

What is adoption?

Adoption is a means of changing the legal parentage of a child. When an Adoption Order is made, the adopters become the legal parents of the child and acquire rights and responsibilities for the child (Parental Responsibility). At the same time, the biological parents lose their Parental Responsibility for the child and the Order brings to an end any other orders already in place.

Who can adopt?

Individuals or couples who are unrelated to the child (such as where a child has been placed by an adoption agency or the Local Authority). Step parents can also apply to adopt the child or children from a partner's previous relationship.

Requirements

In all cases the child must have lived with the adopters for a particular period of time before the application can be made. How long this period is depends on the situation.

In most cases, a child must have live with those wanting to adopt for 3 years out of the previous 5 years before an application can be made, although the 3 year period does not need to have been continuous and in some cases the Court may allow a shorter period.

For what is sometimes called a "step-parent adoption" (although it is not necessary for the parent and their partner to be married) the child must have lived with a parent's partner for 6 months up to the date of the application.

If the adopters are Local Authority Foster Carers, the child must have lived with them for one year before the application can be made, although the Court can be asked to allow a shorter period in some circumstances.

Unless the Local Authority is already involved those wanting to adopt must give 3 months notice to the Local Authority in the area where the child lives of the intention to adopt. This is to allow the Local Authority sufficient time to prepare a report for the Court, having investigated the circumstances of the proposed adoption.

Procedure

An application form must be completed and once sent to the Court, an appointment is made for a short Hearing which the biological parents will have an opportunity of attending. If they do not consent to the adoption the Court can only make the Order if it is determined to be in the child's best interests.

If there have been previous care proceedings concerning the child and they went to live with adopters under a Placement Order, the biological parents need the Court's permission before being allowed to

challenge the making of an Order.

For the Adoption Order to actually be made, the Judge lists a short informal hearing which the adopters attend often with the child. The Judge makes the Order and gives permission for photographs to be taken to commemorate the day.

Alternatives to adoption?

Often step-parents wish to be treated in law in a similar way to the child's biological parent. There are alternatives to adoption which can give some of the same benefits.

Step-parent Parental Responsibility Agreements

This is an agreement completed by one of the child's parents and their husband or wife which means that they share Parental Responsibility for the child. The step-parent can only obtain Parental Responsibility in this way if:-

- a. they are married to one of the child's parents;
- b. that parent already has Parental Responsibility for the child (which is not always the case for fathers) and;
- c. anyone else who already has Parental Responsibility for the child consents to the agreement.

If no agreement can be reached, an application can be made to the Court for a Step-Parent Parental Responsibility Order.

Child Arrangements Order

If a child is the subject of a Child Arrangements Order which says they live with someone who does not already have Parental Responsibility (e.g. if the Order mentions a the partner of the parent they live with) the person named in that Order acquires Parental Responsibility for the child and shares it with anyone else who already had it.

Unlike adoption, the above two options do not remove the Parental Responsibility of the child's biological parents. They are, however, generally far more straight forward than the process of adoption.

Special Guardianship Order

This is another alternative which gives Parental Responsibility to the holder of the Order. However, unlike Residence or Parental Responsibility Orders or Agreements, a Special Guardian can exercise their Parental Responsibility without requiring the consent of all others who share it. These Orders are usually made where children live with members of their extended family or friends of the family. Parents cannot be made Special Guardians.