

PRACTICE NOTE 20

THE ADOPTION CONTACT REGISTER, ENGLAND AND WALES

LEGAL FRAMEWORK

By virtue of Schedule 10, para 21, of the Children Act 1989, which introduces Section 51a of the Adoption Act 1976 and the Children Act 1989 (Commencement and Transitional Provisions Order) 1991 (SI1991/829), THE ADOPTION CONTACT REGISTER CAME INTO EFFECT ON 1 MAY 1991.

BACKGROUND

For many years following the 1975 Children Act which first enabled adopted people over 18 to have access to their original birth certificates, the Registrar General operated an informal register for adopted people and their birth relatives. Those birth relatives who wanted contact with the adopted person and could prove their relationship to him or her, could write to that effect to the Registrar General. Having checked the relationship, the Registrar General then 'tagged' the adopted person's papers. Similarly, if a birth parent wanted to avoid or veto contact, the adopted person's papers could be 'tagged' with that information. Exceptionally a letter for the adopted person could be left.

No further action was taken unless the adopted person, when over 18, applied to the Registrar General for access to his or her original birth certificate. If adopted before 12 November 1975, they had to see a counsellor before gaining access to the details of their original birth registration. Any information from birth relatives would normally be sent to the counsellor beforehand.

There were occasions when that information was not passed on to the adopted person at the counselling interview (or was not available until after the interview). The counsellor had discretion as to whether the information should be passed on or not. If contact was planned the counsellor could act as an intermediary. The informal system was not widely publicised, so many adopted people and birth relatives did not know of its existence.

Some adopted people, who already knew their original name and the name of the adoption agency never had official counselling, and might never have learned that their papers had been tagged.

THE NEED FOR CHANGE

The adopted person

In the early years following the 1975 Act the numbers of adopted people who sought information was very small. During the 1980s the numbers increased, and it became clear that for many adopted people information about their origins filled an important gap in their lives and contributed vitally to their sense of wholeness and identity. For some, a meeting with their birth mother or birth relatives was an essential ingredient.

The search involved was sometimes quick and easy. For others it was long and frustrating. For some it continued for years and was occasionally totally unsuccessful.

Although many people who were successful were aware of the need for a cautious and sensitive approach to birth parents, preferably through an intermediary, there were others who experienced such a release of tension that they rushed into unwise attempts at immediate contact. On occasions this badly disrupted the family relationships of the birth relatives and led to a rejection of the adopted person, a very bitter experience. However, almost all felt that a reunion, whatever the outcome, had been important and worthwhile.

The birth parents

Experience since 1975 has demonstrated over and over again the traumatic feelings of guilt, grief, frustrated loving, and suppressed longing felt by many birth mothers. Bottled up for years, these feelings may have been shared with present families, but have quite often been hidden as guilty secrets. For these birth mothers there has been an intense desire to know whether their adopted child is alive and well, and when any war or disaster occurred it was natural to wonder whether their child was involved.

It is sometimes possible, provided the birth mother has retained basic information and with enough expenditure of time and money, to trace an adopted person, but it seems that not many birth parents have tried to do so, partly because of the deeply ingrained taboo imposed on them, and partly because there was no way of knowing whether their child knew that they were adopted. If they did not (and sadly quite a large number of adults still do not know), then the sudden appearance of a totally unknown relative could be devastating.

Although birth relatives could ask adoption agencies to note on the papers of an adopted person the fact that they would welcome contact, it is only very recently that some adoption agencies have been willing to take the initiative in getting in touch with adoptive families with a view to facilitating contact. Frequently of course families may have moved, so that such an approach is not easy.

Other relatives of adopted people, notably brothers and sisters, have often found out as adults that they had siblings, or have remembered from their childhood that they had a brother or sister who disappeared. Since they were not involved in the original decisions around the adoption they can be simply and strongly motivated to recover a relationship of which they feel they have been deprived.

Other relatives such as grandparents may also feel deprived, particularly if there are no other grandchildren.

CONTACT REGISTERS

The strength of the emotional drive for adopted people and birth relatives to find one another has resulted in a mushroom growth of privately-run registers providing reunion facilities and/or offering (at a price) to find lost people. The number of these makes it all too easy for one person to be registered in one place, and the person sought in another. The most successful register has been part of the work of NORCAP (National Organisation for the Counselling of Adoptees and Parents). Through it there have been over 80 reunions, and NORCAP's specially trained group of members have provided an intermediary service.

NORCAP, and other agencies involved in adoption support work, have campaigned for years for an official adoption contact register run by the Registrar General, and this is what came into being on 1 May, 1991. It has similarities to Birthlink, the Scottish contact register.

