



National Adoption Week: 5 Questions Answered about Adoption

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This week is National Adoption Week!

National Adoption Week is run by #YouCanAdopt. This year the focus of the week is the importance of identity and relationships, for adopted people, throughout what is likely a life-long journey.

In support of National Adoption Week, Emma Ritchie from our family law team has covered a question each day to help share awareness and information about adoption.

Q: What does it mean to adopt a child?

A: Adoption is where a person gains full legal and parental responsibility for a child by way of an adoption order which is granted by the court.

A person who has parental responsibility for a child has the right to make important decisions about the child's care and upbringing, such as where a child lives, how they are educated etc.

Adoption grants a person parental responsibility for a child but also names them as the legal parent. For example, an adoption certificate replaces the child's birth certificate. Being named as the legal parents means the child becomes a full member of your adoptive family, can take your surname and will assume the same legal rights and privileges as if they had been born into the family, including inheritance rights.

This means that the adoption order severs all legal ties with the birth family and transfers the parental rights to the adopting person. However, in keeping with this week's focus on identity and relationships – some adopted children do still maintain contact with some members of their birth family.

In every decision about whether any contact should continue with other members of the birth family post-adoption, the child's safety and wellbeing are of paramount importance. The prospective adopter's views on contact will often be part of the discussion during the adoption process. Contact can take place either indirectly (via letters and photographs) or can be direct (by way of some visits from other members of the birth family).

Adoption is intended to be permanent. It is therefore very rare for adoption orders to be reversed. This is because the purpose of adoption is to provide the adopted child with a stable environment to support them through to adulthood.

Q: Who can adopt (and do you need to be married)?

A: There are many different reasons why a person or couple may choose to adopt a child into their family. As part of the adoption process, UK law requires that a prospective adopter is assessed to check whether they are able to provide a secure and loving family for a child to grow up in.

A prospective adopter will be assessed on their individual circumstances however the following factors are taken into account:

- You will need to be at least 21 years old;
- You don't have to be married to adopt. You can be single, in a civil partnership, living together or married. The important thing is that you are able to provide a stable and loving emotional environment for the child, for example if you are in a cohabiting relationship then you need to have been together for at least 12 months;
- You can be in rented accommodation – you don't have to own your own property. The important thing is that you have accommodation that provides a safe and secure home for the child to grow up in;
- Being on a low income or benefits does not exclude you from adopting, however, the adoption agencies will check your financial stability and ability to support a child into adulthood;
- Criminal records will need to be considered but may not automatically be a barrier – there will be a DBS police check during the assessment; and
- You may have children already or you may not; the essential thing is that you will need to be able to give your adopted child lots of individual time and attention to help provide them with additional support to meet their emotional needs.

If you are looking to adopt a child in the UK then you can start your adoption journey with:

- A Regional Adoption Agency –
 - some local agencies are Aspire Adoption (Bournemouth & Dorset) and Adopt South (Southampton)

- a Local Authority; or
- an independent Voluntary Adoption Agency, such as PAC-UK.

For more information about the adoption journey [click here](#)

Q: Who can you adopt?

A: There are many children, from a range of ages and backgrounds, that need an adoptive family where they cannot be brought up within their birth family. These include children who are:

- Babies and toddlers.
- Older children – there are many children waiting to be adopted that are aged 3 and over.
- Brothers and sisters – you can keep siblings together by adopting siblings – this helps to maintain their family bond.
 - However, it is important to ensure that you have enough space, time and energy to look after each child and meet their individual needs.
- Children with additional needs – some of the children have physical or learning disabilities, or complex needs.
 - It is important to remember that often children who need adoptive families have been removed from their birth parents by the courts due to the parent being unable to provide the child with the care they need. This means that the child may have been neglected (physically or emotionally), they may have witnessed violence within the home or may have been impacted by a parent's drug or alcohol abuse. Agencies will be looking for adopters who are willing to help meet the needs of these children.
- Children from different ethnicities – agencies will consider adopters, regardless of their ethnic or cultural background, who can best help meet the welfare needs of the child. However, they will also aim to find

families that can help to promote a child's heritage and identity.

