



**Adoption
Central
England**

Step Parent Adoption

Important Information for Families



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Adoption Central England (ACE)

As of February 2018, the Adoption services for Solihull, Coventry, Warwickshire, Worcestershire and Herefordshire have now formed a partnership to form Adoption Central England, also known as ACE Adoption.

Please see our website of www.aceadoption.com for more information regarding our organisation.



Our duty hours are 9.30am - 4.30pm Monday to Thursday and until 4.00pm on Fridays.

To speak to one of the team for an initial conversation, please contact us on the details listed below.

All calls are in the strictest confidence and any questions or queries will be answered by a qualified and experienced adoption social worker.

Tel: 0300 369 0556

Web: www.aceadoption.com

Email: enquires@aceadoption.com

What is a step parent adoption?

Making an adoption application needs very careful thought, even where it is a step parent who is looking to adopt the child that they are living with. An Adoption Order transfers the parental responsibilities and legal rights and entitlements from the child's birth parent to the step parent so it is so important to explore what adoption means, not only for you as parents, but for the child, as ultimately the court's decision will affect the rest of the child's life.

This guide provides information to step families about adopting stepchildren.

Historically, step parent adoption was the most usual way forward and chosen by people who wanted to take legal steps to provide stability and security for their step children.

This enabled the child to share the family's name and the step parent's role, rights and responsibilities were recognised in the event of the death of the birth parent.



However, severing a legal relationship between a child and their birth parent needs careful consideration and today there are a variety of alternatives available for family's to consider which may be more appropriate. This is very significant and important for a child who has some involvement with both sides of his or her original family.

Alternatives to adoption for you to consider.....

Parental Responsibility

This is commonly defined as all the rights and responsibilities that in law a parent has for a child. It enables a parent to share in the big decisions concerning the upbringing of a child such as their medical treatment, how they are educated and what name they are known by.

The birth mother automatically obtains parental responsibility at the birth of the child. A birth father commonly attains parental responsibility through marriage to the mother and/or being named as the father on the child's birth certificate.

It is common for non-related parents to want to have this responsibility so that they can make decisions when, and if, the need arises for a child who is in their care.

However, a non-related parent will not automatically have parental responsibility and will have to take steps to acquire it through the court.



Parental Responsibility Agreement/Order

Whilst a parent with parental responsibility can delegate their parental responsibility to another person for the purposes of the 'day to day' care involved in meeting the child's basic needs, a parent who does not have parental responsibility does not have the authority to make significant decisions.

A step parent who is married to the parent with parental responsibility or a civil partner (but not a cohabitant or grandparent) can be granted parental responsibility by entering into a 'formal agreement' that is lodged with the court, with all other persons with parental responsibility. This is a relatively straightforward and an inexpensive process.

The courts recognise the important role that step parents play in children's lives and understand how important it is for responsibility to be acquired.

If a 'formal agreement' is not going to be possible, a step parent or civil partner (but again, not a cohabitant or a grandparent) can be granted parental responsibility by making an application to the court for a Parental Responsibility Order.

When considering whether to grant the order the court will regard what is in the best interests of the child and will consider:

- the views of all with parental responsibility
- the step parent's connection with the child
- evidence of meaningful and longstanding relationship with the child



Other options to consider.....

Child Arrangements Order

A court may make this order setting out with who the child is to live with or spend time (previously known as Residence and Contact Orders).

This order can be made requiring the child to live with any person or couple, whether or not married or in a civil partnership. If the order states that the child will live with any person, that person will acquire parental responsibility for the child *in addition to the birth parents*. Whilst this order is in force, no one (either parent or step parent) is allowed to change the child's surname or arrange for the child's emigration unless *all* the people who have parental responsibility agree to this, or the court makes an order permitting it.

Change of Name

Changing a name can be done in ways other than adoption. Any changes to a child's status or a name change will need to be agreed by all of those with parental responsibility for the child.

Testamentary Guardian

Guardianship of the child by the step parent in the event of the death of the birth parent with whom the child is living, can be arranged by making a Will - this is testamentary guardianship, and this will also secure inheritance.

What else to consider and next steps?

What about the 'absent' birth parent?

Except where the absent birth parent has died, it is your responsibility to inform them of your plan to adopt. It is not the responsibility of the local authority to do this, although if it is not possible to trace the absent birth parent, this should be discussed with the social worker at the initial interview.

What should we tell the child/ren and when?

It is important that children grow up with a truthful and meaningful understanding of their birth family history which includes any decisions that have had an impact on their lives.

Before an application is made to the court, you will need to have spoken to your child, using narratives that they understand, about your plans for adoption and what this means for their future. As part of our assessment of your family, we will need to evidence the child's wishes and feelings and whether they understand the lifelong implications of adoption. If you are unsure how to introduce the adoption process to your child, advice can be sought from the social worker at your consultation meeting.

So what happens next?

To be assessed to adopt as a step child, the birth parent must be 18 years old or over and the step parent at least 21 years of age. There is a legal requirement that the child must have lived with you both full time for a minimum of 6 months prior to an application. However, we will need to evidence whether your relationship with the child's birth parent is stable and enduring, therefore we would suggest that your relationship should be established for a minimum of 2 years before considering adoption.

