BRIEFING 3

Adoption without consent in England

Nine in ten children placed for adoption are placed by court order, not with their parents' agreement. The Government has apologised for forced adoption in the past. It is time to look honestly at the present.

Dr Charlotte Ritchie October 2026 England Reading time 10 minutes

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Based on chapter 5 of *Child Protection – A Public Health Approach: Reducing the Numbers in Care* (2021), updated with 2024–26 figures, law and research.

Key points

- In England, a child can be placed for adoption from birth without their parents' consent, and once an adoption order is made the parents lose all rights to the child for good.
- Of the 3,040 children adopted from care in 2024–25, 97% had been placed under a court placement order. Only one in ten children placed for adoption on 31 March 2025 was placed with consent.
- Every European country allows adoption without consent in some circumstances. Few, if any, use it to the extent England does.
- The parents who lose their children this way are overwhelmingly poor. There is no evidence that they parent worse than better-off families in similar circumstances; only that they are far more likely to ask the state for help.
- In July 2026 the Government apologised for forced adoption between 1949 and 1976. Adoption without consent today deserves the same honest look.

97%
of children adopted from care in 2024–25 had been placed under a placement order
DfE 2025

170
of 1,660 children placed for adoption on 31 March 2025 were placed with consent
DfE 2025

1 in 5
newborns in care proceedings now face a same-day hearing, up from 1 in 10
Nuffield FJO 2025

1 Then and now

On 2 July 2026 the Government formally apologised to the mothers and children affected by forced adoption, which predominantly took place between 1949 and 1976 and mostly involved young, unmarried women being coerced into having their babies taken from them. "What happened was wrong. It should never have happened. We are deeply sorry." It promised £4 million over three years for support.[1]

We know that historically, voluntary adoption was often driven by social pressures. In the first half of the twentieth century, the stigma of being an unmarried mother, at a time when abortion was illegal, pushed many women to give up their babies. Today, parents can still feel forced, for one reason or another, to give up a child.

What is more unusual about England is that a child can be taken from a parent at any point from birth and placed for adoption, with the parent losing all rights to the child.[2] This practice, commonly called "forced adoption", did not end in 1976. The reasons have changed. Mothers are no longer told that being unmarried makes them unfit. Instead they are judged unable to care for their child, often in the weeks after birth, and often while struggling with poverty, mental illness, an abusive partner or addiction.

2 How it works

1. **Care order**
   The family court finds that the child is suffering, or is likely to suffer, significant harm.

2. **Placement order**
   The court authorises the council to place the child for adoption. It can dispense with a parent's consent if the child's welfare requires it.[3] The courts have said adoption should be ordered only where "nothing else will do".[4]

3. **Placement with adopters**
   The child moves to live with the people who hope to adopt them.

4. **Leave to oppose**
   A parent cannot oppose the adoption order without the court's permission, and the court can give it only if circumstances have changed since the placement order.[5]

5. **Adoption order**
   Parental responsibility passes to the adopters. The birth parents' parental responsibility is extinguished.[2]

All of this happens in the family court, on the balance of probabilities, without a jury. And if parents later manage to prove that an error was made, there is no way that the child can be returned to them.

3 The numbers

In the year to 31 March 2025, councils in England decided that 3,550 children should be placed for adoption, and 3,040 children were adopted from care.[6]

England, 2024–25	Children
Adopted from care during the year	3,040
… of whom placed under a placement order	2,940 (97%)
Placed for adoption on 31 March 2025	1,660
… of whom placed with parental consent	170 (10%)
Decision to place for adoption made in the year	3,550

Source: DfE, Children looked after in England including adoptions 2025.

Many of these children were removed as babies. Care proceedings about newborns more than doubled in England in a decade, from 1,039 in 2007/08 to 2,447 in 2016/17.[7] The rate is still rising: from 49.1 to 50.6 newborns per 10,000 live births between 2019/20 and 2022/23. One in five newborns in care proceedings now has a court hearing on the same day the council applies, up from one in ten.[8]

Many children are taken from their mothers on the maternity ward, when a woman is in no position to respond to proceedings, attend meetings or defend herself in court. That is not only devastating to the mother; it is a practice many would consider unarguably cruel.

And for many mothers it happens more than once. Around one in four birth mothers who appear in care proceedings are expected to return to court with another child within seven years.[9]

4 How England compares

A study for the European Parliament found that every country in Europe has some way of permitting adoption without parental consent. But few, if any, use it to the extent that the English courts do.[10]

In 2015 a report for the Council of Europe's Parliamentary Assembly went further, describing England and Wales as "really unique in Europe in placing so many children for adoption", and calling on member states to avoid, except in exceptional circumstances, "severing family ties completely, removing children from parental care at birth; basing placement decisions on the effluxion of time and having recourse to adoption without parental consent".[11]

The same report made a point this book has made throughout. While the parents of children taken into care or adopted without consent are predominantly poor and socially marginalised, there is no evidence that they parent worse than better-off families:

> "There is, however, no evidence to suggest that, in similar contexts, parents who are poor, less educated, belong to an ethnic or religious minority or have a migration background are more likely to abuse or neglect their children… Financial and material poverty should never be the only justification for the removal of a child from parental care, but should be seen as a signal for the need to provide appropriate support to the family."
>
> Council of Europe Parliamentary Assembly, 2015

Abroad, English practice has attracted attention. A French television documentary broadcast in 2016 presented it to French viewers as a human rights scandal in the heart of Europe, kept hidden by the rules that stop parents and journalists telling their stories.

