

STEP PARENT ADOPTION – SUFFOLK

If you are a resident of Suffolk and are interested in adopting your step child, please read below for further info **before** contacting the Non Agency Adoption Team

What is step-parent adoption?

Adoption changes the legal status of a child, taking legal responsibility off of a biological parent and giving it to a step parent - it is a very serious step which severs the legal link between a child and their biological parent. For a child conceived via donated sperm, eggs or embryos different legislation may apply; please see our additional information leaflet. A step parent adoption application will only be successful if the Court determines it is in the child's best interests.

It is therefore subject to an investigative process which requires a social worker to undertake reference checks and an assessment which will be presented to the Court.

If the child is old enough, the Court will give careful consideration to the child's feelings and wishes about being adopted to ensure adoption is something the child wants.

Children regularly tell us why being adopted by a step-parent matters to them; these are just some of the reasons we hear;

- We can all choose to have the same surname
- My step parent isn't married to my birth parent but I know they are committed to me because they adopted me!
- My step parent is recognised in law as my legal parent
- I am now the 'same' as my half siblings, we now share inheritance rights
- My absent birth parent no longer has a legal link to me and so I don't worry what would happen in the future

Contacting the absent birth parent and their family (where possible) is a requirement of the social work agency undertaking the assessment. This helps the assessor to understand their relationship with the children. The absent birth parent will be asked whether they consent to the making of an Adoption Order in favour of a step-parent.

If they **do not consent**, there will be a 'contested hearing' in Court which only concludes when a Judge is satisfied they have understood all parties' positions and are able to make a decision about the Adoption Order.

If a Judge grants an Adoption Order without both birth parents' consent, they must be satisfied that the child's welfare requires it. However, if a birth parent continues to pay child maintenance, or has any form of direct or indirect contact with the child, it is unlikely a Judge would grant an Adoption Order.

Some things to think about.....

Adoption is not about replacing a birth parent with 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 Suffolk County Council with details of the absent birth parent and their contact details to the best of your knowledge – whether or not they are named on the child's birth certificate. A step-parent adoption is a serious step which can only be done openly with both birth parents.

If an absent birth parent contests the making of an Adoption Order you may need to seek legal advice and representation which you will need to pay for. You will not be entitled to legal aid as this is a 'private' law application.

The process can open issues from the past and could result in an absent birth parent requesting contact with their child. A Judge will always consider future contact arrangements with a birth parent/ birth family when considering any proposed orders for children.

The process can also take a long time.

There is no guarantee that we will recommend an Adoption Order is made, or that the Court will make an Adoption Order.

An Adoption Order being made would end a child's legal right to inheritance from the absent birth parent, it would also end child maintenance agreements.

Where an absent birth parent agrees to the Adoption Order, this can trigger feelings of anger / loss and rejection for children who can become emotionally unsettled – even those who have previously appeared very settled.

Alternatives to step-parent adoption

There are alternatives to step-parent adoption that may be more appropriate and will still 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 (Parental Responsibility Agreement) or by applying to the Court for a Parental Responsibility Order or a Child Arrangements Order. These Orders allow a step-parent to share parental responsibility alongside both biological parents but do not require you to give notice to the local authority and applications can be made directly to your local family court.

