

SCHEDULE 5

MEMORANDUM

APPLICATION FOR PERMANENCE ORDER WITH AUTHORITY FOR A CHILD TO BE ADOPTED

6. The court cannot make the permanence order granting authority for adoption without your agreement unless it dispenses with your agreement on certain grounds of if you are a parent who does not have parental rights and responsibilities unless these were removed by virtue of a previous permanence order which does not grant authority for the child to be adopted. The grounds on which a court can dispense with a parent's agreement are that:—

- (a) the parent or guardian is dead;
- (b) the parent or guardian cannot be found, or is incapable of giving agreement;
- (c) the court is of the opinion that the parent or guardian is unable satisfactorily to discharge parental rights and responsibilities in relation to the child (except the responsibility and the right to maintain personal relations and direct contact with the child on a regular basis) and is likely to continue to be able to do so;
- (d) where a permanence order (which does not include authority for adoption) has been made which removes the parental rights and responsibilities from the parents or guardian and it is unlikely that such responsibilities will be imposed on, or given to the parent or guardian;
- (e) if sub-paragraphs (c) and (d) do not apply the welfare of the child requires the consent to be dispensed with.