



STEP PARENT & PARTNER ADOPTION

Information and guidance

STEP PARENT & PARTNER ADOPTION

We understand the importance to become a family legally, especially sharing rights and responsibility and not just the day to day ones, however the stepparent/partner adoption is taken very seriously by the courts. The adoption must be in the best interests of the child or children involved.



► The requirements

The step parent adoption process is an intensive process which requires an assessment to be completed and presented to the Family Court. This involves regular visits from a social worker, a series of in-depth interviews, references, statutory and police checks. You may need to seek independent legal advice.

The Adoption Regulations state:

- You must be over 21 to adopt
- Many courts will not consider applications from people who have lived together for less than a year. This is a minimum and we would normally only consider cases where you have lived together for 3 years or more. It is important that you have established a secure relationship as a couple, and for family bonds to be formed before you think about applying to adopt.

Adoption changes the legal status of a child so it is taken very seriously by the courts, who will expect a detailed investigation to be carried out. The reason that the court take this decision so seriously is that after adoption, the law no longer recognises the other birth parent or their wider family as having any legal links with the child. This can represent a huge loss in a child's life, and they may feel a new sense of rejection, which can result in emotional disturbance for children even those who are already settled and secure. Other factors to consider include cutting ties to inheritance rights, ending of maintenance payments and any other rights.

Although legal ties are severed completely it is expected and may be ordered, that the child does not lose contact with the absent birth parent or relatives.

► A child's story

Adoptive parents must ensure their child is aware of their adoption throughout their childhood and understand they have another birth parent or family.

It is essential for children to understand their history as this is an important part of their identity. If the child isn't aware of this history, they will need to be of an age where they can understand this before starting the process. Adoption is not about replacing a birth parent from a child's life. Children who are denied parts of their story, history and part of their biological identity may grow up with feelings of shame and an inability to trust and invest in future relationships as part of where they come from is not shared in an open and honest way. It is their right to know their full story. We are aware that some of the information may be difficult to share but trust in our adoption expertise that children can manage more than we sometimes accept and there is support and resources out there to help you explain this to them.

As adoption is one of the most final and serious orders any Judge can grant, it is important that your child or children's wishes and feelings are gathered about being adopted and their understanding of what adoption means. Although AiM has no blanket rule and will look at all enquiries on a case by case basis we seriously take into account the age of your child and may ask you to consider waiting until they are of an age where they can be fully involved in the process and express their wishes and feelings. We will not proceed with your enquiry if your child does not have an awareness that their step parent is not their biological parent as all adoption agencies have a duty to be open and honest with children.

The wishes and feelings of the other birth parent whether or not they have parental responsibility is an important part of the process and it is your responsibility to inform them of the intent to proceed with an adoption application. This remains the same even if they have played no role in their child's life. Clearly there may be circumstances where it is not appropriate for you to directly contact the other birth parent such as them being a perpetrator of domestic abuse. All cases will be looked at individually and you may need to involve a third party or solicitor to make contact with them as it is not the role of the social worker to inform them but for them to gather their wishes and feelings at a later stage in the assessment part of the process.

The court will also ask that the child has photos of his/her birth father or mother and birth family so that the child grows up understanding their identity. The court will want to know that the adoptive parents are happy to talk openly to the child about his birth father or mother. This is another reason why a child or children being of an age where they can verbalise this is deemed as more child centred and they are an active part of this process.

You need to consider, that if you were you to separate in the future, the adoptive parent will have equal responsibility and rights for the child over payments, contact and future inheritance.

If one applicant originates from another country it is important to check the regulations in their country of origin to see how adoption will impact if you as a family if you were to move there (some countries do not legally recognise adoption). If the absent parent lives in another country, they will need to be traced and therefore there may be costs incurred by you in respect of this.

If the absent parent contests the making of an adoption order you are likely to need legal advice and representation which you will need to pay for, you will not be entitled to legal aid.



