



Adopting a Stepchild



This leaflet explains:

- the legal position;
- advantages and disadvantages of adoption;
- alternatives to adoption;
- how to apply to adopt.

You are able to adopt the child of your husband, wife, civil partner or partner if:

- *you are living together in an 'enduring family relationship' which means that you will need to have been living together as a couple for at least two years;*
- *the child's parent must be aged at least 18 years, have domicile and have been habitually resident in the UK for a year.*

Adoption means that the law no longer recognises the birth parent of the child and that grandparents, aunts and uncles on that side of the family are no longer legally related to the child.

A young person can be adopted up to the age of 18 and consent to adoption is required from the child if aged over 12.

A child under the age of 12 will also be part of the social work assessment of your circumstances. You need to be aware of the child's feelings about adoption when deciding if adoption is in their best interest. The law states that a child's views and wishes must be taken into account.

An Adoption Order cannot be made unless the child is at least 19 weeks old and has lived with you for at least 13 weeks.

Thinking about adoption

When a new stepfamily is formed, adults often give a great deal of thought about how to strengthen the ties and give the children as much security as possible. You may wish to consider adoption for many reasons such as:

- *each member can have the same surname;*
- *all children in the family will have the same inheritance rights;*
- *all children in the family will have the same legal security in the event of the death of the legal parent.*

However, it is important that you consider some of the disadvantages of adoption:

- *Adoption may be confusing for a child and it can sometimes be difficult for a child to understand the complicated relationships that adoption will create.*
- *Adoption may cut the child's links with the other birth parent and his or her extended family. These relationships may have emotional meaning to the child and, if this is the case, it will be important to consider the need for the child not to lose contact with them, even when legal ties are cut.*
- *Adoption may make children feel they have to choose between different adults who are all important to them.*
- *Adopted stepchildren may blame their stepparent for the 'loss' of the other birth parent and can sometimes idealise them. Alternatively, they may feel rejected by the other birth parent which can cause upset, lack of confidence and slow down development.*
- *There may be practical disadvantages to adoption as an adopted child will lose any rights of inheritance from the other birth parent.*

Alternatives to adoption

Change of name

- *In Scotland, a child's surname may be changed informally and it is relatively straightforward to change a child's name legally.*

Residence order

- *Among the responsibilities and rights covered by a Residence order are:*
 - 1 *The right to decide where and how the child lives.*
 - 2 *The choice of education.*
 - 3 *Consent to medical treatment if the child is not considered old enough to give his or her own consent.*
 - 4 *The right to apply for a passport.*

Applying to adopt

If you wish to adopt the child of your partner, you or your solicitor must notify Perth & Kinross Council in writing of your intention. You should write to:

Permanence Team

Team Leader
Education & Children's Services
Perth & Kinross Council
Almondbank Hosue
Lewis Place
PERTH
PH1 3BD

Once we receive your notification, a social worker will arrange to visit you to discuss your circumstances in order to prepare a report for the Court. Normally the court will expect to receive the social worker's report within twelve weeks. The social work report is required to address issues such as:

- *the nature and duration of your relationship with the child;*
- *the nature and duration of your relationship with your partner;*

- *the relationship of the child with the absent birth parent;*
- *the absent birth parent's wishes;*
- *the child's understanding of the situation and his views and wishes;*
- *a recommendation about whether adoption is in the child's best interests;*
- *Disclosure Scotland check;*
- *contact with your GP.*

Your solicitor will complete an adoption petition form on your behalf. If you choose not to ask a solicitor to act for you, you can obtain this form yourself from the Court. The Sheriff Clerk will also be able to advise you about the documents that need to accompany the adoption petition and the current court fee.

What happens after you have applied to adopt?

When the court receives your application and the social work report, it appoints a curator ad litem and a reporting officer. This is usually one person who reports to the court on whether adoption is in the child's best interests. The curator will speak to you, your partner and the child and will then prepare a report for the court. This will also contain information about the absent birth parent, their relationship with the child and whether he or she agrees to the proposed adoption.

The court needs the formal consent of the other birth parent if he or she has parental responsibilities or rights. The mother will usually have these automatically. The father will have these automatically if:

- *he was married to the child's mother at the time of the birth of the child;*
- *his name is on the child's birth certificate and the child's birth was registered on or after 4 May 2006;*
- *he has made a formal agreement with the child's mother or if he has a court order.*

If a birth parent is in disagreement with the proposed adoption, then the court has to be asked to dispense with his consent. The disagreement of the absent birth parent does not necessarily mean that an adoption order will not be granted but the Sheriff will need to be clear about the circumstances and make a judgement about whether adoption is the best choice for the child.

Where an absent parent does not have parental responsibilities and rights, the social worker has a duty to inform them of the intention to adopt.

If you become involved in such a dispute, it is advisable to seek the advice of a solicitor because of the legal issues that need to be addressed.

After the adoption

When an adoption order is granted, the court will send you a formal notification. You should then apply to:

The General Register Office

New Register House
EDINBURGH
EH1 3YT

Tel 0131 334 0380

A copy of an adoption birth certificate for the child will be issued to you from the Adopted Children's Register for which there is a fee.

