

# Adopting a stepchild – your options

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Adopting your partner's children and becoming their legal parent, is called a step parent adoption.

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There are lots of alternative ways of securing a child's place in your family, such as changing their name by deed poll or applying for a parental responsibility agreement or order. Click [here](#) for a full guide to step parent adoption and the alternatives available.

## Alternatives to step parent adoption

### Change a Surname by Deed Poll

A simple alternative to step parent adoption is to change a child's surname by deed poll, if all of those with parental responsibility are in agreement. More information can be found at <http://www.ukdps.co.uk/CanIChangeMyChildsName.html>

### Parental Responsibility Agreement

A step-parent, who is married to or who has entered into a civil partnership with the parent of a child, may acquire parental responsibility for the child - sometimes without the need for a court order. Parental Responsibility Agreement is a simple agreement made between the birth parents and the step parent to allow them to have joint Parental Responsibility. Both parents will have to agree to this. The agreement must be filed to make it legally binding, if it is simply signed by parents and not filed then the agreement is not legally binding.

### Parental Responsibility Order

A local authority can apply to the court for a parental responsibility order. This means the step parent will have complete parental responsibility for the child in question. The child's birth parents have greatly diminished parental responsibility but retain the right to oppose their child being adopted or freed for adoption. This is initiated simply by you hiring a solicitor.

### Residence Order

A residence order decides who a child lives with. It can be granted to any person that cares for a child and it means that they share parental responsibility with the child's birth parents. A residence order can be granted to a parent, other relative, friend or foster carer (if the child has lived with them for a year or more). This is initiated simply by you hiring a solicitor.

### **Special Guardianship Order**

Special guardianship provides permanence for children for whom adoption or fostering is not the best option. The special guardian is the child's permanent carer and can exercise parental responsibility to the exclusion of others on most issues. Although the child's birth parents are still legally responsible for them, their rights are very limited. Support services for special guardians are similar to those for adopters. This is initiated simply by you hiring a solicitor who will advise on the local authority assessment required.

### **Adoption Order**

An adoption order grants complete parental responsibility (It confirms who has the legal right to make decisions about the child and their future) to the child's adoptive parents, and removes it from all others, including the child's birth parents and the local authority. This is initiated by contact with your local adoption service; and you may also be required to hire a solicitor depending on your circumstances.

## **Frequently Asked Questions about Step Parent Adoption**

### **Who can apply to adopt a stepchild?**

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 stepparent adoption if all of the following criteria are met:

- You are over 21 years of age
- You are married to the resident birth parent, or are living with the resident birth parent in an enduring family relationship (we recommend for a minimum of 2 years)
- You reside in the British Isles or have been habitually resident in the UK for at least a year
- You have been living with the child for at least 6 months
- You have notified your local authority in writing of your intention to apply to court for an Adoption Order at least 3 months before submitting an application to court
- The child is under 18 years of age at the time of application to the court (although the court can make an order up to the day before the person's 19th birthday)

## **How do I apply to adopt my step child?**

We require notification of your intention to apply for an adoption order to be submitted on a particular form. We ask for you to read all of the information on this web page, and then contact us for the required forms.

The step adoption process is achieved in two stages:

1. You must notify in writing the local authority in whose area you reside of your intention to apply for an adoption order
2. You must make application to the court for the adoption hearing

Both the local authority and the court then have certain responsibilities. The local authority must gather information about you, the child/children, the birth parent and other birth relatives. The court must be satisfied that the absent parent has given consent to the adoption freely and in full knowledge of the implications or that there are sufficient grounds for dispensing with their consent.

## **Do I need a solicitor?**

This is not necessary in straightforward cases, but if there is any doubt about the necessary consents to adoption, it is advisable.

## **What court do I go to?**

You can apply to any court entitled to hear adoption applications, but usually application is made to the Magistrates court closest to where you live.

## **How long will it take?**

Your first step must be to notify the local authority of your intention to apply for an adoption order. This notice is valid for 2 years during which time you must either lodge your application in court or notify in writing to the local authority that you wish to withdraw your original notification of intent.

The local health authority, education, police and Department of Health checks can take up to 3 months to complete. You must wait until these have been done before lodging your application with the court. The court asks the local authority for its report when it receives your application. This report will not normally be started until all the checks are complete. It takes up to 3 months, or longer if the case is complex.

