

# Step-Parent Adoption

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# **Blaenau Gwent Social Services**

## **- Information about Step-Parent Adoption**

Partners of parents often wish to adopt children from their partner's previous relationships. Step-parent adoption involves becoming a legal parent of the child. This involves making a lifelong commitment to the child.

To adopt your partner's child who normally lives in the UK you will need to tell your local council that you plan to adopt at least three months before starting your adoption application with the court.

### **Before you start**

Adoption is first and foremost about what is best for the child/ children involved.

It is important to realise that step-parent adoption is not the only way to provide a stable and secure family environment or to recognise the rights, roles and responsibilities of step-parents.

You should therefore consider all the alternatives before going ahead with a step-parent adoption, the Courts will not automatically grant an adoption order and will expect other alternatives to have been explored and assessed first.

It is advisable to seek advice before making an adoption application.



You can contact us for information and advice before contacting your local county or magistrate's court, our contact details are included in the "contact information" section.

You may also consider contacting a solicitor who specialises in children and family law although this is not a compulsory requirement. You will find details of family solicitors in the local telephone directory or the Yellow Pages.

## **The Impact of Step-Parent Adoption:**

### **On the adopted child**

A number of outcomes from step-parent adoption include:

- The relationship between the child and the step-parent will be recognised in law.
- The step-parent will acquire parental responsibility on the same footing as the birth parent.
- The child may acquire a new surname or family name.



There are a number of wider reaching consequences to consider as the child would no longer have any legal ties to the other birth parent and a large section of that parent's family.

Although good relations may be maintained, it does mean that in law the adopted child will:

- Lose any automatic rights to contact with that parent or that parent's family (aunts, uncles, grandparents, etc).
- Lose any rights to maintenance payments from the other birth parent.

- Lose any rights to inheritance from the other birth parent or that parent's family unless special provision is made in their wills.

## On the Step-Parent

The step-parent will become the child's legal parent, with all the rights and responsibilities they would have if the child were born to them. Adoption is a life-long commitment to being a parent throughout childhood and beyond. Adoption is permanent and is irreversible except in rare and extreme circumstances.

## On birth parents

An adoption Order will remove parental responsibility (if they have it) from the other birth parent but it will not remove it from the parent who is the step-parent's partner.



If a couple in a new relationship or second marriage separate or divorce following an adoption order being made, both partners will have equal rights to the child whilst the child's other birth parent will still have none. The adopting parent's responsibilities to the child will continue.

## On records

- The making of an adoption order will be recorded in the Adopted Children Register (the Adopted Children Register is not open to public inspection or search).
- An adoption certificate will be issued to adoptive parents.
- The child's entry in the register of live-births will also be annotated that adoption has occurred. At 18 years old an adopted person can apply for a copy of their original birth certificate.

## Other important things to consider

An important point people can forget is that the courts view adoption from the child's perspective, rather than the adult's. What an adult wants is taken into account, but an adoption order will only be granted if it is viewed as being in the best interests of the child. Some people feel the need to adopt their step-child in order to make the family feel complete, but this is not a good enough reason for a court to grant an adoption order.

## The Criteria for Step-Parent Adoption

Applications may be by either a married or an unmarried partner (whether of different or the same sex) of a parent with whom they are living in an enduring family relationship (customarily lasting 3 years or more).

The step-parent must have lived with the child for at least six months prior to the application. The applicant should be over the age of 18.

The step-parent must apply to the Court for an adoption order to be made. Where permission is granted, the step-parent becomes the adoptive parent.



An adoption order is only possible if:

- The Court decides that it is in the best interests of the child.
- Any other parent who plays a role in the child's life and who has parental responsibility agrees (unless the Court decides that their permission is not required).
- The child has been looked after by the couple for more than 6 months prior to the application.
- Both applicants are 21 unless the birth parent is 18 or older.
- One of the couple is resident in the UK or both have been resident in the UK for a year or more.
- The couple does not comprise of two people who are related (e.g. two elder sisters adopting a younger brother or sister).
- To evidence stability, the couple must be assessed by the Court to be in an "enduring family relationship".