THE ADOPTION CONTACT REGISTER

Details of the adoption contact register in leaflet ACR 110, and application forms, are available from the General Register Office (see address at end).

Any birth relative who registered a wish for contact in the Registrar General's informal register need not re-register. If their adopted relative applies to the Registrar General for counselling the details of the relative's letter will be made available to them through their counsellor.

If an adopted person registers in the contact register and a relative had already registered in the informal system, the relative will be sent particulars of the new register, and their present wishes will be checked, before the adopted person is notified.

If a birth mother registered a wish *not* to be contacted she need not take any action. However, the new register makes no explicit provision for such a registration because its main purpose is to facilitate the contact of adopted people and birth relatives who *do* want to contact one another. If the adopted person registers now and the informal system includes a wish on the part of the birth mother *not* to be contacted, the Registrar General will send particulars of the new contact register to the birth mother, will indicate that the adopted person has registered, and will ask the birth mother what she wants to do. If she still does not want contact she can simply say so. The best way of making her negative wishes known to her son or daughter would be to give as a contact address that of an intermediary who had agreed to act for her and would explain her views to the adopted person.

From 1 May 1991 the procedure will be exactly as set out in leaflet ACR 110.

THE ADOPTED PERSON

Any adopted person over 18 can register in Part I of the register for a fee which is at present £9.50. They need to complete an application form giving:

- the name in which their birth was registered
- their birth mother's name and surname

- their birth mother's maiden name and birth father's name if these were included on the original birth certificate.

This necessary information can be obtained from adoptive parents if they know it, or by applying to the Registrar General for access to it in the normal way under Section 51 of the 1976 Adoption Act.

People who were adopted in England or Wales before 1975 but who are now living in other countries currently have to have counselling in the UK before they can get access to information about their birth and the agency which arranged their adoption. From October 1991, it may be possible for them to get counselling in the country in which they are living. Arrangements for this have not yet been completed but information can be obtained in October from the Registrar General at the address given at the end.

If an adopted person registers in Part I of the adoption contact register and a birth relative also registers in Part II of the register, giving their name and address, or that of an intermediary, that name and address will be forwarded to the adopted person. The birth relative will be notified that this has been done. No information will be given to the birth relative or the intermediary about the adopted person. If the adopted person has changed their mind, and does not want contact, the letter can be ignored. However, the birth relative will have been informed that the address has been forwarded, so it would be very cruel for the adopted person to take no action at all. It is of course open to them to make it clear to the birth relative or intermediary why they do not want contact. It is also possible to discuss the situation with a counsellor, and to ask that counsellor to act on their behalf.

Since the adopted person cannot prevent the birth relative from continuing to look for them, one of these actions is likely to be kindest and most constructive.

There is no way in which the adopted person can register unwillingness for contact, but their name and address will never be given to the birth relatives.

BIRTH RELATIVES

Any birth relative can register in Part II of the register for a fee which is at present £27.50. They must provide evidence of their relationship to the adopted person. Usually this will most easily be done by copies of the relevant certificates of birth and marriage.

A birth father whose name was not on the adopted person's birth certificate may have difficulty in proving his relationship. An affiliation order would be acceptable evidence, and other sources of proof may be available.

Relatives will also need to know:

- the name in which the adopted person was registered at birth
- the date and place of birth
- the birth mother's name
- the birth mother's maiden name and birth father's name if these were included on the original birth certificate

At the time of registration the birth relative may give his or her own name and address for transmission to the adopted person if they also register, or that of an intermediary.

The registration will be acknowledged, but there may then be a wait of months or years, or for ever, depending on whether or not the adopted person registers.

If the adopted person does register, the name and address of the birth relative or of his or her nominated intermediary, will be forwarded to the adopted person. The birth relative will be notified that this has been done.

It is very important that the Registrar General is notified quickly of any change of mind or address.

COUNSELLORS

It is the common experience of adopted people that, however strongly they have longed and searched for contact, the time of its actual approach can be frightening and deeply upsetting with very mixed feelings, a jumble of the many different ones experienced at a variety of periods of life.

Similarly, birth relatives, especially birth mothers, who have long been desperate to know whether their son or daughter was alive and well, can feel themselves drowning in a whirlpool of emotions.

Unfortunately, counselling has not been intrinsically built into the contact register. The leaflet ACR 110 does try to make it clear that counselling is available both to adopted people and to birth relatives, and provides the names and addresses of organisations which will provide intermediate and counselling services. BAAF can also usually suggest a counsellor.

