

The SAAM Recommendations

Adoptee Recommendations to the Scottish Government: Historic Forced Adoption Practices, The Violation of Family Life — Rights of Adopted People

Scottish Adult Adoptee Movement (SAAM), in partnership with Adult Adoptee Movement (England) and Movement For An Adoption Apology (UK and Scotland)

Covering Letter

As recorded in the Scottish Government's Publication on Advice and Guidance regarding Historical Adoption, in June 2021, the First Minister committed to fully consider the issue of historical adoption practices in Scotland.

A questionnaire was subsequently developed to invite views from anyone affected by historical adoption in Scotland. This questionnaire is now closed for further contributions.

In response to the First Minister's commitment, this document has been produced by a group of adult adoptees who have formed the Scottish Adult Adoptee Movement (SAAM). All SAAM's members were either adopted in Scotland or are adult adoptees living in Scotland. The majority of SAAM's members were adopted in Scotland during the period under consideration by the Scottish Government. All contributors to this document have also contributed individually to the questionnaire. We found that we had as much to say collectively as we did separately and have taken the route of this series of recommendations to collectively share our concerns and requirements. We consider ourselves and our lived experience to be central to this issue.

SAAM has noted, with the most profound possible disappointment, that the Scottish Government's peer support process excludes the people at the very heart of the issues: all the adopted people.

The lack of willingness to see, hear and comprehend the impact of adoption on adult adoptees, demonstrated by the Scottish Government, is causing justifiable concern and alarm. Adult adoptee exclusion causes us to collectively question the validity of the process underway to address the issues involved in Scotland's historical adoption practices. Considering the adoption process in its entirety cannot be completed without hearing and appropriately responding to the unique perspectives of those who were most vulnerable to forced historical adoption's trauma. The shame and stigma associated with historical adoption practices have overshadowed the lives of adoptees for long enough.

This lack of acknowledgement has prompted SAAM to set out a specific set of Core Circumstances and a series of Recommendations for representation to the Scottish Government. We have taken this step to ensure that nothing is done "about us without us" and to guarantee that the voices of adult adoptees, too long silenced, will be fully heard.

The issue of historical adoption practices in Scotland, and the abusive and shameful treatment of infants, children and young people, first parents and first families, will remain only partially considered if we do not make space to listen to the experiences of adult adoptees and to honour their truths.

To aid in the process of full consideration, SAAM's attached list of Recommendations for the Scottish Government will begin to address the need for progress and healing from harm as identified by the only true experts in adult adoptee experience: the adoptees themselves.

The SAAM primary and secondary recommendations are supported by appendices covering academic findings of harm caused by adoption and areas of future promise required by SAAM members from our

representatives at the Scottish and Westminster Parliaments.

Adoptee Recommendations to the Scottish Government

This report is in response to Claire Haughey, Children and Young People's Minister, Review into Historical Forced Adoption Practices on Women, Babies and Children. Commissioned by the Scottish Government, 16 June 2021. Publication date to be announced.

It is also submitted with reference to the Joint Committee on Human Rights inquiry, "The Violation of Family Life", ordered by the House of Lords to be printed 6 July 2022 and published on 15 July 2022 by authority of the House of Commons and the House of Lords. December 2022.

Introduction: Core Circumstances

A.1 Full Recognition of the Adult Adoptees of Scotland

Full recognition of the adult adoptees of Scotland and their unique place in Scottish society and law. This recognition must extend beyond recognition of the harm done to first/birth mothers and also focus on the lasting harm done to adoptees and to the children, families, and other descendants of adoptees, in acceptance of the intergenerational harm, dislocation and trauma that is the legacy of historical adoption.

A.2 Acknowledgement of Mental Health Harms

Various studies have confirmed the causal nature of infant and early childhood separation from the natural caregiver (first mother) in the experiences of childhood, adolescent and adult trauma, mental illness, and other impacts upon wellbeing. Adoptees are the only group in society expected to be grateful for the traumas they have suffered through no fault of their own. Relinquishment causes trauma and adoption causes trauma.