Note that it is no longer a requirement in law that a birth parent adopts their own child at the same time as the step-parent.

## Alternatives to Step-Parent Adoption

It is quite natural for a step-parent to drive the decision to adopt children in his or her desire to become part of a formal family unit.

However, adoption may not always be the best way to provide stability and structure to a child.



The Courts often recognise a number of alternatives which include:

### Parental Responsibility Order

An order, if granted by the Court, gives the step-parent parental responsibility. This will not sever the formal links with the child's extended birth family that adoption would.

### Parental Responsibility Agreement

This is a formal agreement drawn up by a solicitor which clarifies the rights, roles and responsibilities of everyone with parental responsibility.

### Residence Order

Residence orders give parental responsibilities and rights to an applicant without removing parental responsibility from an absent birth parent. It also determines who the child will live with. A Residence Order lasts until the child is 16 years old.

It is a method which allows a step-parent to gain responsibilities and rights without severing legal ties to a birth parent which would occur as a result of adoption.

### Contact Order

A contact order outlines the type and level of contact a child may or may not have with another person, by phone or in person.

This can be particularly useful to manage the relationship with distant parents.





## Legal Advice

You may wish to seek the advice of a Child and Family Solicitor before proceeding with an application. It is not compulsory or always necessary to have legal representation to make an adoption application, however in complex cases or cases where there is dispute it may be advisable.

## What to do next?

1. Contact the Local Authority Adoption Team for general advice.
2. Notify the local Authority in writing of your intention to make a step-parent adoption application (this should be done at least three months before you make the application to the court, this can also be done by a solicitor on your behalf if you have one).
3. The Local Authority will contact you to confirm the official date of notification. A Social Worker will visit you to discuss adoption and the alternatives. They will also have a duty to visit the child to ensure their care and wellbeing is satisfactory.
4. Place your application with the Court. A Family Proceedings (magistrate's court) can be used if both birth parents are consenting to the adoption. If the application involves particularly difficult or complex issues it may be transferred to an Adoption Centre. Adoption Centres are specialist County courts with adoption judges who are experienced in the adoption process. **You will need to pay an application fee to the court, this is non-refundable should you later decide not to proceed.**



5. The Court will ask one of our social workers to provide a detailed report before it can make an adoption order. The report is referred to as a Suitability Report and must contain information about:



- You.
- Your family.
- Your health.
- Checks from Police, Probation and child protection lists.
- Previous partners of the step-parent (and details of any other children).
- What alternatives to adoption have been considered.
- Evidence that adequate attempts have been made to trace, contact and seek the views of an absent or distant parent.
- Whether adoption is in the child's best interests.
- The child's welfare and education.

The report will also assess the potential impact of the adoption on the child and both birth parents. The report requires the Authority to recommend to the court whether it believes that adoption is in the best interest of the child.

This will help the Court decide if an adoption order is the right thing for the family as a whole or whether other alternatives are more suitable.

6. The Court will also appoint a Reporting Officer who will visit both birth parents and applicant to deal with agreements to adoption.

7. The Court will then make its decision on whether to approve an adoption order. Both applicants and the child will be invited to attend an adoption hearing at the Court. The Social Worker will also attend and your solicitor may attend if you have one. The Court can make an Adoption Order, no order at all or an alternative order such as a residence order.

## Contact Information

Adoption Team  
Social Services  
7 Bridge Street  
Ebbw Vale  
NP23 6EY

Tel No: (01495) 355794



Newport County Court (Adoption Centre)  
Olympia House  
3rd Floor  
Upper dock Street  
Newport  
NP20 1PQ

Tel No: (01633) 227151

To receive this information in Braille, large print, electronically or on audio tape please contact the Information Officer on (01495) 354630.

Leaflet CS007-1 September 2008

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