who were permanently placed in the care of third parties and not expected to return home, needed to be further protected by a formal process, which enabled them to become full members of another family (Hopkinson, 1921). Nevertheless, several of those who gave evidence to the two parliamentary enquiries that preceded the 1926 Act (Hopkinson, 1921 and Tomlin, 1924) were opposed to adoption by strangers on principle, claiming that 'it ought only to be done under very exceptional circumstances' because 'it is a very serious thing to cut anybody off from all their blood relations' (Mrs R P Wethered, Evidence to Hopkinson Committee).

From the beginning of the twentieth century there were also concerns about the outcomes of placing children in large institutions, such as Poor Law schools and the orphanages run by many of the voluntary societies – 'children should be brought up in families, not flocks.' It was argued that for these children:

it is as a rule very much better to place them in some other home, as members of a family under the care of a suitable and responsible person, between whom and the child a tie of affection is likely to be established, than that the children should be gathered together in an institution with a number of others.

(Report of the Committee on Child Adoption (Hopkinson), 1921, para 11)

This argument still underpins the debate on international adoption today; many children in out of home care in low income countries will spend their childhood in an institution if they are not adopted overseas by strangers (Goldman et al, 2020).

However, although it was relatively easy to argue that substitute families should be found for abandoned or abused and neglected children, it was much more difficult to agree to the grounds on which their parents' consent to adoption could be dispensed with if they objected. The Tomlin committee, which produced the first draft of the 1926 Act, only considered that desertion, abandonment, or a refusal to maintain the child were sufficient grounds; subjecting the child to serious abuse or neglect was not added until 1949. The point at which abuse, neglect or abandonment constitutes sufficient grounds for dispensing with parental consent to adoption was still being debated by the Houghton Committee in 1972, and continues to be a controversial issue today.

Adoption as a response to socio-economic issues

While the policy and practice of some of the voluntary societies and Poor Law Guardians may have paved the way for the introduction of adoption as part of the developing child protection system, an increase in informal adoptions in the first quarter of the twentieth century raised concerns about the abuse of 'unwanted' children and created further pressure to introduce a formal, legal process for adoption that would protect the welfare of children and the rights of all concerned. The relaxation of social mores that accompanied the First World War led to a significant increase in the number of illegitimate children and this attracted further attention to the issue.

It is difficult nowadays to comprehend the extent to which unmarried mothers and their children were ostracised and stigmatised until the end of the twentieth century, but there is ample evidence to show that it was extremely difficult for a single mother to bring up a child alone.

Not only were women's wages pitifully low and child support from fathers minimal, but many of the occupations open to women, such as domestic service and also nursing and working in a shop, required them to live on the premises, and few employers would allow a mother to bring a child with her. Moreover, 'respectable' employment was often barred to women who had 'fallen':

'a servant who has an illegitimate child loses her situation,...the Board of Education suspends the certificate of a schoolmistress, no hospital nurse or typist would expect for a second to keep her position....And the social stigma [of the illegitimate child] is an indefensible, but quite real consequence of the degradation of the unmarried mother. The child sees its mother shunned by the godly, associates itself with her disgrace and grows up to think of itself as a pariah' (Rebecca West, 1913, quoted in Keating, 2009).

Many unmarried mothers were supported by their parents, but others were unwilling to face the shame that an illegitimate grandchild would bring to their family:

In almost every case when a pregnant girl is brought to our notice it is because the parents think we can take the child away altogether. They always say they 'want to get rid of the baby'. The girl herself, sometimes, after the birth of the baby, is anxious to keep it with her, but more often than not, the parents refuse her their home until the baby is out of the way.

(Mr S Cohen: Jewish Association for the Protection of Girls and Women, 1921, Evidence to the Hopkinson Committee)

Some unmarried mothers resorted to abortion, but this was illegal and also dangerous. It was legalised in 1967 partly because of concerns about the numbers of women who were harmed by or died from botched abortions (Hansard, 1967).

Others found employment and placed their children with private foster carers – but they were increasingly difficult to find. Others, as we have seen, placed them in the care of the children's voluntary organisations – but some of them refused to take in illegitimate children, others would only accept the first illegitimate child, and some charged a higher fee in order to demonstrate to their supporters that they were not encouraging 'immorality' (Ward 1990).

Many single women, including some widows as well as lone mothers, resorted to advertising for a couple who, for a fee, would be willing to adopt their child. Such advertisements were relatively common (Rossini, 2014); one response was the establishment of a number of voluntary adoption agencies, set up to help find potential adopters and match them with infants whose parents could not care for them. However, the well-publicised activities of these agencies were thought to increase the numbers of informal adoptions. Concerns were raised about their funding models and their strict policies of secrecy. The voluntary adoption agencies replicated practices established by the older children's societies, and attempted to break the bond between mothers and infants: birth parents and adoptive parents were not allowed to meet and addresses were kept hidden (Tomlin, 1925).

Although there was no official enquiry into the work of the adoption agencies until the 1930s (Horsburgh,1937), it had nevertheless become apparent much earlier that what amounted to a trade in children had developed:

Children may be handed from one person to another with or without payment, advertised for disposal, and even sent out of the country without any record being kept; intermediaries may accept children for "adoption" and dispose of them as and when they choose; "homes" and institutions for the reception of children exist which are not subject to any inspection or control (Hopkinson, 1921, p10:61).

The Hopkinson enquiry heard concerns that some of these children may have been trafficked as part of the white slave trade, and there was no doubt that others had been abused by their adoptive parents. The NSPCC gave evidence to the enquiry of 622 cases of 'adopted' children who they had been asked to investigate over the previous two years. As the National Council for the Unmarried Mother and Her Child (NCUMC) pointed out (NCUMC, c1922), the majority of children who were informally adopted were illegitimate; at the time an illegitimate child was 'filius nullius' (nobody's child) and had no rights to claim a relationship and therefore protection from their extended family; they were therefore particularly in need of legal protection.