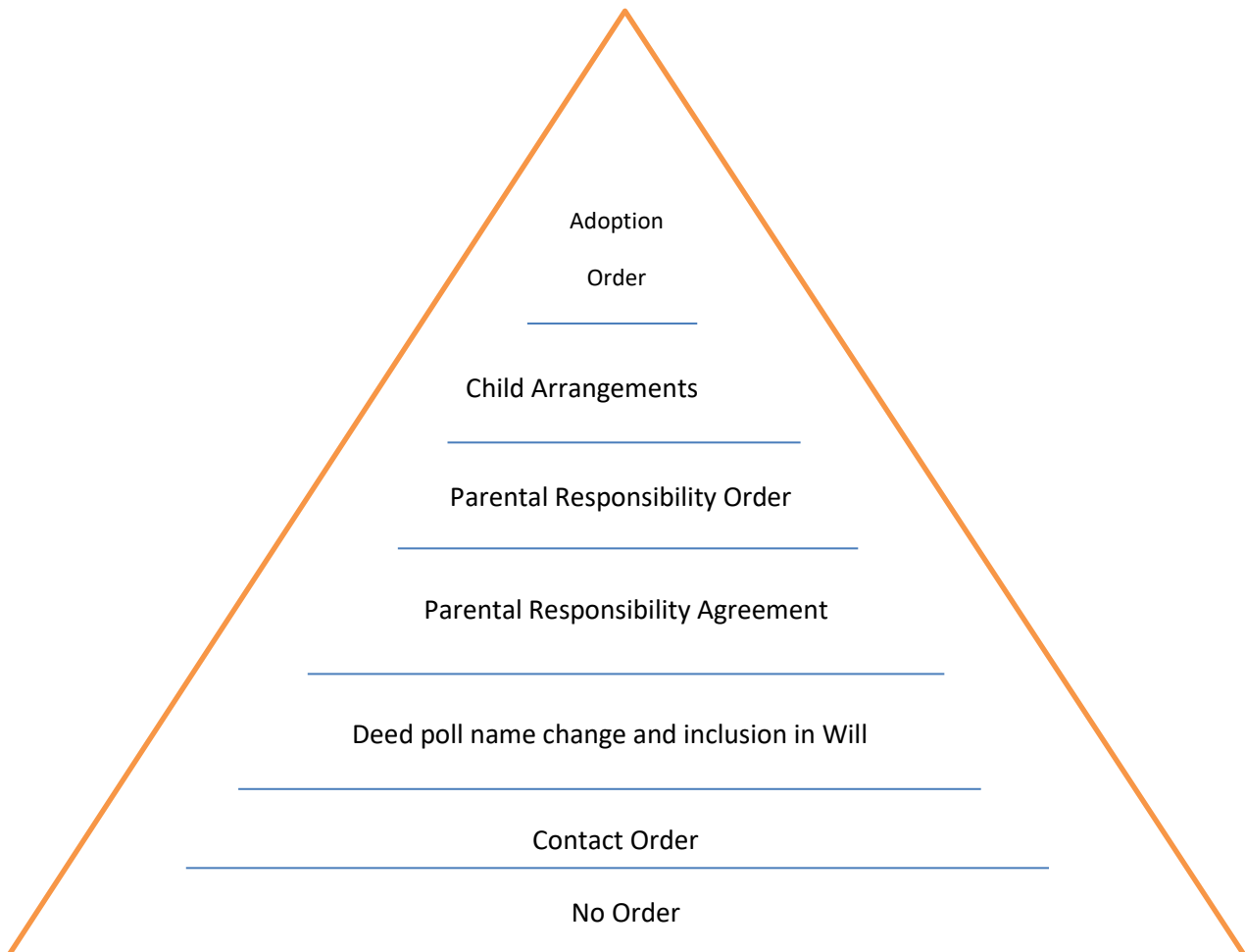
<https://www.gov.uk/parental-rights-responsibilities/apply-for-parental-responsibility>

- The surname used by a child can also be changed by deed poll if all those with Parental Responsibility are in agreement. A child can make their own deed poll

