



What is step parent adoption?

Adoption offers the child a legally permanent relationship with the adoptive parent which they will keep for all their lives. Step parent adoption means that the resident birth parent and their partner share parental responsibility for the child.

There is no automatic right to adoption, and it is not necessarily appropriate for every child in step families. The Local Authority in which the child lives has to enquire into every family which proposes step parent adoption and prepare a report for Court of their findings. A Social Worker will make several visits to a family and make various checks.

What are alternatives to step parent adoption?

There are alternatives to step parent adoption which may more appropriately secure the child's place in your family. A step parent who is married to the resident parent can acquire parental responsibility by entering into a formal agreement with all those with parental responsibility or by applying to the Court for a Parental Responsibility Order or a Child Arrangements Order.

The Court, therefore, has several options at its disposal:

- Adoption Order.
- Parental Responsibility Order.
- Parental Responsibility Agreement.
- Child Arrangements Order.
- Not making an order.

Note - The surname used by a child can be changed by deed poll if all those with parental responsibility are in agreement.

Who can apply for step parent adoption?

You can apply to be an adoptive parent either individually or jointly with someone else. You do not have to be married. You can apply to the court for step parent adoption if all of the following criteria are met:

- The applicant is 21 or over.
- The applicant is married to the resident birth parent, or the applicant is living with the resident birth parent in an enduring family relationship (Cumberland Council recommends a minimum of 2 years).
- The applicant resides in the British Isles or has been habitually resident there for at least a year.
- The applicant has been continually living with the child for at least 6 months.
- The applicant has notified the Local Authority in writing of their intention to apply to court for an adoption order at least 3 months before submitting an application to court.
- The child is not yet 18 (although the court can make an order up to the day before the person's 19th birthday).

What is the Assessment Process?

The Child's best interests

We have a duty to ensure that adoption is in your child's best interests. The Court will want to establish that adoption will be best for the child throughout their life. The assessment process will involve seeing the child alone at some point. It is therefore essential that the child knows the truth about his/her origins and relationships within the family.

Your child's birth history

If you have not yet told your child about their birth history, we may be able to give you some ideas to help you. It is important that your child has a record of his or her early life, including photographs, documents, mementoes and details of significant people in his or her life. You may like to consider having a special folder, box or photo album for this purpose.

Relationships

The Court will require evidence of the family relationships. In determining the applicant's suitability, the Social Worker and the Court will look for evidence of stability and permanence in your relationships. This requirement applies if you are married, have entered into a civil partnership or are living as partners in an enduring family relationship. In Cumberland, this is defined as a relationship that has lasted for at least two years.

The child must have had his home with the applicant at all times during a period of at least 6 months preceding the application to adopt.

Interviewing birth parents

We have a legal duty to interview both birth parents, and anyone else who may have parental responsibility for the child, and ascertain their views. You will need to clarify whether they are in agreement with your application. The court will require written consent of all persons with parental responsibility for the child. If no such agreement is given, you may wish to obtain legal advice from a solicitor experienced in adoption matters. If the absent birth parent is not consenting to the adoption, the court will do what is in the best interests of the child and may dispense with the absent parent's consent. If the birth parent is deceased, the court will require a copy of the death certificate.

The Social Worker may want to interview extended members of the deceased's family. Even if the absent birth parent does not have parental responsibility they will need to be contacted as they have rights as a birth parent of a child. Information about their life, family, health, education and employment are all important to record as well as their wishes and feelings about the proposed adoption. If the parent has not maintained contact with the family, the Court will want to know that all possible efforts have been made to find the absent parent.

Interviewing extended family

The Social Worker will also need to see the child's brothers and sisters and may wish to see other members of the family. You will need to think about important people in the child's life, for example: aunts, uncles and grandparents who might be affected if an adoption order is made.

References

You will be invited to supply the names and addresses of three referees, from people who know you well.

It is beneficial if the child is able to understand the implications of their adoption and has a knowledge of their birth history. It is therefore preferable that children are over the age of 5 before the step parent considers adoption but each case will be considered on its own merits.