There were also concerns about mortality. It had been known since at least the eighteenth century that illegitimate children were particularly vulnerable to death in infancy– this was one of the main reasons for the establishment of Coram's Foundling Hospital in 1739. However statistical evidence became available in the twentieth century, and the NCUMC publicised data which showed that twice as many illegitimate children died in infancy as those who were legitimate (NCUMC, c1922).

These factors - increasing numbers of illegitimate children, concerns about their lack of protection and mortality rates, and the difficulties their mothers faced in supporting them if grandparents refused to help, led to two parallel trends that had a significant impact throughout the century. On the one hand, there was increasing pressure to introduce formal adoption, supported by law, and on the other hand, a growing movement, formalised by the establishment of the NCUMC (now Gingerbread) in 1918, sought to introduce measures that ensured single mothers had sufficient financial and practical support to enable them to keep their children.

By the 1920s, however, there was still only minimal support for single mothers whose parents refused to help them look after their children, and the need to introduce a legal framework for adoption in England and Wales became increasingly evident. Informal and semi-informal adoptions, often arranged by family doctors or clergymen, were widespread, but without the support of legislation and the oversight that later accompanied it, children in such placements were at risk of exploitation and abuse; those in loving adoptive homes had no guarantee of permanence; maltreated children could be reclaimed by parents who continued to abuse them; adoptive parents could not be sure that the child would remain with them and so might find it difficult to make a commitment; and birth parents might find that their rights had been ignored and they had permanently lost the care of a child who could not be traced.

The architects of the 1926 Act decided, on their own admission, to proceed with caution (Tomlin, 1925). The Act allowed for the transfer of parental rights and responsibilities from birth parents to adoptive parents (although it specifically did not touch inheritance rights, which were not included until 1950), and transferred reciprocal responsibilities so that adopted children became liable for the support of impecunious adoptive parents. It set out a number of eligibility criteria for prospective adoptive parents, although these focus on age rather than suitability. It tried to protect birth parents' rights by introducing a requirement to obtain their formal, informed consent. It did not formally restrict contact between birth parents and adoptive parents. It protected children from removal from adoptive homes by parents who refused their consent but could not safely meet their needs – but only those who had abandoned, deserted or refused to maintain them. It introduced a register of adoptions, requiring details of children for whom orders had been made to be recorded, so that they could be traced, but only in exceptional circumstances.

However, apart from banning financial or other rewards between the parties concerned, the Act did not attempt to regulate the practice of adoption; it was only in later years that requirements were introduced to ensure that adoptive parents were fully assessed and children safeguarded throughout the process. It did not become illegal to advertise a child for adoption until 1939; the identity of adoptive parents could not be fully concealed from birth parents until 1950[6].

Is there still a place for adoption in England and Wales today?

The numbers of children adopted rose from 2,943 in 1927 to a peak of 24,831 in 1968, and then started to fall (Lowe, 2000); over the last five years there have been about 3,000 adoptions per year in England and between 250 and 300 in Wales (Department for Education, 2025; Stats Wales, 2025). Access to sex education and contraception have meant that there are fewer unplanned pregnancies; access to legal abortion has meant that fewer babies are relinquished; changed attitudes to single parenthood have virtually eradicated the stigma of illegitimacy; and improved employment prospects and better state benefits for women have all meant that it has become easier for single mothers to look after their children, although there is still much room for improvement (for a full account see Parker, 2000). Moreover, effective fertility treatment, virtually non-existent in the 1920s, is now widely available – for instance, over the last thirty years over 390,000 babies have been born through in vitro fertilisation or donor insemination (HFEA, 2023). Consequently there are fewer childless couples wishing to adopt children – and fewer infants available for adoption.

[6]Adoption of Children (County Court Rules) 1949 and High Court Rules (1950)

Adoption as a response to social problems

As economic conditions have improved and the stigma of illegitimacy has diminished adoption as a response to socio-economic problems in this country has become less salient – children whose stories are in the Coram Centenary Archive, such as Carole (adopted 1942) who was placed for adoption because her mother had been deserted and could not afford to bring up her eight children alone or Julie (adopted 1969) who, like many others, was relinquished because her grandparents were unwilling or unable to help support an illegitimate grandchild, are rarely adopted today. However, concerns have been raised about international adoptions, where similar economic and social issues are often a reason for relinquishment in low income countries, and where there have been similar concerns about the potential for trafficking in children (UN Department of Economic and Social Affairs, 2009).

In this country, and in many others in Europe and the English speaking world, there has been considerable backlash from women who relinquished infants in the 20th century and feel that pressure from families, society and inadequate financial or practical support for single parents forced them to do so (Joint Committee on Human Rights, 2022). There has been similar criticism from adults who were relinquished for adoption as children (ibid, 2022). There have been formal, national apologies for the suffering caused in Australia, Belgium, Scotland, the Republic of Ireland and Wales (Adult Adoptee Movement, 2025), and calls for one in England and Wales (Joint Committee on Human Rights, 2022).

Many of the memoirs of birth parents and adoptees, including in the Coram Centenary Archive, make it clear that the relinquishment of a child for adoption brings enduring psycho-social consequences, and that these are exacerbated by policies of secrecy such as those that operated in many countries, including England and Wales throughout most of the twentieth century.

Birth mothers (and also birth fathers) may experience overwhelming, enduring grief that casts a shadow over the rest of their lives (Neil, 2013; Coles, 2010; Joint Committee on Human Rights, 2022; Jones, 1996).

Adoption may also bring negative consequences for adoptees. Although longitudinal research studies of infants placed for adoption in the mid twentieth century have shown largely positive psycho-social outcomes in adulthood (see, for instance, Maughan and Pickles, 1990; Sehmi et al, 2020), the memoirs of those who were relinquished constantly refer to feelings of low self-esteem, confused identity and the lack of a sense of belonging:

I want to know how it feels to belong but even though I have traced my birth parents I still do not feel I belong. I don't belong to my adoptive family and I don't belong to my birth family, so here I sit, confused and disappointed. How do you know when you belong, I mean really belong somewhere? As a child I accepted things were as they were and, although I was bullied, it was water off a duck's back. As an adult I carry this burden, this feeling of being a second-hand child and, therefore, unworthy of anything good in my life.