It is worth noting that the process for adopting a step-child is slightly different.

Q: Can you adopt your step-child?

A: The short answer is yes you can apply to adopt your step-child, however, the process for adopting a step-child is different to adopting a child in a care placement.

We would therefore suggest consulting a family solicitor at an early stage, if you are thinking about adopting your step-child, to gain an understanding of all of your options and the process involved.

For step-parents, once an adoption order is made, the child's birth certificate will be replaced with an adoption certificate which names you and your spouse (one of the birth parents) as the legal parents of the child. This removes the other birth parent's parental responsibility for the child, which the court takes very seriously.

For a step-parent adoption:

- The child must have lived with you and your spouse (one of the birth parents of the child) for at least 6 months before any application is made to the court.
- You and your spouse will need to have been in a stable relationship for at least 12 months – preferably longer.
- You will need your spouse's consent and need the consent from the other birth parent – if they refuse then an adoption order cannot be made unless the court determines that the consent isn't required.
- There are various factors that the court will consider in deciding whether consent is required or not including whether the other parent has any contact with the child or whether they pay maintenance toward the child.
- You will need to give at least three months' notice, of your intention to apply for adoption, to your local authority. The local authority will appoint a social worker to assess your circumstances and prepare a report for the court, making a recommendation as to what they think is in the child's best interests in terms of the prospective adoption.
 - Each local authority can have their own individual criteria for prospective step-parent adoptions.
 - The court does not have to follow the local authorities' recommendations however it is worth

considering the local authorities' additional factors when looking to make an application for step-parent adoption.

If you are a step-parent looking to acquire some parental responsibility for your step-child, without removing the other birth parent's parental responsibility (the way step-parent adoption does) then there are other legal options available to consider. These include options such as a parental responsibility agreement (with all of the people who have parental responsibility for the child) or a parental responsibility order.

Q: Can you adopt a child internationally?

A: Yes. If you are resident in the UK (for at least a year) and considering adopting a child in another country then this is known as intercountry/international adoption.

If you are a UK resident and bringing a child to the UK from another country then UK adoption law will apply. There will be initial assessments carried out on you as the prospective adopter to check you are suitable to provide a home for an adopted child.

International adoption means that, in addition to UK law, you will also be governed by the laws of the country where the child lives when seeking to obtain an adoption order. The adoption process and requirements may therefore vary depending on which country the child lives in and we would therefore recommend that you seek legal advice at an early stage to understand what those international adoption requirements may be.

At Lester Aldridge, we are members of the MSI Global Alliance of Lawyers - this means that we can access experts and lawyers in other countries, quickly and effectively, to help clients navigate an international adoption.

To briefly summarise, there are three main categories of international adoption in the UK:

- Hague Convention Adoptions:-
 - If adopting a child overseas, in a country which is also a member of the Hague Convention, then a Hague Convention adoption order is recognised in the UK and there is no need to adopt the child again in the UK.

- Designated List Adoptions:-

- For adoptions on or after 3 January 2014, adoptions that take place in countries named under the Adoption (Recognition of overseas Adoptions) Order 2013 (<https://www.legislation.gov.uk/uksi/2013/1801/made>) are automatically recognised in the UK. This means that there is no need to readopt the child in the UK.
- Other International Adoptions:-
 - If the child you are adopting is in an overseas country, (that is not in a Hague Convention or Designated List country), then you will need to get a separate adoption order from the UK court. The child would therefore need to be adopted in both their country of origin and in the UK.

The UK does also have adoption restrictions in place for several countries.

For more information about adoption, step-parent adoption or international adoption, you can get in touch with our team of specialist [family lawyers](#) by Online.Enquiries@LA-Law.com or on [03449670793](tel:03449670793).