Recognition that Adoption Severance is an Adverse Childhood Event and the cause of developmental and pre-verbal trauma which has been proven to adversely affect the developing brain and body. Such severance has further been proven to cause life-long complex difficulties, placing Adoptees at greater risk of suicide, mental health problems, sexual assault and other harms. Adoptees are statistically at far greater risk from adult predators perpetrating all forms of abuse.

A.3 Acknowledgement of the Role of Governments and State Offices, Statutory and Voluntary Organisations, and Religious Groups

Prior to the period under review by the Scottish Government, Scotland's long and unique history of Common Law marriages ('cohabitation with habit and repute') and accompanying acceptance of birth outwith marriage was considered normal. Consequently, the period under review represents an aberration in Scottish history and Scottish society. Going against nature and nurture, the resulting losses of family history and kinship, and related losses of knowledge and understanding of genetic, ethnic and cultural identity, are a blight on Scottish history and deserve to be universally recognised as such. Such historic adoption practices caused, and still cause, dislocation, isolation and harm for adoptees throughout their lives.

A.4 Transparency of Birth Records and Adoption Files

All legal and other documents relating to adoptions must be better regulated and be made suitable and free to access for all adoptees' requirements. An adoptee's right of access needs to be at the centre of any policy on record keeping and record sharing. Those identifying as late discovery adoptees or late

cognisant adoptees require skilled and compassionate staff to signpost them from record offices to relevant and adequately resourced support services.

A.5 Responsibility for Medical Records and Medical Care

Adoptees' needs must come first in the sharing of information. This must include an appreciation of the actual and potential physical and mental harm caused by lack of post-adoption information-sharing regulations. Scottish and Westminster governments have responsibilities to support adoptees in their rights to health and wellbeing and to end the health discrimination of adoptees.

A.6 Acknowledgement of the Lack of Support in Reconnection and the Need for this to Improve

The majority of adult adoptees express interest in knowing more about or seeking to reconnect with their first families. We adoptees can confirm that reconnection, while often deeply desired and long-sought, is a complex, highly emotionally-taxing process even when the adoptee is responded to positively by first family. The reality is not what is popularised on television.

For many adoptees such reconnections are never possible due to multiple factors. Other reconnections fail or flounder due to the difficulties inherent in coping with trauma and multiple loss, and the emotions which accompany this for all parties involved. The best chance of reconnection is when appropriate supports are made available for both adult adoptees and first families, and also for adoptive families, as needed.

Reconnections require both Holyrood and Westminster governments to take responsibility for supporting tracing and mediation services. The current lack of support available to adult adoptees amounts to a dereliction of moral and social responsibility and substandard conduct on the part of the state.

A.7 Adoptees and Families Separated by Borders

Many harms are caused by international adoptions. The supply of infants and young children from overseas to infertile couples in Scotland needs to be considered very carefully, with an acknowledgment of the risks of culturally blind and potentially unethical practices for all international adoptees.

Studies confirm many adoptees are adversely affected by international adoptions and inter-ethnic adoptions, and all face additional challenges due to their relocation. There needs to be a recognition of the role of Holyrood and Westminster Parliaments in supporting adoptees' rights to gain access to their country-of-origin statehood and, where desired, to gain the fullest access to their country-of-origin information possible.

A.8 The Negation of Lessons from Lifelong Data and Research

Adoption is a system which has consistently failed to meet needs. It is time for the Holyrood and Westminster Parliaments to look to the extensive research base on the psycho-social and physical impacts of adoption, to recognise the limitations of adoption, and set out to find ethical practices best suited to the care of children by the state. To fully support adoptees, this must be adoptee-led.

It is time to assist first mothers, first fathers and adopted persons who have suffered the deeply damaging consequences of being forcibly or coercively separated from their child or parents and family. These historical adoption practices have caused trauma to mothers, fathers and the children they were separated from and continue to cause trauma to adult adoptees and intergenerational trauma to their children and grandchildren. Additional research is required to further understand and mitigate the intergenerational harms and losses that are a consequence of adoptions.