(Jackie, adopted 1952, Coram Centenary Archive)

I felt like...just a relation awarded by the courts to two complete strangers, as stated on a legal document.

(Frankie, adopted 1966, Coram Centenary Archive)

Nevertheless, the issue is not a simple one. Studies of birth mothers' experiences of relinquishing infants have found that about 50% suffer extreme, enduring grief, while others heal over time, especially if they have appropriate support (Winkler & van Kepple 1984; Field, 1990; Madden et al, 2018). For the children concerned, adoption in the twentieth century brought positive as well as negative consequences. Most infants who were relinquished had a higher standard of living and better educational and employment opportunities than they might otherwise have experienced (Sehmi et al, 2020), and about half of those who gave testimonies to the Coram Centenary Archive had very positive adoptions and developed close and loving relationships with their adoptive parents. Had they remained with their birth parents, while some would have been surrounded by a loving family, others would not.

Throughout much of the twentieth century, illegitimate children were often excluded from their birth families. Robinson's (2015) study of illegitimacy in the twentieth century, based on the testimonies of adults with personal experience, found numerous examples of illegitimate children who were ostracised by birth family members or whose identities were kept secret.

Gill, another contributor to the Coram Archive, discovered that her birth mother had had two illegitimate children. She had been 'forced to give up the older child at birth', and had then had a breakdown before she gave birth to Gill, who she also had to relinquish. Gill's testimony describes how she eventually managed to trace her birth mother's sister:

She gave me lunch and after a seemingly amicable couple of hours, handed me a few childhood photos of my mother and told me, rather formally, that my birth family would not recognise me. I was shocked and upset and made my escape soon afterwards

My adoption was not a good experience emotionally but I am absolutely certain, knowing what happened to my birth mother, that I would have been a great deal worse off had she kept me

(Gill, adopted 1946, Coram Centenary Archive)

Moreover, although in England and Wales domestic adoption as a solution to economic and social problems has gradually diminished over the course of the last century, it has never completely ended. A small number of infants are still voluntarily relinquished each year; these 'adoptions by consent' make up less than 2% of adoption orders in England (Department for Education, 2025). Some of these are the children of very young mothers who may have been sexually abused or exploited. Their experiences may be similar to those of Sharon, adopted in 1965:

I knew my birth mother was only a child herself when she had me and therefore never really needed answers as to why she gave me away, which is probably why I never felt the longing to trace her. Being only 13 when she fell pregnant to a man in his 30s, who I understood went to prison, I assumed she would have grown up and forgotten all about me

(Sharon, adopted 1965, Coram Centenary Archive)

A recent enquiry has found that nowadays most requests for 'adoptions by consent' are from mothers who did not realise they were pregnant until late in the pregnancy and that many are 'in an extreme state of distress' and desperate to conceal the birth from their family and friends (Public Law Working Group Adoption Subgroup, 2024). Many of these mothers have come from cultures where extra-marital pregnancy is still regarded as a disaster that brings shame and dishonour to the whole family.

Their experiences are not dissimilar to those of young women who were persuaded to relinquish illegitimate children in the twentieth century, except that some come from cultures where they face a greater threat of violence from family members, who may resort to an 'honour killing' if the pregnancy becomes known (Selwyn and Wijedasa, 2011).

There is a strong argument for adoption outside the birth family in situations such as these. However, although the courts have endorsed the mother's wish for the pregnancy and birth to be concealed from her family and friends (Z County Council v R, 2001), testimony from adoptees suggests that even in these circumstances, secrecy may be painful.

Jo had a very happy adoption with an exceptionally strong relationship with her adoptive mother. When she accessed her adoption papers she discovered that her birth mother, who she knew came from Sri Lanka, was a single young woman from a very devout family, and the pregnancy was the result of a gang rape. She had been travelling with her parents when the baby was born, possibly in an attempt to ensure that the pregnancy and birth were kept secret from the rest of the family. Jo was nevertheless fascinated by her birth mother, and she wanted to meet her. She and her adoptive mother eventually went to Sri Lanka in an attempt to find her, but they had been given a false address and were told conflicting stories about her.

Attempts to meet her proved unsuccessful. Eighteen years after the trip she was still hoping to make a connection:

'My desire is for her to want to acknowledge me. I understand this may never happen and it has taken me into my 30s before I've faced this. It comes with sadness and I treat it as a bereavement.'

Jo, adopted 1972, Coram Centenary Archive

Adoption as part of the child protection system

The numbers of children adopted from care for child protection reasons have varied over the years; in 1952 they only formed about 3% of adoption orders (Lowe, 2000). However the proportions have gradually increased, and the great majority (98%) of children placed for adoption in England and Wales today have not been relinquished by birth mothers but been made the subjects of care orders on the grounds that they have suffered or are likely to suffer significant harm and there has been a decision that they cannot safely return to their birth parents within a child's timeframe. These children are usually older and have more complex needs than infants who have been relinquished.

Throughout the century the grounds under which children might be adopted from care without the consent of their parents if thought necessary, have continued to be debated. The issue was discussed by the Hopkinson committee in 1921, the Tomlin committee in 1925, the Horsborough committee in 1937, and the Houghton committee in 1972. The Houghton committee were particularly concerned with the group of children who had not been abused or neglected but were voluntarily placed in local authority care by birth parents who never succeeded in establishing a home to which they could return. Jane Rowe, Director of the Association of British Adoption and Fostering Agencies (now BAAF) was a member of the committee, and their arguments were informed by the research study on which she was engaged. Children Who Wait (1973), showed that these children spent their childhoods in limbo, waiting vainly for parents to reclaim them as they gradually lost contact. In response, the 1975 Children Act included a clause (56) requiring parents to give one month's notice before reclaiming a child who had been voluntarily placed in care and allowing the local authority to prevent them from doing so if the child had been in care for six months or longer.

