**Step parent adoption**

**Being a step family**

When a step parent family is formed, the adult partners are often anxious that they and the children should become a family unit, share the same surname and be seen as a family by those outside of the family and decide that they want to apply for a step parent adoption in order to achieve this.

It is important to realise that step-parent adoption is not the only way to provide a stable and secure family environment or to recognise the rights, roles and responsibilities of step-parents.

**PRIOR** to contacting Western Bay Adoption Service you must seek your own legal advice to determine the right steps for you and your family, as there are a number of alternative orders that could provide your family with the security that meets your needs. A step parent adoption order should only be considered when all other options have been considered, it should NOT be seen as a solution to personal difficulties between the birth parents or an absent parent and it is NOT an easy fix to erase current and future ties with the other parent.

The Courts will not automatically grant an adoption order and will expect other alternatives to have been explored and assessed first, hence the reason we will ask for you to seek advice first and then share with us what was recommended.

**These are the alternatives to step adoption**

There are alternatives which can appropriately secure a child’s place in your family and keeps the link open with their absent birth parent and their extended family.

For example, a step-parent who is married to the resident birth parent can gain Parental Responsibility (PR) by entering into a Parental Responsibility Agreement with all those who hold parental responsibility or by applying to the court for a Parental Responsibility Order or Child Arrangement Order.

**Parental Responsibility Agreement**

A step-parent married to a birth parent may obtain parental responsibility if all those with parental responsibility give consent to the agreement. For more information about parental responsibility agreements visit the Parental rights and responsibilities GOV.UK website <https://www.gov.uk/parental-rights-responsibilities/apply-for-parental-responsibility>

**Parental Responsibility Order**

This is a court order that specifies that a named person has parental responsibility for a child. Parental responsibility is then shared between the holder and any birth parent who already has parental responsibility (or anyone who has also acquired parental responsibility by way of a court order).

For example - Jack is five years old and lives with his mum and her new husband. Jack is starting school in the spring, and his mum and step-dad would like everyone to have the same name when he starts school so they feel more like a family – but also, more practically so his step-dad can agree any medical treatment Jack might need if he hurts himself in the playground. Jack does see his birth father from time to time and always gets a present for his birthday and Christmas. A Parental Responsibility Order gives Jack’s step-dad the authority he needs to sign forms for school. Jack’s surname can be changed by deed poll, if all those with parental responsibility agree to the change of name.

**Child Arrangement Order**

This is a court order that specifies the name of the person or persons with whom a child is to live. The named person automatically acquires parental responsibility for the child and this is shared with anyone else who has parental responsibility for the child (usually birth parents). The order lasts until the child reaches the age of 16 or 18.

**Step parent adoption**

If after considering these alternatives with your solicitor and it is recommended that you apply for a Step Parent Adoption please contact us.

**To undertake in a step parent adoption you must…**

* Be over 21
* Have lived with the child for a minimum of six months in the UK
* Have been in a relationship with the child’s parents for a minimum of two years at application start date
* Be UK residents
* The step-child you hope to adopt must be under the age of 18 years old
* The absent birth parent (if not deceased) must be contacted to gain their wishes and feelings. It is **your** responsibility to locate the absent parent and let them know about the intent to adopt.

**What is step parent adoption?**

Adoption is a legal order made by a court which gives shared and legal responsibility to the parent and step parent who have the day to day care of the child. It takes away **ALL** legal rights which the other birth parent has for the child. This means that the child will lose all maintenance and automatic inheritance rights from the other parent and their extended family.

**How does adoption affect step-families?**

There are 3 main ways in which step-families are affected by adoption.