► The process

- You must firstly inform Adoption in Merseyside by emailing recruitmentandassessment@adoptioninmerseyside.co.uk and stating that you want to proceed with a step parent or partner adoption. We will arrange a suitable time to contact you to go through the form which can take around 30 minutes. It is instrumental you are open and honest. After this, it will be passed on to a team manager to decide the next steps.
- Due to the demand of step parent & partner enquiries from across the Merseyside region who form AiM (Sefton, Knowsley, Liverpool and Wirral) a waiting list is held and you will be notified about timescales at the point of your enquiry. At the stage we can progress your enquiry we will ask the step parent/partner to forward to an AiM Team Manager your Letter of intent to make an adoption application. The court will not accept an adoption application until 3 months after this letter.
- Although AiM hold responsibility for the enquiry and screening part of the step parent & partner adoption process, once it is agreed your enquiry meets all the criteria, subject to the waiting list your information will then be forwarded to the Local Authority where you live and be allocated to a social worker for completion of the assessment.
- The dedicated social worker will interview all family members together and separately to ascertain their views. This includes the birth parents and their extended family. It is important that all children are seen alone to ascertain their wishes and views.
- Prior to any visits by the social worker you will be sent a document for you to complete about your family to support with the assessment. This will need completing in detail before any assessment sessions are completed.
- The family will then make a formal application to the Liverpool Family court after a discussion with the social worker (this is paid for by the family and costs around £175).

The following checks include:

- Disclosure and Barring Service (DBS) – The cost of this is your responsibility. In some cases, it may be appropriate that other adult household members have a DBS check.
- A Certificate of Good Conduct is required for anyone over the age of 18 who has lived abroad for 90 days or more. You are responsible for obtaining this from the consulate of that country, some countries require you to apply in person.
- We check Children's Social Care records to see if there has been any social work involvement with your child. If there are any concerns raised from this information, it may be unlikely that we can positively recommend adoption.
- Adult Medical Assessment (may be required).
- 3 references (one close family member and two other people, all references need to have known you for at least 5 years).
- School reference
- We must always contact the absent birth parent for his or her consent and you will need to provide contact details and address. However, as outlined above it is your responsibility at the earliest opportunity to inform the absent birth parent.
- You will be expected to cover the expense of tracing an absent parent.

The court proceedings

- The court appoints a recording officer from CAFCASS who verifies the consent of both birth parents.
- The court sets a date for the adoption hearing and all immediate birth family members attend.
- The court must consider whether the order applied for is the best order for the child or whether another order or no order at all would be better.
- The court will invite both birth parents to the hearing whether they are named on the birth certificate or not. The absent birth parent has a right to go to court and express a view.

Please remember

- Adoption is not about replacing a birth parent by an adoptive parent. You must agree to bring a child up to know that they are adopted, to know who their birth parents are and to understand their history.
- You will need to provide Adoption in Merseyside or the Local Authority with details of the absent birth parent and their whereabouts and they will be contacted, whether they are named on the birth certificate or not. Adoption is a very serious step and can only be done openly with both parents.
- This can reopen issues from the past and could result in an absent birth parent requesting contact with their child.
- The process can be very complicated and take a long time.
- Adoption must be in the child's best interests and so there is no guarantee that we would recommend that an adoption order is made or that the court will make an order.

Please ring **0151 477 8700** or email recruitmentandassessment@adoptioninmerseyside.co.uk to start the process or for more information.

Please see the alternate routes of gaining parental responsibility on the next page.





▶ Alternate routes to gain parental responsibility

We understand the adoption process seems invasive, however there are other routes that can be explored with still provides parental responsibility, these go directly through the family courts.

Parental responsibility (PR) agreement or order

- This is a simple agreement between the step parent and birth parent if married, or have a civil partnership, by which the step-parent acquires PR for the child, but does not remove it from the birth family.
- The PR agreement is free if the absent party agrees. This can be downloaded online and all 3 parents sign, please visit the GOV.UK website for more information.

Child Arrangement Order (CAO)

- The CAO can be made in favour of a person with whom a child lives, giving them PR in addition to birth parents. This continues if birth parent dies, as long as the child continues to live with the step parent.
- A Child Arrangement Orders can be made by any family court, there is no need to give notice to the local authority. You can see a solicitor for advice.

Change of name

A name change can be done legally by deed poll with birth parents' consent or permission of court. If the absent parent has PR they need to consent to a name change otherwise a court order is required.

Guardianship

Birth parent can appoint the step parent as a guardian for the child. This just needs an agreement, signed and dated. You could also make a will and appoint a testamentary guardian who will take care of your child in the event of your death.

These orders are completed directly through the family court. Please visit [GOV.UK](https://www.gov.uk) for more information.



Knowsley Council



Liverpool City Council