A.9 A Future Promise

For historical adoption practices to become widely recognised as harmful to people and abhorrent to nature. The Scottish Government commits that it will not play a part in forced adoptions in future non-criminal and non-consensual situations. The Scottish Government will strive to ensure future generations will never again be harmed by such unethical and inhumane treatment as caused by forced historic adoption practices. For the Scottish Government to commit to meeting the fundamental human rights, as set out in the UN Convention on the Rights of the Child, including the right to be raised by one's parents, where those parents can be supported to care for the child.

Primary Recommendations

The following 17 primary recommendations have been prepared in consultation by the members of SAAM. SAAM requests a response on these recommendations as a matter of high priority and seeks an indicative timescale that will be used to respond to and resolve all the issues raised here. A set of commitments related to Scotland's Promise is given later in this document, along with an In Memoriam appeal. A further set of 9 secondary recommendations are shared in Appendix 1. Academic reviews of the impact of adoption, particularly forced historical adoption, are set out in Appendix 2.

Recommendation 1 — A Formal Apology

We recommend the Scottish Government specifically apologise to the adults, adopted as babies and children, who have been harmed by Historic Adoption Practices, recognising the violation of their fundamental human rights, against natural justice.

That, as part of this apology, the Scottish Government acknowledge the losses of family life, sibling and extended family relationships, culture, ethnicity, heritage, identity, language and social connections. In sixty thousand cases in Scotland, these most profound losses were unlinked to any capacity, or lack of capacity, in the first/natural mother to care for her infant, and were solely, or principally, based upon her marital status, "without any regard to the mother and children's own needs and wishes".

That the Scottish Government expand its understanding of the impact of these losses, recognise these losses have caused harm and acknowledge that an apology alone cannot recompense for either the years lost, or the harm done.

As part of this apology, the Scottish Government accepts the impact on the right to family life as babies, children, young people and adults, and the subsequent effect of the loss of this upon the familial connections of their descendants.

Additionally, the Scottish Government must accept that many adoptees and their descendants may never get answers. Many have not been given transparency, honesty and truth, and as a result of this, additional harm continues to be caused, both directly and indirectly, to adoptees, their families and their descendants.

The apology will acknowledge historical forced adoption practices were wrong and caused harm to all affected. It will acknowledge that mothers who had their children adopted did not have the resources or support from the state to protect against the coercion and harms carried out by statutory and voluntary organisations, the religious sector, and local and national government employees and departments, including the NHS and Social Work Departments. It will acknowledge that adoptees were inhumanely harmed in the most meaningful and lasting ways, including their stigmatisation as adoptees, affecting their wellbeing, their personhood and their fundamental basic human rights.

This apology will also be able to acknowledge that Scotland's unique historical 'Common Law Marriage' (cohabitation with habit and repute) meant that unmarried parents had for centuries been able to cohabit, bear, and raise children without state interference. The fact that the majority of children currently born in Scotland are born outwith wedlock demonstrates that the 'baby scoop' forced adoption decades of the 20th century were a true aberration of Scottish life and culture and against natural justice.

Recommendation 2 — Remedy and Prevention

We further recommend the Scottish Government set up a structure to remedy harms done to adults adopted as babies and children through forced historical adoption and ensure such practices do not persist or recur.

Accountability needs to be taken to address the harms caused by the lack of awareness, safeguarding frameworks and research, as should be the responsibility of government. This requires an acknowledgement that the correct support was not offered during the period in question, laws did not cover the rights of the child and did not support equality. The system left children, young people and adults vulnerable, often within abusive adoptive homes, and unable to navigate complex social and healthcare systems in search of support. At present, what is described as a statutory right to support is in fact patchy and age-restricted, with no guarantee of any adequate support.

Acknowledgement that adopting parents did not have the resources, education and support along with government monitoring, research, data and awareness to deal with the separation-induced trauma adoptees were subsequently living through after their adoption orders had been made. This impacted adoptees in childhood and subsequently into adulthood. Education in post-adoption consequences was, and is, lacking, and adoptees' post-adoption support is forgotten.

Acknowledgement that the stigma associated with being adopted, as expressed by societal views towards adoptees, was and is hurtful and causes pain and additional suffering. We find the use of pejorative language toward members of our community hurtful and offensive, and we ask the Scottish Government to look to address these concerns.