This enabled local authorities to assume parental rights by administrative fiat (the old Poor Law adoption procedure which did not require the involvement of the courts) for children who had stayed long in care, and eventually place them for adoption. The ensuing backlash from parents and their advocates did much to establish the newly formed Family Rights Group, a charity that was (and still is) 'concerned about how parents were treated when social services were involved with their children', and marked the beginnings of service user involvement in the debate. This also appears to be the point at which perceived abuses of power by the state with respect to adoption began to be more openly criticised.

The Children Act 1989 abolished the assumption of parental rights by administrative fiat and most children who are accommodated by local authorities at their parents' request no longer stay for very long. In fact, just under a third (28%) of all children looked after by local authorities leave within six months, and almost half (46%) within a year (Department for Education, 2024). Nearly one in four (24%) return home to live with their birth parents or move to independence when they reach adulthood (15%). Only 9% of the care population leave for adoption (Department for Education, 2025). Questions do remain (see below) about the thresholds at which adoption decisions are made for some of these children, but for the vast majority, adoption is an integral element of the child protection system, offering a route to permanence for those who cannot safely go home. Research on children who are adopted from care shows that they come from the most challenging families in the child protection system. Parents show complex constellations of risk factors such as substance misuse, mental health issues and domestic abuse, often exacerbated by stressors such as poor housing, extreme poverty and debt; they show few protective factors such as supportive relatives or friends and little evidence of capacity to overcome their difficulties within a timescale that is appropriate for the child (Ward, Brown and Westlake, 2012; Brown et al, 2016; Selwyn et al, 2006).

Most have experienced abuse and neglect in their own childhoods, and a high proportion have spent lengthy periods in the care of local authorities (Selwyn et al, 2006; Ward et al, 2022). About 80% of children adopted from care have had significant experience of abuse and neglect before entering care, and most have experienced multiple forms of abuse (Selwyn et al 2006; Ward et al, 2022).

It is difficult to accept that significant child abuse occurs in this country, and this issue is sometimes overlooked in the debate. However, in seeking to understand whether there is still a place for adoption in England and Wales today, it is important to be aware of the nature of some of these children's pre-care experiences: Selwyn and colleagues' (2006) study of 130 children who were approved for adoption from care between the ages of 3 and 11 found that all but three had been maltreated. About half (49%) the children in that sample had experienced physical abuse that resulted in 'broken bones, bite marks, cigarette burns and head injuries' (p31-32). Sexual abuse was suspected for one in three (35%) children and confirmed for 19 (15%) of them; the average age at which such abuse was first experienced was three years old. Seven of these children had been 'multiply abused and used for the sexual gratification of adults within and outside their immediate family' (p.32). More than one in three (38%) of the sample had been 'actively rejected by their birth parents'; these children had been abandoned at bus stops, train stations, GP surgeries, or dropped off at social services departments; they had also been scapegoated within their families, and nearly all had also been physically abused and neglected (p.32-3). Ward and colleagues' (2022) study of non-aboriginal children adopted from care in Australia showed very similar pre-care experiences. Infants adopted from care in England and Wales come from similar backgrounds and are deemed to be at risk of similar levels of significant harm (Ward, Munro and Dearden, 2006; Ward and Brown 2014; Ward, Brown and Westlake, 2012).

Adverse experiences before entering care are often compounded by poor experiences in the care system, including multiple changes of placement (Tregeagle et al, 2019; Selwyn et al, 2006). The trauma may to some extent be mitigated when children enter safe and loving homes, but some aspects are likely to endure into adulthood and many adoptees will require long-term specialist support, as will their carers (Selwyn et al, 2006, 2025; Ward et al, 2023). For these children the question is not whether they should remain with or return to their birth parents or be placed for adoption, but whether they should be adopted or grow up in the care system – and the chances of achieving permanence and being supported into adulthood are greater for those who are adopted (Ward et al, 2024; Selwyn et al, 2025).

Joe's testimony provides an example of the strength of the relationship that can build up between an adoptee and their adoptive parents when the transition is successful:

Joe joined his adoptive family in 1992, when he was nearly eight years old. He was placed with his six-year-old brother, and grew up with two other younger brothers, also adopted. Before reaching his adoptive home he had been received into care after experiencing neglect and violence in his birth family and had then been placed in two foster homes, in one of which he had been further abused. He found stability, acceptance and a supportive family and friendship network in his adoptive home:

'My family is my mum and dad (adoptive) and my brother, Wayne. I have two half brothers. They have been there for me, stuck with me when I went to prison. My family gets on well. We like doing things together. I have mates like M who have stuck by me. He is like family. He was in care and he was fostered by my godmother. He is always there for me. Family means who you are close to. There are people like my godparents who are like family and a friend I go to see Millwall play with... I got a good home, it was a good place to grow up.

Adoptees such as Joe are clear that they could not have safely remained with their birth parents:

Children should not live with people who take drugs or get drunk like my first dad. Their parents should be locked up. If I had stayed with my first family I would have ended up hurting them because they are no good and they hurt me. I met my birth dad a few times when I was 20, but he got drunk and yelled at me. I can't be bothered to see him now.
(Joe, adopted 1992, Coram Centenary Archive)