Further information

You can get further information from:

- *a solicitor practicing in family law;*
- *the Scottish Child Law Centre, 54 East Crosscauseway, EDINBURGH, EH8 9HD, Tel 0131 667 6333, www.sclc.org.uk*

- *Stepfamily Scotland, Gillis Centre, 113 Whitehouse Loan, EDINBURGH, EH10 1BB, Tel 0131 623 8951, Helpline 0845 1228655, www.stepfamilyscotland.org.uk*
- *National Care Standards (23) for adoption agencies set out what you can expect about stepparent adoption.*

Complaints

Whilst it is Perth & Kinross Council's intention to provide a good service at all times, if you have a complaint, please contact the team leader of the Permanence Team in the first instance. If the situation cannot be resolved to your satisfaction, please ask for the leaflet '*Your right to be heard, our duty to listen*' which is available from social work offices and on the Perth & Kinross Council website.

As Perth & Kinross Council is regulated by the Care Inspectorate in Scotland you may also complain to:

The Care Inspectorate

Compass House
Riverside Drive
DUNDEE
DD1 4NY

Tel 01382 207200

www.careinspectorate.com www.carecommission.com

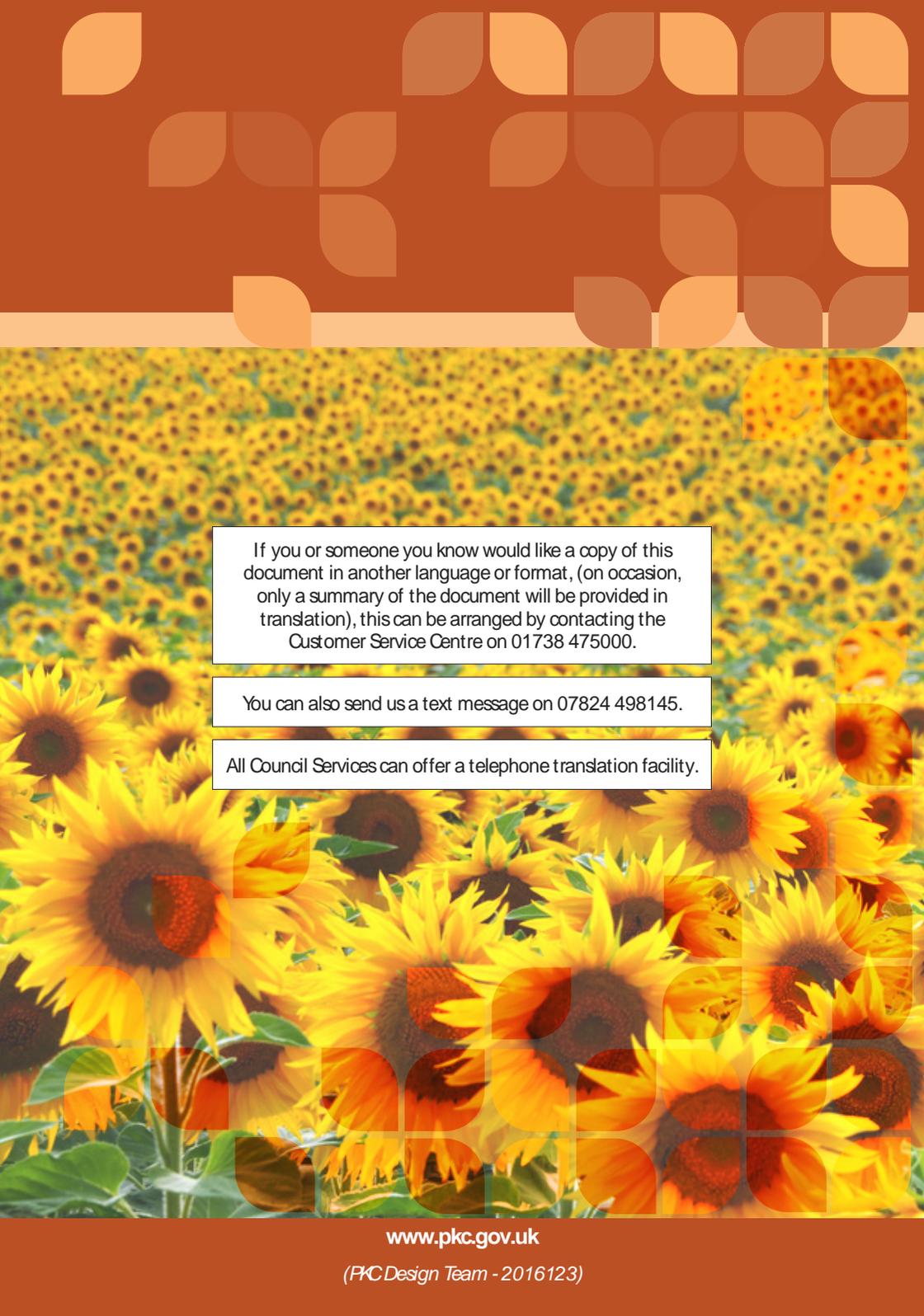
If you require any further information, please contact us at:

The Permanence Team

Education & Children's Services
Perth & Kinross Council
Almondbank House
Lewis Place
PERTH
PH1 3BD

Tel 01738 472260

Email ECSfosteringandadoption@pkc.gov.uk



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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.