Studies have confirmed that the life stage of an adoptee is only one indicator of the requirements of psychological, counselling or other peer support or forms of therapy. Adoptees may struggle in teenage years, young adulthood, on becoming parents, and following profound loss. At its root, severance causes lifelong trauma, and adoption causes lifelong trauma. Individual circumstances affect how these traumas play out.

This will ensure that all aspects relevant to infant, child, teenage and adult adoptees are addressed, and all governmental legal responsibilities are met, including the UN Rights of the Child (articles 2, 3, 8, 9, 18, 20, 21), and UK and Scottish legislation concerning adoptees.

Recommendation 3 — Funding for Counselling and Therapy

Government funding of sufficient free-to-access adoption- and trauma-aware counselling and therapy. Services should principally be provided through the National Health Service and Third Sector.

Therapeutic services are to be delivered by organisations and individuals with an ethical commitment to adult adoptees and with relevant expertise, experience, support and training. In particular, these services must be provided by organisations who have no current or previous connection with supporting or enabling past and/or forced adoption practices. All treatment and support must be adoption- and trauma-informed and be responsive to the particular concerns of all parties affected at times of reconnection between adoptees and first family members.

The Scottish Government should form a framework to establish free and universally available therapeutic intervention via clear referral pathways leading to adoption- and trauma-aware specialist counselling and psychological services.

Adequate funding will come from Holyrood, Westminster, or a combination of both parliaments, for a full suite of post-adoption services for people affected by past and forced adoption practices. This must include counselling and support groups, run for and by a peer-led working group comprised of adoptees and other adoptee-approved co-opted members.

Recommendation 4 — Alternative Therapeutic Provision and Choice

A self-directed payment fund be created and made accessible to all adult adoptees seeking support beyond the statutory sector, allowing them to access support on their own terms. As much of the harm done to adult adoptees occurred during pre-verbal and developmental stages of early life, talking therapies may have a limited impact on deeply embedded trauma. Adult adoptees may require support from a range of specialists in physical therapies, EMDR, body work, and other disciplines, to ameliorate and ideally resolve aspects of the harm they have endured.

Recommendation 5 — The Right to Define One's Own Legal Identity

Governments must allow adoptees the legal right to define their own identity, including the setting aside of an adoption order or the integration of birth certificates with adoption status.

Integrated documents to be issued freely on request and be legal proof of identity, of equal status to other birth certificates, and be shown as such in archives and within government-held data.

Any adoptee should have the right to leave adoptee status and return to birth identity legally. This matter should be simplified on a "no fault" and "no claims" basis and at no charge to the adoptee. This right to revocation, annulment and discharge will restore overdue human rights to enable adult adoptees to claim the identity they feel comfortable living in.

Only in the circumstance of criminal safeguarding should a child's full identity, including first name, be changed. These rights must be at no cost for adoptees for any subsequent name change brought about directly because of new heritage information, at any time.

The UN Convention on the Rights of the Child can guide the resolution of issues of discrimination and lack of freedoms for adoptees. Article 8 states that children have the right to their own identity — an official record of who they are, including their name, nationality and family relations.

Recommendation 6 — Acknowledging Harm Caused by Identity Change

Governments must acknowledge and respond to all harm caused by the changes of identity to babies and children adopted. Only in the circumstance of criminal safeguarding should a child's full identity, including first name, be changed. The Historical Forced Adoptions Apology will make specific reference to the harm caused by change of identity and commit to a timescale during which the necessary changes in Scots Law will be proposed and acted upon.

Recommendation 7 — International Adoptees

The Governments of Holyrood and Westminster must work together to put in place rules and processes that allow and actively aid adopted people to identify themselves as legal citizens of Scotland, if they wish, or to hold dual nationality, even if their birth parents were foreign nationals, in keeping with UN Rights of the Child articles 10 and 22.

Recommendation 8 — A Secure National Database

A secure national database of all Birth, Foster and Adoption records needs to be created to allow all the recommendations contained here to be fully enacted upon. The Scottish Government is called upon to provide funding to establish an independent central body, with no connections to past, future-planned and forced adoption practices, to maintain and operate this database. This role may be best placed with the offices of the National Records of Scotland.