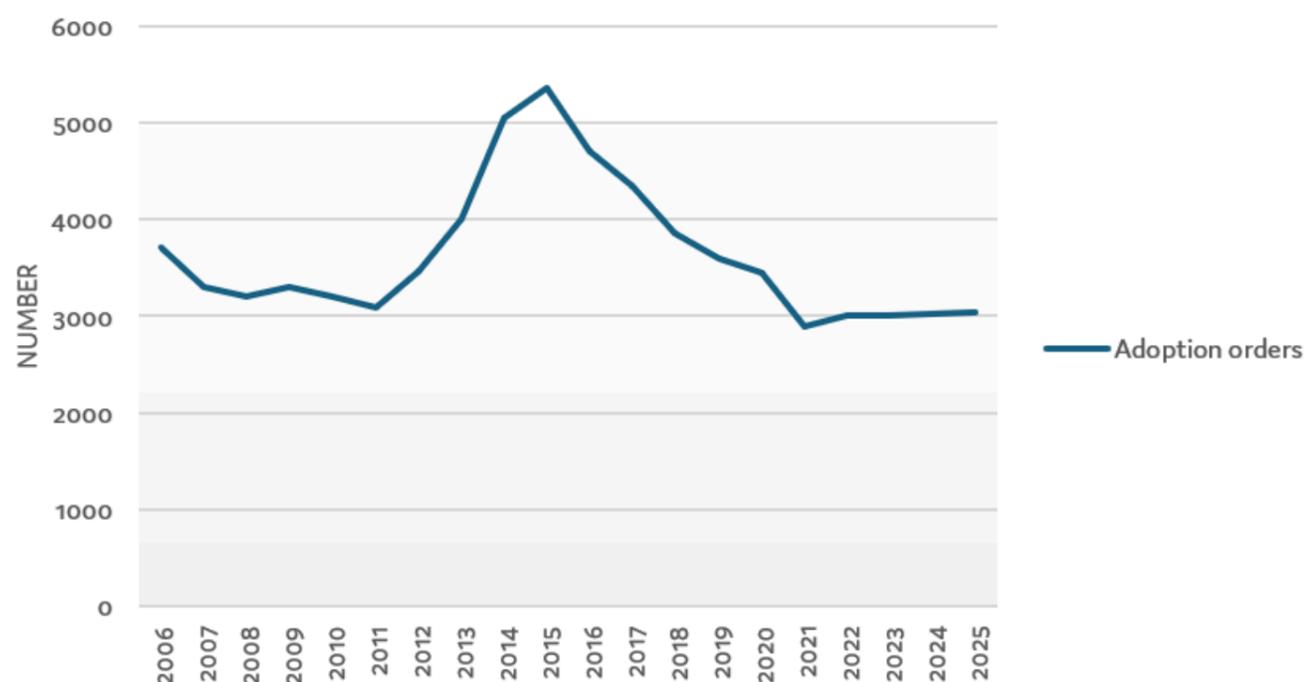
It seems clear that for young people such as Joe, who came from a violent home, and Jo, whose mother had no wish to know her, adoption can provide a loving, permanent home that would not be otherwise available. Some children in these situations have other relatives who are able to look after them, but for those who do not, there is still a need for adoption in the UK today.

Is adoption likely to continue into the future?

A primary aim of the Adoption of Children Act 2002 was to encourage practitioners to focus on planning for permanence for looked after children and one of the means by which this could be achieved was by increasing the use of adoption for children in care who could not safely return to their birth families (Department of Health, 2000).

Following its introduction, as Figure One shows, the number of adoption orders rose, but since 2015 they have dropped by about a third, from 5360 in 2015 to 3040 in 2025 (Department for Education, 2025). Why has this happened, and if the numbers continue to remain so low, does it indicate that adoption may eventually fall out of use as an appropriate permanence option?

Figure One: Adoption Orders 2013-2025



Did the numbers fall because adoption was being inappropriately used?

The drop in adoption orders is thought to be in part attributable to two judicial rulings: re B (A Child), 2013) and re B-S (Children), 2013), both of which argued that the local authorities concerned in these cases and in others were not putting forward a sufficiently strong argument for adoption rather than any alternative, and pointing out that 'adoption should only be used as a last resort'. Following these rulings local authorities have been required to produce better evidence to show that all other options have been considered and to demonstrate the arguments for and against them. Although the law has not changed, the rulings have been interpreted as meaning that the threshold for decisions about adoption has been raised (National Adoption Leadership Board, 2014).

The publicity engendered by rulings such as these tends to feed into concerns that have run through the public discourse since the 1980s – that adoption can allow an overweening state to abuse its power by encouraging social workers and the courts to override the rights of parents by removing their children without due cause (Lambert, 2022). The introduction of performance indicators for adoption has exacerbated such concerns for they have sometimes been interpreted as giving social workers a financial incentive to fulfil an agreed quota (P. Sarah, 2015).

However, rather than giving support to such suspicions, the legal judgments in re B and re B-S demonstrate the care with which such decisions are made. The Supreme Court stated in Re B that:

It is quite clear that the test for severing the relationship between parent and child is very strict: only in exceptional circumstances and where motivated by overriding requirements pertaining to the child's welfare, in short, where nothing else will do.
(Re B, 2013)

And the legal team pointed out that

'Those of us presenting the case in Re B had not been under any illusion that rubber-stamping an application was not permissible, not with so much at stake for A and her family. Further, the robust advocacy on behalf of the parents (through leading counsel) meant that there was never any risk of anything other than detailed scrutiny of the law and of the evidence.'

(Markham, 2014)

Nevertheless, suspicions about the purpose and practice of adoption are difficult to allay; the fall in the number of adoptions may be attributable both to misinterpretations of the legal judgements, which discouraged local authorities from making applications, and the negative image given to adoption in some quarters, which may have prevented potential adopters from applying.

Shortage of adoptive parents

There is now also a shortage of potential adopters, and this may be a further factor in the drop in adoption orders. Over the last five years there has been a substantial reduction, both in the numbers of prospective families who are registered each year and the numbers who are approved (Coram, 2025).

The cost of living crisis is one reason why fewer families are applying to adopt (Johal, 2025). However there are also other factors. As we have seen, most children adopted from care have experienced developmental trauma; many have extensive needs which require long term support, well into adulthood.

Adoption is therefore more challenging than it was in the past; concerns that they may not be able to meet these children's needs, or that they may not receive enough support to do so, may deter potential adoptive parents from applying (Adoption UK, 2025). Recent publicity concerning the challenges faced by adoptive families may well deter even more (BBC News, 28 November 2025; File on 4, December 2025) (see below).

The reduction in numbers of adoptions has been accompanied by an increase in the number of children under the age of five who have been in care for at least a year, and a rise in the length of time children for whom adoption is planned wait in care before adoptive parents are found and they can move to their permanent homes – on average they now wait for 19 months, five months longer than they did in 2018, when the delay was at its shortest (Department for Education, 2025). A shortage of prospective adoptive parents is likely to be a major reason why the wait is so long: at the last count there were 750 more children for whom family finding was taking place than adoptive families involved in the process (Samuel, 2025).