* The adults who care for the child are given equal legal responsibility although only one will be the birth parent of the child/ren
* The child’s surname may change to that of one or both adopted parents
* The child will share rights of inheritance with any other children of the relationship between the parent and step-parent

Although adoption may appear to have immediate advantages for the child and the family, over time other difficulties can emerge and should be considered at the outset, for example:

* Step-parent adoption should **NOT** be seen as a solution to personal difficulties between the birth parents or an absent parent, it is severs any future possibility of the child forming a relationship with the other parent.
* Step parent adoption is **NOT** an easy fix because birth parents don’t get along or a way to erase the other parent as it could be seen as ‘easier’
* Adoption by a step parent can be confusing for children and it can be hard for them to understand the complicated family relationships which often result struggles in understanding their life story and identity.
* Adoption by a step-parent means that the child’s other birth parent no longer has any legal right in respect of the child. Similarly, relatives such as grandparents, aunts, uncles and cousins on that parent’s side are no longer legally related to the child.
* Children may feel that they are being asked to choose between their birth parents and they may feel as though they have been cut off from their past.
* Over time children could blame their parent or step parent for the loss of the other birth parent. Sometimes children idealise their ‘lost’ birth parent in their absence.
* The adopted child loses any rights to maintenance and automatic inheritance from the other birth parent and their extended family.

**Not making an order at all**

If a family cannot agree, or a court considers an order or agreement not to be in the best interests of the child, they will not make an order.

**Making the decision to adopt as a step parent**

Birth parent and step parent MUST be certain that adoption is the best option for the child. They need to give consideration to the fact that if their relationship ends, that the step-parent will have equal rights to the child. The step parent would need to maintain contact and provide maintenance as the child is legally their child. Therefore it is vital that the couple are sure that their relationship is secure before proceeding

The consent of the child’s other birth parent is required for the adoption to proceed. Their formal consent to the adoption is required and if it is not gained it is likely not to proceed any further. The resident birth parent has to provide good evidence that all attempts have been made to engage with the other birth parent.

**If legal advice is that step parent adoption is right for you and your family – what are the next steps?**

These are the basic steps:

* Contact WBAS to make an enquiry and a social worker will undertake a screening assessment virtually/phone and sharing name of your solicitor and what they advised you.
* If the screening assessment is positive then we will undertake an Initial Visit in your home

They have a duty to visit the child to ensure their care and wellbeing is satisfactory and also that they have an age-appropriate understanding of adoption; the Courts will want to know that your child is aware of their circumstances i.e. not believe their step-parent is their birth parent.

* If the Initial Visit is positive then the application and notice of intention template will be sent to you to complete

The application form triggers the start of the assessment process and 3 months assessment to go to court.

* Upon receipt of application we will undertake the ‘Suitability Report’ for court.

The Court will ask one of our social workers to provide a detailed report before it can make an adoption order. The report is referred to as a Suitability Report and must contain information about:

* You
* Your family.
* Your health.
* Checks from Police, Probation and child protection lists.
* Previous partners of the step-parent (and details of any other children).
* What alternatives to adoption have been considered.
* Evidence that adequate attempts have been made to trace, contact and seek the views of an absent or distant parent.
* Whether adoption is in the child’s best interests.
* The child’s welfare and education

The report will also assess the potential impact of the adoption on the child, both birth parents and any other children within the family that may not be part of the application. The report requires the adoption service to make a professional recommendation to the court about whether adoption is in the best interest of the child.

Submit your application with the Court. A Family Proceedings (magistrate’s court) is used in most step parent adoption applications, particularly where both birth parents are consenting to the adoption. You will need to pay an application fee to the court, this is non-refundable should you later decide not to proceed.

This will help the Court decide if an adoption order is the right decision for the family as a whole or whether other alternatives are more appropriate

The Court will also appoint a Guardian who will visit both birth parents and applicant to deal with agreements to adoption and any other issues which could have arisen. The Guardian will always consider an application from the child’s perspective.

* Application in court following submission of all documents

The Court will then make its decision on whether to approve an Adoption Order. Both applicants attend the court hearing, along with the Social Worker and your solicitor may attend if you have one. The Court can make an Adoption Order, no order at all or an alternative order such as a Child Arrangements Order, this could mean the absent birth parent if they have contested and if felt in the child’s best interests could end up with contact arrangements.

We hope that this explains the process, applying for a step parent adoption order is not straight forward and needs to be considered by professionals to ensure that this is in the child/ren’s best interests.