

Adopting a step-child

There are several things that you need to consider before making an application to adopt your step-child. Applications are not always straightforward.

What are the basic requirements for adopting a step-child?

If you are applying to adopt your step-child you must be at least 21 years old. You must also be married to, or the partner of, one of the child's parents.

What do I need to consider?

Before you apply you need to consider your reasons for wanting to adopt your step-child.

You may want to adopt because:

- you think it will make the child feel more secure and part of a 'real family'
- it will give the child a new surname
- you think it will help to erase a difficult past
- adoption will give the child automatic right to inheritance.

All these are valid reasons, but you also need to remember that adoption can cut ties to all members of half of the child's natural family. As they get older the child may feel a sense of loss and abandonment and cut off from their background and relatives.

What will the court look at?

In all applications the court will consider:

- the welfare of the child
- the wishes and feelings of the child if they are old enough to understand
- all aspects of your family's relationships and circumstances.

There are various types of orders a court may make for the child.

When the court hears an adoption application it needs to decide if it will:

- make no order
- make an adoption order
- another type of order.

What are the other orders?

Residence Order

This gives the carers of the child parental responsibility, but **doesn't** remove parental responsibility from the child's natural parents.

A Residence Order says who the child will live with. A carer with a Residence Order has almost the same rights and responsibilities as the child's natural parents.

However, a carer with a Residence Order can't:

- consent to adoption of freeing for adoption
- appoint a guardian
- change the child's surname without the consent of both natural parents
- remove the child from the UK for more than a month without the approval of the court or everyone with parental responsibility for the child.

Contact Order

A Contact Order means that the person the child lives with must allow the child to visit and have contact with another person; such as a natural parent.

A Contact Order can be made with an Adoption Order.

Prohibited Steps Order

This order stops a carer from doing something they might normally do with full parental responsibility; such as giving permission for medical treatment or taking the child abroad.

Specific Issue Order

This order is given to deal with a particular problem, such as the child's education or religion.

Parental Responsibility Order

This order gives parental rights and responsibilities for a child to an adult who doesn't already have them, such as the partner of the child's parent.

If a natural parent doesn't agree to adoption because they think a different order would be better for the child, the court may make the different order instead, even if it is not what you originally applied for.

An Adoption Order is final and is likely to cancel any previous order.

What do we do next?

You must decide if you want to:

- leave things as they are
- apply for an Adoption Order
- apply for a different type of order.

Before you decide you may want to talk to someone from **Children and Young People's Services (CYPS)** to discuss what is in the best interests of the child, what is possible and what choices are available.

If you decide to apply for an Adoption Order you must tell CYPS. A social worker will have to visit your child from time to time until an order is made.

You can make an adoption application to your local family proceedings court or county court. You are entitled to have your application considered whatever your circumstances. It may be a good idea to talk to a solicitor who specialises in family law.

What happens after we apply?

The court will ask a social worker to make enquiries including:

- talking to the child about their views and feelings
- getting personal references for the step-parent
- contacting the other natural parent for their feelings
- contacting members of the wider family.

The social worker will write a detailed report and make recommendations. The court will then appoint an independent reporting officer who will make an independent assessment and advise the court.

The court will always ask 'what is best for the child?'

Where can we get more information?

Contact **CYPS** on **0845 155 1013**
email adoption@devon.gov.uk
or visit www.devon.gov.uk/step-parent-adoption08

You can also get more general information at **British Association for Adoption and Fostering (BAAF)**
www.baaf.org.uk