Special Guardianship Orders

Ever since the first Adoption Act was introduced in 1926, concerns have been raised that adoption not only cuts the child off from their birth parents but also from their other relatives:

It is a very serious thing to cut anybody off from all their blood relations, because when people adopt a child they may pretend they are the father and mother. Although they may act as such, they cannot make their brothers and sisters and relations look on the child as a blood relation. Therefore you cut the child off from every relation in the world.

(Mrs R P Wethered Associated Societies for the Care and Maintenance of Infants, Evidence to Hopkinson Committee, 1920, p20)

Joe, above, eventually settled happily in his adoptive home, but he still held the view that adoptees should not be placed outside their birth families:

If children are taken away they should live with relatives who are clued up. They shouldn't live with strangers.

(Joe, adopted 1992, Coram Centenary Archive)

Moreover, from the mid twentieth century, when transracial adoptions became more common, it became increasingly clear that adoption by strangers cuts children off from their culture as well as their extended family (Barn and Kirton, 2012). Testimony to the Coram Centenary Archive from dual heritage adoptees who had been adopted by white families provides vivid examples of their sense of dislocation. For instance, Miranda, who was born to a white British mother and a black Afro-Caribbean father and adopted by a white British couple in 1971, felt 'alone and disconnected, as if I didn't belong' either to the White British culture, in which she had been brought up, or to the Black Afro-Caribbean culture which she encountered when she married. Her mother-in-law gave her a sense of belonging, but that created further difficulties:

Spending time with her was one of the most wonderful and emotional occasions of my life. She was the archetypal "big black mamma" and I loved her from the minute I saw her. ..The confusion that followed was immense. For the first time in my life I had experienced a glimpse of what it might have been like to have been raised in a "black" family. In a family that looked like me, where I didn't feel different and I did fit in... My feelings for my mother-in-law also made me feel immensely guilty – guilty for even thinking about what it would have been like to be raised in a black family, guilty and ungrateful and selfish.

(Miranda, adopted 1971, Coram Centenary Archive)

A majority of the adoptees who gave testimony to the Coram Centenary Archive expressed a similar sense of dislocation. Even those who had been adopted into the same culture as their birth families felt that they 'did not belong to either family', they 'did not fit in', they 'did not know what belonging felt like'.

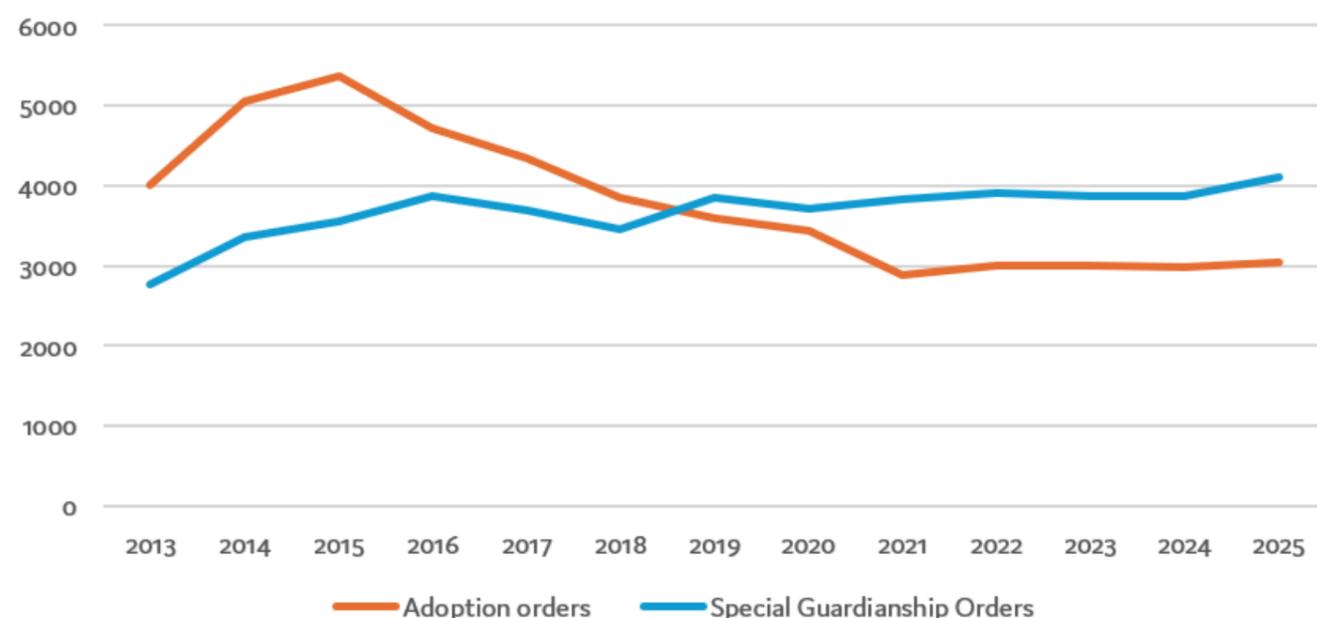
From the late twentieth century attempts have been made to provide alternatives to adoption that offer protection and security for children who cannot safely live with their birth parents, while preserving their relationships with their extended family and connections to their culture. For much of the twentieth century birth family members were routinely denigrated and excluded from decision-making. However, the partnership principle embodied in the Children Act 1989 gave them greater power, and the view that children should be permanently placed with relatives rather than adopted by strangers gained greater force after the implementation of the Act, which laid new duties on local authorities to 'promote the upbringing of children in need by their families so far as is consistent with their welfare' (s17 (i)) and to make arrangements to "enable a child to live with a person connected with the child unless that would not be reasonably practicable or consistent with their welfare'.(s 23) if they could not safely live with birth parents.

The Adoption Act 2002 introduced Special Guardianship Orders (SGOs) to replace the weaker Custodianship Orders that had been available since the Children Act 1975, and whose purpose had primarily been to replace adoption by step parents (Masson, 2023). SGOs give carers parental responsibilities and enable them to make almost all decisions about a child's life without parental consent. However, the child's relationship with their birth parents is not formally curtailed and they retain some parental rights. The order also ends when the child reaches eighteen. About 90% of Special Guardianship Orders are made in respect of children living with relatives or friends, and they have now largely replaced adoption orders for these children (Selwyn and Gardiner, 2025).