The role of the counsellor is of paramount importance. A good first contact can make a lifetime's difference to the relationship between an adopted person and a birth relative, but they are likely to be so

deeply involved at the time that they are unaware of all the possible issues involved. Counsellors, if aware of some of them, can do much to alleviate stress and facilitate the development of a mature and satisfying relationship.

In this connection Pam Hodgkins' book *Birth records counselling: a practical guide* (see list at end) is very helpful.

SOME POSSIBLE ISSUES

As the adopted person and the birth relative will be virtual strangers to one another it may be helpful to exchange information before actually meeting. This may be personal information about themselves, or about their families, photos, or telephone calls – all good groundwork for a personal contact. There may be considerable differences in lifestyle which, if known, can be helpfully discussed before a meeting.

Adopted people and birth relatives have probably developed fantasies about each other during the years, and suddenly to have these shattered or turned upside down can produce a great sense of loss in the midst of great gain.

Many birth mothers find that the prospect of a reunion brings back feelings of guilt, grief and pain which frequently they had to cope with almost alone at the time of the adoption, and never wanted to experience again. They may be afraid of their children rejecting them, either for giving them away, or for what they have become and are now. Another fear is of being swamped, of embarking on a relationship which will prove to be too demanding, too alien or too destructive.

Adopted people often feel, however good their adoptive experience, that they were originally rejected. To be rejected again could be devastating. Some adopted people may have harboured a deep anger towards their birth parents, and find it reactivated by actual contact at the same time as they seek a loving and understanding relationship. That can be confusing to face and cope with. It is difficult to know where to start and what to expect in a relationship that began as that of mother and baby and in feeling may have got stuck there, while physically and in other emotional ways both have grown up and on.

Men and women may react differently in this situation and additionally some may find the expression of feeling much easier than others. The other party may have difficulty in knowing how to cope with or interpret their reactions. The initial meeting has inevitably to be something of a step in the dark, and therefore open to anything from bitter disappointment to overwhelming joy. Each is going to need someone to support them in preparation and in hindsight.

Both people are likely to have families and each individual in the family will have his or her own reactions to the reunion. A husband or wife may feel the odd one out as the partner plunges into absorbing new relationships. The oldest child of the birth mother's family may feel jealous because ousted from the position of first-born.

If the adopted person or the birth mother is unwilling to have a more personal contact than an exchange of photographs or information, or even just an explanation of the reasons for it not becoming anything more, there will be a need for counselling help to make the necessary adjustments and to leave doors open for a future change of heart.

If the contact is going to be maintained adjustments will have to be made, not only with each other but with family members. This can be complicated and involves much sorting out, both initially and as relationships develop.

These are just some of the issues involved, and as they become apparent the people concerned are going to need support and sensitive counselling at every stage as new relationships take shape.

Useful addresses

General Register Office (England & Wales)
OPCS
Adoptions Section
Smedley Hydro
Trafalgar Road
Birkdale
Southport PR8 2HH

General Register Office (Scotland)
New Register House
Princes Street

Edinburgh EH1 3YT

Birthlink
Scottish Adoption Contact Register
Family Care
21 Castle Street
Edinburgh EH2 3DN

Natural Parents' Support Group
10 Alandale Crescent
Garforth
Leeds LS25 1DH

NORCAP
3 New High Street
Headington
Oxford OX3 7AJ

Post Adoption Centre
8 Torriano Mews
Torriano Avenue
London NW5 2RZ

FURTHER READING

Burnell A, Fittell A and Reich D *'Feeding the hungry ghost': a framework for a birth records intermediary and post-reunion counselling service* Post Adoption Centre, 1990.

Hodgkins P *Birth records counselling: a practical guide* BAAF, 1991.

NORCAP *Shared experiences*, 1986.

NORCAP *Searching for family connections*, 1988.

BAAF PRACTICE NOTES

- 1** Private placements (out of print)
- 2** Adoption and fostering panels (out of print)
- 3** Consent to medical treatment for children in care or placed for adoption
- 4** Adoption panels in England and Wales
- 5** Medical aspects of the Adoption Agencies Regulations 1983 (England and Wales)
- 6** A-Z of changes in the law (England and Wales)
- 7** Using the media
- 8** A-Z of changes in the law (Scotland)
- 9** Medical aspects of the Adoption Agencies (Scotland) Regulations (out of print)
- 10** Using the BAAF medical forms
- 11** Custodianship
- 12** Information for adoptive parents about their child's background
- 13** Placement needs of black children
- 14** Post-traumatic stress disorder in children
- 15** Schedule 2 reports under the Adoption Rules 1984
- 16** Accommodating children (England and Wales)
- 17** Access to Medical Reports Act 1988
- 18** Recruiting black families
- 19** Social work reports in adoption proceedings (Scotland)