Recommendation 9 — Secure Storage with Full Adoptee Access

The National Records of Scotland, or other data-holding body, will store documents securely, but give full access to adoptees, allowing for full use of documentation. Where identifying information is requested by first parents, appropriate safeguarding and support must be provided for the adult adoptee and/or their descendants.

Recommendation 10 — Inheritable Medical Conditions

The Scottish Government must support the implementation of training for workforces to better enable adoptee-centric planning when medical professionals are considering support plans for adoptees, including automatic consideration for screening of hereditary conditions.

Recommendation 11 — Relaying Medical Information from First Parents

The Scottish Government must establish a better system to relay medical information from first parents to adoptees, complying with data protection and privacy laws while reducing risk of unwitting identification for those with rare genetic diseases.

Recommendation 12 — Governance and Oversight of Reconnection Services

Government must improve the current handling of adoption records, tracing and intermediary services with adult adoptee governance and oversight. These services must be transparent, trauma-informed, supported by genealogists and search angels, and act as mediators, with no past or present connection to forced adoption practices.

Recommendation 13 — Removing Barriers to Reconnection

We recommend that the Holyrood and Westminster Governments set up a fund to provide grants to adoptees, parents and siblings who were forcibly disconnected via forced historical adoption and subsequently taken abroad, or for whom natural/first family is living at considerable distance, to enable them to reunite at important life events.

Recommendation 14 — Grievance Mechanisms

We recommend that institutions, agencies and government bodies that had responsibility for historical adoption practices establish grievance mechanisms that will allow the hearing of complaints and injustices, with redress made available where wrongdoing is established. The Care Inspectorate may have a role in the governance of this process.

Recommendation 15 — Review of International Adoption Practices

We recommend the Holyrood and Westminster Governments invest in understanding and improving the systems and impacts of international adoption, in keeping with UN Convention of the Rights of the Child articles 9, 10, 11, 20 and 35.

Recommendation 16 — Reducing the Impact of Cross-Border Separation

All inter-country adoptees should be entitled to at least one funded return flight to their country of origin, additional support to search for first family, and interpreter/translator support both in preparatory and subsequent stages of reconnection, in keeping with UN Convention of the Rights of the Child articles 9, 10, 11, 20 and 26.

Recommendation 17 — Flagging Systems and Lifelong Data

A system must be developed which recognises the need to identify and offer adoption-informed support, person-centric data collection and tailored research, taking place throughout services from GPs, Health and Social Services, third sector and government bodies for all adoptees, and must be lifelong.

A Promise to Create a Better Future for Adoptees

In addition to the primary recommendations, the following commitments will support the delivery of Scotland's Promise and make significant differences to all adoptees, whether or not they have been impacted by forced historical adoption injustices. SAAM requests a response on these commitments and an indicative timescale for consideration:

- (a) Abolish non-consensual, non-criminalised "forced" adoptions, with a 'Promised Future' framework implemented to support training of all involved in adoption practice, creating transparency and safety within adoptions and legal guardianships.
- (b) The Holyrood Government will work harder to keep families together, and in contact when they cannot be together. Siblings, regardless of care status, must remain in regular contact unless for the purposes of extreme safeguarding. Kinship care must be the first route explored.
- (c) The use of permanency orders is to be explored as an ethical practice and an improvement upon adoption. All adoptees must know of their care status from the earliest possible age.
- (d) A 'Promised Future' Framework to support training of all who are involved with adoption practice.
- (e) Following an adoption order, adoptees and their adoptive parents must be supported to ensure the child's experiences of developmental trauma and loss are built into the care, education and support the family receives, recognising all adoptees as care-experienced people.
- (f) Ongoing checks, monitoring and age- and role-appropriate mentoring must be carried out, especially for adoptees during pre-teen and teenage years into young adulthood, and also for their adoptive parents.
- (g) Education, NHS and Children's Services should seek to clarify, record and make positive use of adoptee status to improve adoptee-centric care and support given, and should never assume 'kept' status.
- (h) All birth families, current and historical, will be offered support in their loss and at times of reconnection, via adoption-informed family mediation and therapy services.
- (i) The Scottish Social Services Council will be equipped with the resources and skills to provide training and awareness in adoption trauma for all relevant professionals.