Contact arrangements

The Social Worker will ask you about any contact arrangements you have for the child. You may find it useful to discuss any issues that exist in this area.

Applying for step-parent adoption: Step by Step

Make enquiries to the Local Authority in whose area you live and register an interest in step parent adoption.

The Local Authority will investigate your suitability to become the child's adoptive parent and the appropriateness of adoption.

You are required to give the Local Authority at least three months' written notice of your intention to apply to the Court. (see address below).

You make an application to the Court. The cost is approximately £160 per application although the fee may be waived in certain circumstances. (see note below)

Social Worker is allocated, visits you and begins report preparation.

The Local Authority submits a report to the Court on your suitability and the appropriateness of adoption.

The Court considers your application and the Local Authority's report and makes a decision.

Local Authority report

When the Local Authority receives the written notice of an application, it has to investigate and prepare a report to the Court about the suitability of the person applying to be an adoptive parent. The report will be compiled by a qualified Social Worker with experience in adoption case work. The report has to include:

- information about the child who is the subject of the application.
- information about the child's family.
- the wishes and feelings of the child and others;
 - information about the prospective adoptive parent;
 - information about the Local Authority that compiled the report.
- a summary prepared by a medical professional;
- the implications of making an adoption order for the people involved.
- the relative merits of adoption and other orders.
- a recommendation regarding adoption.
- a recommendation regarding contact.

The Social Worker assessing your family situation will want to meet with each individual: the applicant, the birth parents, the child and all other significant adults and children in the child's life.

Adoption is a very important step in the life of a child and the adoption process cannot be hurried. The Court requires a detailed report about each person within the family and how the individuals relate to one another.

The Local Authority has a duty to carry out checks as to the applicant's suitability and will make contact with various agencies including police, health and education. The child's school and personal referees will also be contacted. There may be a charge passed on to you for any medical report requested.

If the applicant or the resident birth parent is British, an adoption order will have the effect of conferring British citizenship on the child. In cases where there may be issues around immigration status or nationality, the Secretary of State will be informed of the proceedings in case they should want to become a party to the proceedings.

If an adoption order is made the child will be issued with a new birth certificate stating the name of the resident parent and the adoptive parent as being the parents of the child. The child can apply for a copy of their original birth certificate when s/he reaches 18 and can apply to access their adoption records through the adoption support services in the Local Authority where they live.

Note

You will need to have the following documents (where applicable) available for when you apply to court:

1. Child's birth certificate (full version).
2. Marriage certificate in respect of the applicant and resident birth parent.
3. Documents relating to previous marriages.
4. Change of name by deed poll (if applicable).
5. Documents relating to immigration status (if applicable).

Please send your written notice of your intention to adopt to:

Cumberland Safeguarding Hub
PO Box 233 Penrith CA11 1BZ

Tel No: **0333 240 1727**

Email: **safeguarding.hub@cumberland.gov.uk**

Books:

- Step children and adoption (BAAF advice leaflet, 9th edition, 2007). Contains useful information for birth parents and step parents on step families, the advantages or not of adoption, the alternatives to adoption and obtaining further advice.
- Joining Together – Jo's Story By Sheila Byrne (BAAF, 1999). Part of the "My Story" series. This title is about a step parent adoption.
- Making sense of the New Adoption Law By Nick Allen (Russell House, 2nd Edition, 2007).
- Step-families: Living successfully with other people's children By Suzie Hayman (Vermillion, 2001). Offers practical and positive strategies for coping with the emotional issues likely to concern a new combination of parents and children as well as coping with the ongoing presence of the ex.
- The Relate Guide to Second Families By Suzie Hayman (Vermillion, 1999).
- Adopting a Child By Jennifer Lord (BAAF, 2006).

Websites:

- www.lawsociety.org.uk
- corambaaf.org.uk/ Coram BAAF
(formerly BAAF – British Association for Adoption and Fostering)
- www.gov.uk/browse/childcare-parenting/fostering-adoption-surrogacy
- www.adoption.org.uk/information/step_adoption2.html (Adoption Information Line)
- www.familyonwards.com (Special sections on step families, divorce and second weddings)
- www.parentlineplus.org.uk (General help about being a family)