There is no doubt that many children thrive when placed with a special guardian. An overview of the research evidence suggests that 'a majority of children in special guardianship do well with regard to their wellbeing, safety and developmental progress' and that they do better educationally than looked after children (Simmonds et al, 2019). Children who are the subjects of Special Guardianship Orders are likely to have experienced significant harm in the same way as those who are adopted from care, and the Special Guardianship (Amendment) Regulations (2016) specify that guardians must have the parenting capacity to address the impact on the child's development. However just over 10% of SGO placements disrupt within eight years of a child leaving care to live with a special guardian, five times the rate at which adoptions disrupt within the same time period (Selwyn and Gardiner, 2025). Concerns that are identified prior to SGO disruptions are more frequently focussed on carers' problems, such as their alcohol or drug misuse, mental health or domestic abuse than on children's issues such as going missing, exploitation or trafficking, or mental health, alcohol or substance misuse (Selwyn and Gardiner, 2025). Although they may be members of the child's extended family, some special guardians may have had little previous contact with them, and this lack of a prior relationship is a major factor in disruptions (Simmonds et al, 2019; Selwyn and Gardiner, 2025). However there is also evidence that special guardians receive insufficient preparation before a child is placed, and inadequate training and post placement support (see below).

As Figure Two shows, the fall in the number of adoptions has been accompanied by an increase in the number of Special Guardianship Orders (Department for Education, 2025) and this may be a further reason why fewer children are now being adopted. However, although there are now about a thousand more Special Guardianship Orders than Adoption Orders each year, there has been little change in the numbers of both types of order over the last four years; not all children in care have relatives or friends who are able to meet their needs or are in a position to offer them a home if their parents cannot do so, and some will continue to need to find a permanent home with adoptive parents

Figure Two: Adoption Orders and Special Guardianship Orders 2013-2025



A perceived change in thresholds, negative publicity, difficulties in recruiting adoptive parents and an increase in Special Guardianship Orders may all be reasons why the numbers of children placed for adoption have fallen. They point to issues that continue to need to be addressed, but they do not indicate that adoption is about to fall out of use as a viable permanence option. There are, however, indications that it may need to change.

The call for change

The need for support

We have already seen that there have been substantial changes in the needs of adoptees as the proportion of children adopted for child protection reasons has dramatically increased while far fewer infants are now relinquished in response to socio-economic issues. All adoptees have to construct a complex identity as they come to terms with their past, and this can often be painful, but most of those who are adopted from care will additionally be struggling with the consequences of abuse and neglect (Ward et al, 2022; Selwyn et al, 2006). They may display challenging behaviour patterns, including child-to-parent violence, which may put the placement at risk (Selwyn and Meakings, 2016; Adoption UK, 2025). Both adoptees and their carers are likely to require long-term psychotherapeutic support to meet these challenges.

Changes in the needs of adoptive families have only been slowly acknowledged in legislation and policy. Following an initiative to reduce the number of children in residential care and increase the availability of both foster care and adoption to those who were considered 'hard to place', the 1976 Adoption Act introduced a measure to pay an adoption allowance to provide some additional support, in exceptional circumstances, to adopted children with significant needs. However this was only patchily available (Lowe, 1997). The allowance was means tested and lower than that paid to foster carers, reflecting continuing concerns about less eligibility that go back to the nineteenth century view, expressed in the Poor Law, that the state should not encourage dependency by offering more support to families in need than the independent labourer could provide for his own family (Ball, 2005). Many of these placements broke down and the children returned to care (Thoburn, 1990).

This century has seen more acknowledgement of the needs of adopted children as neurobiological research has led to greater understanding of the long-term consequences of abuse and neglect (McCrary et al. 2010, 2011, 2012; Tregagle et al, 2019; Turney and Wildeman, 2017), and the challenges faced by adoptees and their families have become more evident (Adoption UK, 2025). The Adoption and Special Guardianship Support Fund (ASGSF) was introduced in 2015 to provide early and targeted support, initially for adopted children only; children on Special Guardianship Orders were living with relatives and therefore not at first included – another echo of the less eligibility principle. Although Adoption England has a significant programme of work to improve adoption support and related services, there are continuing concerns that too little is offered too late; a decision by government to reduce the funding from 2025 and continuing uncertainty about its future have reinforced the perception that the state is reluctant to support these families. A recent well publicised report by the Patch group, drawing on the lived experiences of adoptive families, argues that there needs to be more transparency about children's needs before placement, a better, more timely response to the challenges they and their families face and a structured plan for recovery for all children experiencing developmental trauma, that follows them through the child protection system including into adoption. Above all there needs to be an acknowledgement that traumatised children require expert support and that 'love is not enough'. The report also claims that adoption is currently facing a crisis, and that more placements will break down and fewer adoptive parents come forward unless these issues are addressed (Wells et al, 2025).

Adoptive parents will need to have very different expectations from those who, in the past, wanted to adopt a baby to complete their family. Adoption is now a much more specialised activity, designed to offer permanence to children who are struggling with the consequences of very adverse early childhood experiences, and adoptive parents will need additional, trauma-informed training if they are to provide the type of therapeutic parenting their children need (Siegel and Strolin-Goltzman, 2017; Thomas and Simmonds, 2024).

Connection and contact

Adoption is also changing as it moves from a closed system to one that is much more open. For much of the twentieth century adoptions were shrouded in secrecy. Adoptees could not access adoption agency or court records to help them contact or trace their birth parents and birth parents could not access records to help them find out where their children were or how they were faring. However, pressure from adoptees and organisations such as Family Rights Group and the Children’s Legal Centre, together with research with adopted adults in Scotland, where different legislation applied, made it clear that many adoptees felt a deep need for information about their birth families, and that some (though not all) had a strong desire for contact, regardless of the success of the adoption (Triseliotis, 1973). The Children Act 1975 made it possible for an adopted person who had attained the age of 18 ‘to obtain such information as is necessary to enable that person to obtain a certified copy of the record of his birth’ and possibly trace their birth families; the Children Act 1989 introduced the Adoption Contact Register, through which adopted adults could register their interest in contacting birth relatives, relatives could register a reciprocal interest, and adoptees could initiate contact if there was a match (Schedule 10, s.21).