5 Time, babies and the welfare of the child

Since 2014, care proceedings must be completed within 26 weeks unless there are exceptional reasons.[12] It will be said that the welfare of the child is paramount and that a speedy conclusion is therefore right. But when a

mother is recovering from birth, from depression, or from an abusive relationship, 26 weeks is very little time to show the court that things have changed.

Time then becomes a reason in itself. By "effluxion of time", the Council of Europe meant decisions where a judge rules that, because a baby has now spent six months with foster carers who wish to adopt him, he is settled, and that the passing of time is a reason for denying the birth parents.

A child's welfare is not something that can be judged in one moment of time, such as the date of a court hearing. It stretches forward through the whole of their life. In most cases, the child's welfare means keeping contact with their birth parents. The European Court of Human Rights has said that the decisive issue is whether a fair balance has been struck between the interests of the child, the parents and public order, and that the parents' interests, "especially in having regular contact with their child", remain a factor.[11]

6 Parents who do not know their rights

Many parents believe that a placement order is the end. It is not. When adopters apply to adopt, a parent can ask the court for permission to oppose the adoption, and since 1 March 2023 can get free legal representation for this whatever their income.[5][13] In 2026 the Court of Appeal said that an adoption order should never be made at the same hearing as a refusal of leave to oppose.[14]

But nobody routinely tells parents. In November 2024 a group of senior judges, lawyers, social workers and academics recommended that a clearly written national leaflet be served on every parent when an adoption application is made, explaining their right to apply for leave to oppose and the test the court will apply, with translations.[15] We have found no sign that it yet exists.

Parents who lose their children are also left largely alone afterwards. Birth parents are entitled to post-adoption support, but services vary widely and are rarely provided in a meaningful way. Without help, many go on to lose another child.

7 What should change

1. **An honest review of adoption without consent today**
   The same honesty the Government has shown about 1949 to 1976, applied to current practice.

2. **No removal at birth except in exceptional circumstances**
   Mother and baby placements, residential assessment and support at home first, so a mother is not asked to fight for her baby in the days after giving birth.

3 **Contact with birth parents in almost every case**

Because a child's welfare stretches across their whole life, and their relationship with their family is part of it.

4 **Tell every parent their rights**

Produce the national leaflet the judges recommended in 2024, and publish how many parents apply for leave to oppose, and how many succeed.

5 **A higher standard before a family is permanently severed**

Adoption without consent is a life sentence for the family. It should require more than the balance of probabilities.

6 **Real support after removal**

Every parent who loses a child to care or adoption should be offered support to recover, so that the next baby can stay.

Questions for discussion

Q1 Should a baby ever be removed from its mother at birth, and if so, in what circumstances?

Q2 Is it right that a decision to sever a family permanently is made on the balance of probabilities, without a jury?

Q3 Should children who are adopted keep contact with their birth parents, and how could that be made to work?

Q4 If the Government can apologise for forced adoption in the past, what would it take to recognise harm being done today?

Sources

1. House of Commons, Written Ministerial Statement HCWS179, Historic Forced Adoption, 2 July 2026.
2. Adoption and Children Act 2002, section 46.
3. Adoption and Children Act 2002, sections 21 and 52.
4. *Re B (A Child)* [2013] UKSC 33; *Re B-S (Children)* [2013] EWCA Civ 1146.

5. Adoption and Children Act 2002, section 47(5) and (7).
6. Department for Education (2025) *Children looked after in England including adoptions: 2025*.
7. Broadhurst, K. et al. (2018) *Born into Care: newborns in care proceedings in England*. Nuffield Family Justice Observatory.
8. Edney, C. and Ryan, M. (2025) *Newborn babies in urgent care proceedings in England and Wales: an update*. Nuffield Family Justice Observatory.
9. Broadhurst, K. et al. (2017) *Vulnerable birth mothers and recurrent care proceedings: final summary report*. Nuffield Foundation.
10. Fenton-Glynn, C. (2015) *Adoption without consent*. European Parliament, PE 519.236.
11. Council of Europe Parliamentary Assembly (2015) *Social services in Europe: legislation and practice of the removal of children from their families in Council of Europe member States*, as quoted in Ritchie (2021).
12. Children Act 1989, section 32(1)(a), as amended by the Children and Families Act 2014, section 14.
13. Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Family and Domestic Abuse) (Miscellaneous Amendments) Order 2023 (SI 2023/150).
14. *R (A Child: Leave to Oppose Adoption)* [2026] EWCA Civ 673.
15. Public Law Working Group, adoption sub-group (2024) *Recommendations for best practice in respect of adoption*, paragraph 181.



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