In Memoriam

In Memory of All Those and All That Has Been Lost

Research points to adoptees being more at risk of taking their own lives; more likely to be subjected to sexual abuse; more likely to experience mental health problems and addictions, and at greater risk of facing incarceration.

In remembrance of those who have suffered and lost their lives to suicide or chronic mental and physical ill health as a result of CPTSD and other trauma-induced disorders, we think it is only right that plaques should be erected by Local Authorities and other organisations involved in forced historical adoptions.

Such plaques will be best designed or commissioned by forced historical adoption-affected people. These memorials will be a living visual embodiment of the apology, marking the failings to individuals and families across the nation, and acting as a reminder that such practices were wrong and must never come to pass again.

This document has been created by members of the Scottish Adult Adoptee Movement (SAAM), in partnership with the Adult Adoptee Movement (England) and Adoptee Campaigners for the Movement For An Adoption Apology UK and Scotland (MAA/MAAS). Based on the voices of lived experience, from those upon whom adoption practices have impacted.

Appendix 1 — Further Recommendations for Consideration

2A. Adverse Childhood Experiences (ACEs)

The Government should look to implement support systems, academic research and adaptive services to identify and address the impact of Adverse Childhood Experiences relating to historical adoption upon adult adoptees. Relinquishment by first parent(s) is an ACE, no matter the circumstances of the relinquishment or the nature of the adoptive home.

2B. Rehabilitation of Adult Adoptee Offenders

The Holyrood and Westminster Parliaments should recognise that the higher number of ACEs a person has, the greater the risk that they will self-harm, self-sabotage and offend, and apply this acknowledgement to the specific circumstances of adult adoptees, providing both preventative services and support to assist adoptees in understanding the link between adoptee status, ACEs, offending and wellbeing.

2C. Support for DNA Testing

Where there are doubts as to the truthfulness and transparency of records and/or parentage of an adoptee, the Scottish Government must fund and support commercial DNA testing, and genealogy support to be made available to assist adoptees seeking information on their first families and heritage.

2D. Robust Information-Sharing Systems

The Holyrood and Westminster Governments must provide more robust information-sharing systems for families of severance, including details of family deaths and births of siblings, with funding for long-distance travel in the event of significant life events.

2E. Open-Book Adoption Records

Open-book adoption records must become the norm, with protected information only withheld where more harm would be done to the adoptee were this to be shared. Adoptees should have the ultimate decision in determining what information they wish to access and when.

2F. Secure Storage with Safeguarding

As with Recommendation 9, the National Records of Scotland or other data-holding body will store documents securely while giving full access to adoptees, with safeguarding measures enacted where identifying information is requested by first parents.

2G. A Four-Nation Approach

The Governments of Holyrood and Westminster must work together with the Welsh Assembly and the Northern Irish Executive to achieve full transparency within adoption matters, enabling adoptees throughout the four nations to have full access to their information.

2H. Adult Adoptee Oversight of Services

Adult adoptee oversight must be present in the improvement of the current handling of adoption records, tracing and intermediary services, which must be transparent, trauma-informed and accountable to representative bodies of adult adoptees.

2I. Data for Research into Lifelong Trauma

Lay and university funding should be directed to the study of historical adoption's complexities of impact, with special consideration given to impacts across adult adoptees' lifespans, collated by an independent body for recording and analysis.