Fifty years since legislation facilitating post adoption contact was first introduced, access to records is still difficult, and many have been lost or accidentally destroyed (Robinson, 2024; Cowan, 2025); post-adoption contact is still very limited and most commonly restricted to ‘letter box’ arrangements, at least until children reach adulthood, although the advent of social media has made concealment almost impossible to preserve. As the Centenary Archive attests, many adult adoptees do establish contact with birth family members, some very successfully and some with less positive outcomes:

...As she walked through the door we just grabbed each other and hugged for what seemed an eternity. She was just a slightly older version of me. After a short while we both wondered what it was we were so scared of. I felt like I’d known her for a long time and since that day we have met a few more times
(Sharon, adopted 1965, Coram Centenary Archive)

I missed my flight out of London this morning on purpose.

I let it go, along with the relationship with my birth parents who are still consumed with extreme feelings for each other after all these years; a game I am too tired of playing with them...

I was 23 but in many ways I was merely an infant. Flying home prematurely, feeling utterly alone in my skin, and on the run from a man who terrified me.

That man was my natural father.

He had a kind heart but a terrorising mind.

(Beth, adopted c1980, Coram Centenary Archive)

However, as the Public Law Working Group has pointed out (2024), post adoption contact with birth family members including grandparents and siblings is likely to continue to develop in the future, and face to face contact will become more common, although the whole range of options should be considered for each individual child.

In New South Wales, where regular post adoption face-to-face contact with birth family members is mandatory, it has been found to help adoptees develop a strong sense of identity, continuity and belonging; it helps adoptees understand the reasons why they were adopted; it introduces a sometimes painful transparency, preventing adoptees and adoptive parents from fantasising about birth families, and birth families from fantasising about adoptive parents; and it helps adoptees come to terms with their past. Face to face contact with birth family members has been found to strengthen rather than jeopardise placements, as is often feared (Ward et al, 2022). However face to face contact does change adoption not only for adoptees, but also for their adoptive parents who, almost inevitably, become involved. As one of the conditions of the adoption order, Australian adoptive parents are required to accompany their children to contact sessions with birth parents, and as a result they develop a relationship with them.

Similarly, while the uncertainties of early permanence programmes such as fostering to adopt and concurrent planning may increase stresses around contact, the opportunities such programmes offer for parents and carers to get to know one another and develop ongoing relationships may be valued (Copson, 2024; Laws et al, 2013). These initiatives mean that adoption may become closer to foster care, where there is an expectation that foster carers will have contact with birth family members. In other ways too, as we have seen, the task of the adoptive parent is becoming closer to that of the specialist foster carer in that their role is now more likely to be to provide therapeutic parenting to a child who has challenging needs, but on a permanent basis. These changes will have implications for recruitment, training and support.



Conclusion

The adoption of children by strangers is controversial. It has been claimed that working class mothers were pressurised to relinquish their babies in the twentieth century in order to fulfil the demands of childless middle class parents (Lambert, 2022), and that in this century children have been adopted from care, to meet government targets rather than to protect them from harm (Sarah P., 2015).

However, the evidence indicates that in 1926 informal, unregulated adoption of illegitimate children who were unprotected by relatives was widespread. It was necessary to introduce a legislative framework to protect them from exploitation by 'adoptive' parents, to safeguard them from birth parents who could not meet their needs, and to protect the rights of birth parents by ensuring that consent had been genuinely given. Adoption has always fulfilled two different purposes – as a solution to societal problems that create 'unwanted' children, and as one element in a child protection system, designed to offer permanency to abused and neglected children in care who cannot safely return to their birth parents. Nowadays far fewer infants are relinquished in England and Wales in response to societal pressures, and the majority of adoptions are made for child protection reasons. Efforts to place such children within their extended family have led to an increase in Special Guardianship Orders, but these provide less stability than adoptions, and relatives do not always have the capacity or the support to meet the needs of children suffering the consequences of maltreatment. There is still a place for adoption by strangers in England and Wales today and practice and policy will continue to develop further to address the needs of adoptees, adoptive parents and birth parents in the future.

In the future there may be significant changes to the factors that indicate that adoption is in the best interests of the child.

Improvements in socio-economic circumstances; more accessible specialist interventions to reduce drug and alcohol misuse, mental health problems and domestic abuse; better family support services and better parenting education could potentially alleviate the stressors in some families, reducing the incidence of severe abuse and neglect and making it easier for parents to provide safe and nurturing homes for their children. Better integration of isolated communities and stronger multi-cultural initiatives could mean that in the future no mothers feel they need to hide a pregnancy and birth of a child from family members.

Adoption raises perennial issues which will never be resolved. There are no right or wrong answers to questions such as "how far should the state intervene in the lives of families?". Certainly adoption has changed considerably from the past – we now accept that adoptees are particularly vulnerable children and their carers need to be carefully vetted. When the 1926 Act was first introduced, psychology was in its infancy and early childhood development was poorly understood. The growing body of knowledge in both these fields of study has meant that lifelong support needs are increasingly acknowledged as our understanding continues to evolve.

In the context of modern communications and the realities of family development, adoption is also likely to change in the future. It will become more open as face to face contact increases, and this will change the role and expectations of adoptive families. Both adoptive parents and special guardians will need better preparation and more continuing support to meet the needs of children recovering from trauma. This will have an impact on the recruitment and selection of adoptive parents, as well as on training programmes for all involved.

The number of adoptions has dropped, and it may be that the role of adoption in conjunction with fostering and kinship care could change further. Nevertheless it seems likely that adoption will remain part of the child protection system for the foreseeable future, as long as it is deemed to be in the best interests of a small number of abused and neglected children who cannot safely live with their birth parents, and who have no other relatives or friends in a position to offer them a permanent home.



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