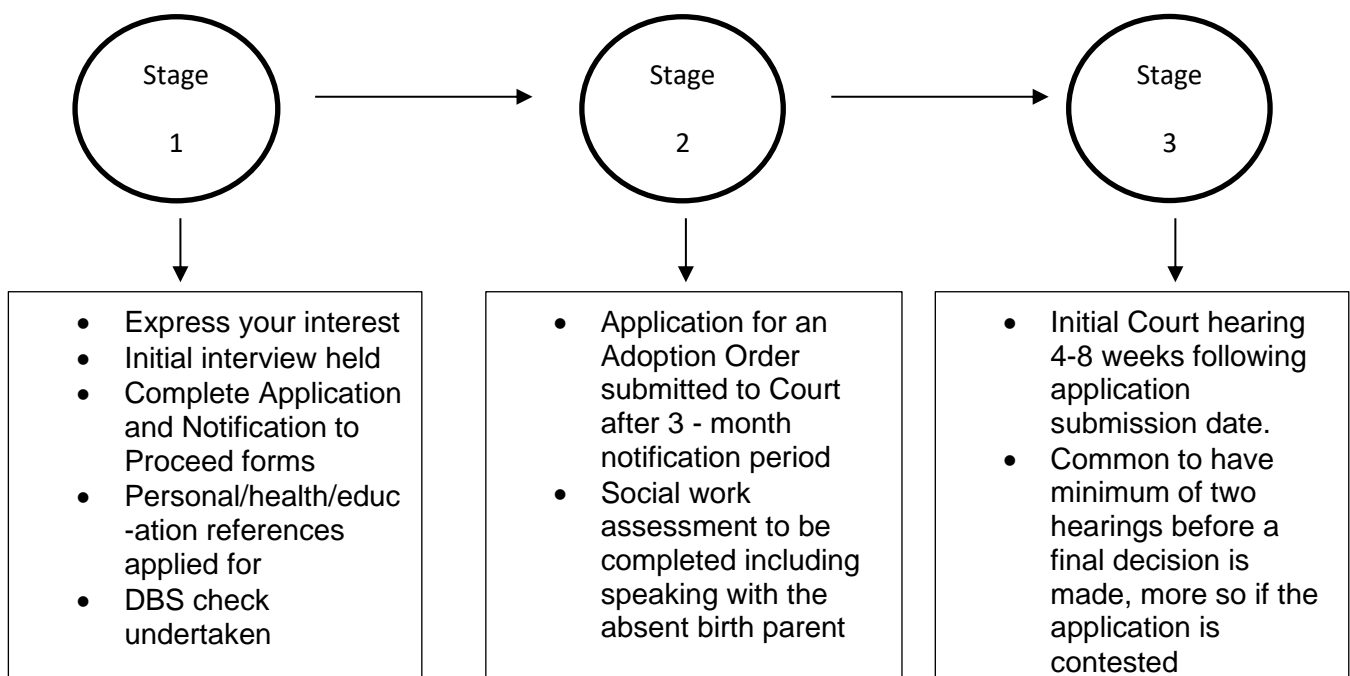
application once they reach the age of 16 years – without the consent of both birth parents.

<https://www.gov.uk/change-name-deed-poll/change-a-childs-name>

- To provide security around future arrangements, consider making a Will and Testament during which you will assign a Guardian who will take care of your child in the event of your death.



Step Parent Adoption - Process



Who can apply for step-parent adoption?

You can apply to be an adoptive parent if you are in an enduring relationship with a child's biological parent. You do not have to be married. If you are not married to the child's parent, you will need to satisfy the court that you are living as partners in an enduring family relationship. You can be a same sex couple and do not have to be in a civil partnership. You can apply for step-parent adoption if **all of the following** criteria are met:

- The applicant is 21 or over.
- The applicant has been continually living with the child for at least 6 months.
- The child is not yet 18 at the time of application to Court (although the Court can make an order up to the day before the young person's 19th birthday).
- The applicant is married to the resident birth parent, or the applicant is living with the resident birth parent in an enduring family relationship (Suffolk Adoption Agency recommends a minimum of 2 years).
- The applicant resides in the British Isles or has been habitually resident here for at least a year.

You need to be aware that;

- At all times during the assessment by your Social Worker, the best interests of the child will be the main focus.
- The child's wishes and the absent birth parents views will be obtained and considered during the assessment.
- A DBS (criminal record) check will be completed; therefore you will need to inform us if this may present any issues.
- Friends, family, ex partners, elder children, your employer and the child's school or health visitor may all be asked to provide references to support your application.
- There is a cost to make an application to the courts, which is non-refundable.
- Once your application is submitted to court the assessment will need to be completed in approximately 6 weeks so please consider your availability.
- You must be proactive during the application and assessment process. Unfortunately, any non-engagement may result in your case being closed.
- It is important you are open and honest throughout the application process and assessment.
- It is possible the result of the assessment will not be recommending that an adoption should take place – if this is the outcome, this decision will be discussed with you.
- The court may not support the adoption and an Adoption Order may not be granted.

What to do next.....

Now you have read the above information, and if you think you fit the criteria to adopt and wish to take the first step, please email cypadoptionnonagency@suffolk.gov.uk to register your interest and our team will make contact with you to arrange an expression of interest call.