There can sometimes be a wait until a social worker has space to take your case on. When the court receives the local authority report, it then appoints its own social worker. Their role is to verify and witness the consent to adoption in straightforward cases, or to make more extensive enquiries in more complex cases. There can sometimes be a wait before this social worker has space to take on your case. The court may have a busy schedule of cases

and may be unable to list your case for a hearing for a number of weeks. You should therefore anticipate a timescale of between 6 months and a year.

### **Is there anything else I must do?**

The local authority social worker will advise you of this as the enquiries progress. It is important to remember, however, that their role is confined to welfare supervision of the child/children prior to the application being lodged, and production of the report for the court. This is your adoption application and only you can decide whether you wish to proceed. For example, if the child/children were born during your former marriage, and you do not know the whereabouts of your former spouse, it is your responsibility to trace him/her. Similarly, you are responsible for supplying information on the grounds for dispensing with consent in cases where consent to adoption is not available.

### **What happens after Court?**

If an adoption order is made the child will be issued with a new birth certificate stating the name of the resident parent and adoptive parent. The child can apply for a copy of their original birth certificate when he or she reaches 18 and can apply to access their adoption records through the local authority where they live.

### **What to do next?**

Once you and your family have discussed this information; please contact the duty social worker for advice and to discuss your family circumstances.

Family Placement Service - 01670 62 62 62

### **What will you ask my child/children?**

When we receive notice of your intention to adopt, your child/children will become what is known in law as a "Protected Child". This means that a social worker from the local authority will be required to see the child/children at intervals to ensure their welfare pending the court hearing. You must therefore tell your child/children about your intention to adopt and what this will mean for him/her. This applies even to very young children. The child, whatever their age, must attend the court hearing.

The law also requires you to give the child/children details of their birth history before they are 18 years old. At 18, the child/children will be entitled to obtain a copy of their original birth certificate and to receive counselling and assistance if they wish to trace the absent parent. The social worker must be sure that the child/children fully understands and agrees with the adoption. This can include interviews with any birth family members who are important to the child/children, and whose relationship with the child/children may be affected by the adoption. The child/children must have lived with at least one of the

applicants at all times during the 10 weeks preceding the adoption order. The child/children must be at least 19 weeks old and no more than 18 years for an order to be granted. The child/children must not be and never have been married.

### **What will you ask me?**

We are obliged to make enquiries about your health, the child/children's health, welfare and education and about any criminal offences committed by you, your spouse and any other member of your household over the age of 18. It is important to remember that for the purpose of these enquiries, there is no such thing as a "spent" offence. You should also be aware that we will know about cautions as well as convictions, and that certain offences will prevent you from adopting. We must tell the court about offences and comment on the circumstances. This will mean interviewing the offender. We try to do this discreetly, and neither of you are entitled to see the report that is presented to the court. You should however be aware that if you have not told your spouse about offences committed before you met, there is a risk that they could find out as a result of your adoption application. We will need to see you together, separately, and with the child/children to tell the court about your background, your relationship and your care of the child/children.

### **Who else is involved?**

We will need to interview the absent parent to ascertain their views on the proposed adoption. Similarly we will also need to interview anyone else who holds parental responsibility, and they will be required to give consent to the adoption. If you were not married to the child/children's father/ mother, their consent to the adoption is not required; however the court will expect us to comment on their views.

NB: Where parents were not married to each other, birth mothers will automatically have parental responsibility, but birth fathers will only have it if:

- He and the birth mother jointly registered the child's birth (on or after 1st December 2003).
- He and the birth mother made a formal agreement to share parental responsibility, or
- He obtained a court order

### **What documents do I need?**

The social worker will need to see your marriage certificate and divorce certificate where appropriate, and the birth certificate of each child/children who is the subject of the adoption application. You will later need to attach these documents to the adoption application form you will obtain from the court clerk. The court clerks can give assistance with the completion of the form.

For the police checks, the social worker will need to see proof of identity and verification of address such as a passport or photo driving licence, birth certificate, P45 or P60, bank statement, mortgage statement or rent book, council tax bill, utility bill, tax office letter or credit card statement.

### **What will it cost me?**

The local authority does not make any charge. There are costs which you need to fund:

- Police check fee - [click to check current costs](#)
- Court fee for lodging the adoption application (the court will advise you on costs. If your income is very low the court may be able to reduce the fee or waive it altogether.)
- Solicitor's fees (if applicable - it is unusual for legal aid to be granted in such cases)
- Charge for the issue of the adoption certificate ([click to check the current costs](#))