If you have read through this information and considered all of the options available and feel that adoption is the most appropriate way forward for your child please make contact with Adoption Central England and a duty social worker will talk to you about your enquiry.

If you meet all the eligibility criteria and would like to proceed, a consultation will be arranged to understand your motivation, why adoption is your preferred option and we will explore the process in more detail.

Following the meeting, we will write to you outlining our discussion and if you decide that adoption is still what you feel is right for your family, you will need to provide in writing, to Adoption Central England, your notice of intention to make an application to the court for an adoption order.

Adoption Central England must be notified at least 3 months before you make an application to the court for an adoption order. Once your letter of intention to adopt has been received by Adoption Central England, you will be sent a formal acknowledgement and further information which will explain the adoption process in more detail. Notice of intention to adopt expires after two years, so you will need to lodge your adoption application with the court within this time.

Your assessment.....

Adoption Central England will undertake an assessment which will involve spending time getting to know your family, to enable us to prepare the report for court.

The report must contain information about the child, each parent of the child, including the step parent, and other family members, including other children, the alternatives to adoption that have been considered and the evidence of attempts that have been made to trace, contact and seek the views of an absent parent.

We will consider the lifelong impact of the proposed adoption on the child and both birth parents and take into account all the circumstances, whether adoption is likely to be in the child's best interests.

As part of our assessment, we will also speak with referees that you have identified, the child's nursery or school and we will undertake police checks, known as a DBS, on all members of the household over the age of 18 years, including the birth parent.

The assessment report will help the court decide if an adoption order should be made.



Is adoption right for our family?

It is important to realise that the making of the adoption order has the effect of bringing to an end the parental responsibility of anyone else that had such responsibility prior to the adoption i.e. the birth parents and their wider family such as grandparents.

It is not always suitable for new families.

In making your decision about whether or not the adoption of a step-child is right for your family, it is important to consider the following:

- The child's wishes and feelings. The child to be adopted will need to know of your plans.
- The other birth parent's wishes and feelings. Adoption would not be appropriate if the non-resident birth parent is still a part of that child's life; it would be unlikely that such a parent would be unwilling to give up their legal responsibility and relationship with their child. The importance of a child retaining as close a relationship with both birth parents is well recognised by both the courts and child development experts. This will take precedence over whether the parents were married or not; this is another reason why step-parent adoption will only be suitable in a limited number of circumstances.
- The consequences of ending the child's legal relationship with the other parent and their wider family i.e. grandparents, extended family members etc. If the child's legal relationship to the other birth parent is lost due to an adoption it will also end their right to maintenance and inheritance from that parent.
- The reasons for wanting to seek to adopt the step child and the impact of adoption on the child.

Further asked questions.....



Q. Can my partner adopt my child without my child knowing?

- a. No. Your child will be involved with the adoption process and their views and wishes will be considered.

Q. Do we need a solicitor?

- a. In most instances, a solicitor is not required, however you are free to seek legal advice and/or a solicitor at your own expense should you wish.

Q. How old do you have to be to adopt your step child?

- a. The step parent must be over the age of 21 and the birth parent must be over the age of 18.

Q. Do my partner and I have to be married to be considered for step parent adoption?

- a. No, you do not have to be married but ideally you will have been in a stable relationship together for at least 2 years.

Q. Can the Adoption Order be reversed?

- a. No. Once the adoption order has been granted – that person has parental responsibility over the child/ren in question permanently.

More questions?

Q. My step child is over 18, can I still adopt them?

- a. No. Adoption orders can only be applied for whilst the child/ren are under the age of 18.

Q. What happens if later down the line my partner and I divorce?

- a. Once the adoption order has been granted – both parents then have permanent parental responsibility for the child/ren regardless of any changes in their marital status.

Q. Is my child still entitled to any inheritance from their other birth parent once adopted?

- a. No. Once adopted, the child loses all entitlement of any maintenance costs or inheritance from their other birth parent and family.

Q. Is there a financial cost?

- a. Yes. You will have to pay the court a processing fee when you submit your application for an adoption order. Please refer to www.gov.uk for current fees.



Additional Information

You may want to get further information and advice; please refer to:

- **Local Government website** <https://www.gov.uk/child-adoption>; This will provide further information on adoption including:
 - parental responsibility <https://www.gov.uk/parental-rights-responsibilities/apply-for-parental-responsibility>.
 - and change of name process <https://www.gov.uk/change-name-deed-poll/change-a-childs-name>
- **Family Lives**, 15-17 The Broadway, Hatfield, Hertfordshire AL9 5HZ (0808 800 2222), can give you general help about being a stepfamily. Sharing your experiences with others in a similar situation can often resolve problems within a family. Free information sheets and a publications list are available on www.familylives.org.uk.
- **A solicitor experienced in family matters**, including step- parent adoption. The Law Society (Tel: 0207 3205650, or www.lawsociety.org.uk/find-a-solicitor) keeps a list of solicitors with experience in children's cases.
- **CoramBAAF** can provide further information and advice about the adoption of stepchildren. Please call 0207 520 7517 or visit www.corambaaf.org.uk

This booklet has a lot of information for you to consider,
so please ensure you do so prior to making a decision.

Remember, that there are alternatives available should
adoption not be the right process for your family.

Whether you decide to proceed with step parent adoption or not,
remember that you are still very much a family.