Appendix 2 — Historical Adoptee Research on Infant Adoption and Outcomes

This review draws on UK and international papers considering the impact of adoption upon adoptees, first parents and adoptive parents, with peer-reviewed findings that have implications for law makers, social services, healthcare and a wide range of other individuals and organisations. The literature reviewed spans from Clothier's foundational 1943 work on the psychology of the adopted child, through Schechter, Toussieng, Humphrey and Ounsted's clinical observations of adopted children in the 1960s and 70s, to more recent systematic reviews including Melero and Sanchez-Sandoval (2017) and Corral et al. (2021), which together document consistently elevated rates of psychological maladjustment, identity disturbance, insecure attachment, and self-harm among adult adoptees compared with non-adopted peers. Key themes recur across seven decades of research: early separation trauma, disrupted identity formation, ambivalence toward both birth and adoptive families, and lifelong, often delayed, psychological impact. The full academic citations and detailed findings that support this appendix are available on request from SAAM.

Appendix 3 — Adoption Law

Section 1: Revocation of Adoption Status

An adoption order is a life-changing thing. It severs a child's legal ties with their birth family, and instead makes them legally the child of the adoptive parents, with all rights and responsibilities transferred to the new family. Once made, an adoption order cannot be undone except in an extremely limited set of circumstances.

Case law demonstrates the courts' general unwillingness to revoke adoption orders even in deeply unfair circumstances, prioritising public policy considerations around the finality of adoption over the wishes of the individuals affected — though a small number of highly exceptional cases, including one

involving a 14-year-old girl who succeeded in having her adoption order revoked in 2015 after suffering abuse in an arrangement made by her adoptive parents, show that revocation is not entirely foreclosed where the child's welfare clearly requires it.

Section 2: Scottish Context

The legislation governing adoption in Scotland is intended to make adoption permanent and invariable. There has been very little judicial consideration of revocation in Scotland, although the courts have described adoption orders as "sacrosanct", with reduction permitted only in extreme situations considered "probably theoretical rather than of practical significance". The Scottish Adoption Policy Review Group concluded in 2005 that there should be no statutory extension to add grounds for revocation of adoption orders. Other jurisdictions, including Australia, New Zealand, South Africa and some US states, take a different approach, with express statutory provisions allowing discharge of adoption orders obtained by fraud, duress or other improper means.

Section 3: Adoptee Descendant Identity

Scottish case law establishes that access to historical adoption records by descendants of adopted people is assessed on a case-by-case basis, weighing the passage of time, the likelihood that affected parties are deceased, and the genuineness of the applicant's reasons for seeking the information, against the public policy of maintaining confidence in the confidentiality of adoption files.

Section 4: EU Perspectives on English Law

In June 2016, the Petitions Committee of the European Parliament published a report, "Adoption without Consent", examining the law and practice in England and Wales in relation to adoption without parental consent, in comparison to other EU jurisdictions.

Section 5: UNCRC and Scotland

The UN adopted the UNCRC in 1989, and the UK ratified it in 1991, but none of the UK's four nations incorporated it into domestic law until 2021. This meant many of its protections were not accessible to Scotland's children and young people through the domestic courts.

Section 6: A Children's Rights (Scotland) Bill

An independent Advisory Group, working with Together (Scottish Alliance for Children's Rights), drafted a proposed Children's Rights (Scotland) Bill and presented it to the Deputy First Minister on Universal Children's Day, 20 November 2018, setting out a model for full UNCRC incorporation into Scots law.

Section 7: Against Natural Justice

If an adoptee cannot return to their own core birth identity, it can be argued that adoption has permanently altered them for the sake of the state's adherence to policy, without the corresponding right to return to that identity if they wish. This is considered by SAAM to be against natural justice and discriminatory, particularly when contrasted with the legal freedoms extended to change gender identity in Scots law.

Section 8: Scottish and English Court Cases

Case law, including *Re W (A Child) (No 4)* [2017] and related authorities, confirms that under the inherent jurisdiction of the High Court, an adoption order can in principle be set aside where it was obtained through fraud or dishonest representation, though in practice the courts have applied this jurisdiction narrowly and set a high threshold for such applications to succeed.

Section 9: Adoption as "an Act of Surgery Which Cuts Deep Into the Hearts and Minds"

In a 2014 lecture to the Denning Society, Lord Wilson of Culworth reflected candidly on the emotional repercussions of adoption orders he had made as a judge, cautioning that adoption is not merely a necessary arrangement for a child's upbringing but an intervention with profound, lasting personal and emotional consequences that the legal process does not always fully weigh.