



HSC

Northern Ireland
Adoption

Adopting step-children Your questions answered







Introduction

If you or your partner have a child or children from an earlier relationship living with you, then you are a step-family. When a step-parent is already taking full responsibility for the day to day care of a step-child or step-children, they may wish to share legal responsibility with the children's parent, their partner.

This guide provides information to step-families about adopting step-children.

Being a step-family

When a new step-family is formed, the adult partners are often anxious that they and the children should become a 'real' family. They want everyone to feel that they belong to the family and want others, outside of the family, to recognise them as a unit. It takes time for this to happen and step-families can experience difficulties as members adjust to the new situation.

Common problems which step-families experience include one partner having to adjust to the responsibilities of child care. Children in turn are often grieving for their previous family life and may be challenging and defiant, refusing to accept the authority of the new step-parent. Problems can also arise in relation to contact with a parent who is an ex-partner and who is no longer a member of the immediate family. The fact that some of the children in the family may have a different surname from other family members can also cause confusion and distress. Given the difficulties which many step-families experience, some parents in this situation consider adoption as a way of trying to deal with these problems through making the family a legal unit.

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 parent has for the child. This means also that the child will lose all maintenance and automatic inheritance rights from the other parent and their extended family.

In some cases, a Contact Order may be granted alongside an Adoption Order. This gives the other parent the legal right to have continued contact with the child.



How does adoption affect step-families?

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

These are:

- The adults who care for the child are given equal legal responsibility, although only one will be the birth parent of the child.
- The child's surname may change to that of one or both adoption applicants, if they are married and share the same surname.
- The child will share rights of inheritance with any other children of the relationship between the parent and step-parent.

While step-parent adoption enables legal ends to be tied up, it should not be seen as a solution to personal adjustment problems.



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

- 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.
- 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 and uncles on that parent's side are no longer legally related to the child. For the children in this situation, this change in important relationships can be very hard to understand and accept.
- Children may feel that they are being asked to choose between their birth parents. All adopted children feel a sense of loss because they are not being cared for by their birth parents. They may also feel as though they have been cut off from their past. Children who are adopted by step-parents often experience similar feelings.
- Children often blame their parent or step-parent for the loss of the other birth parent. Sometimes children idealise 'lost' parents in their absence, remembering only the good things about the relationship.
- Sometimes children feel rejected or that it was their fault that the other parent went away. Such feelings can have a negative effect on the child's self-esteem and development.
- There are practical implications to step-parent adoption which can have disadvantages for children. As an adopted child loses any rights to maintenance and automatic inheritance from the other birth parent and their extended family, the child may feel financially disadvantaged, especially if the parent and step-parent with whom they are living were to die while the child is still dependent.

Deciding to adopt

It is important to think seriously about the implications before deciding to adopt. It is vital to consider the child's view in reaching a decision. The Court will certainly wish to hear the child's opinion where they are of an age to understand, and a Guardian-ad-Litem, who is a social worker who works on behalf of the Court, will be appointed to ensure that the child's voice is heard.

In addition, a social worker from the local Health and Social Care Trust will be asked to carry out a detailed report for the Court. As part of this process, they will want to talk to both birth parents of the child, the step-parent, the child, and anyone else whose views may be relevant. The social worker will also ask for references, ideally from people who know both the parent and the step-parent and are familiar with their relationship with the child. Checks will also be carried out with police and it is important that all members of the household, over ten years of age, declare any criminal convictions which they may have, including traffic offences. Medical reports may also be required from the family's general practitioner. Any expense involved in obtaining medical reports is required to be met by the parent and step-parent.



Is consent for adoption needed?

The consent of the child's other parent is normally required for the adoption to proceed. Birth mothers are always required to give consent and the birth father, if the child's parents were married. If a child was born after April 2002, and the birth father is named on the child's birth certificate, he has parental responsibility and his formal consent to the adoption is required.

Some frequently asked questions

Q Do I require a solicitor to make an application?

A Some step-parents choose to make an adoption application without legal advice whilst others may feel more confident by instructing a solicitor. If you choose to instruct a solicitor you need to ensure the solicitor is registered to undertake family law and represent children's views. The Law Society NI can provide a list of registered Family Law Solicitors; www.lawsoc-ni.org

Applicants are required to meet the cost of instructing a solicitor and Court costs. Details of Court costs will be in the application pack received from the Court.

Q Do we have to tell the child's other parent?

A Yes, your ex-partner's view is essential. The social worker has the legal responsibility to interview them, even if there is no contact between them and the child.

Q What happens if we don't know where my ex-partner now lives?

A The Court will expect the social worker to make all reasonable efforts to try to find them. This might involve talking to extended family members and making other efforts as appropriate. In some cases it may be necessary to advertise for information about the 'missing' birth parent through the media.

Q What if my ex-partner will not agree?

A The Court will want to be advised of the reasons why your ex-partner is not in agreement with the plan for adoption. The judge will decide whether their views are reasonable. After detailed consideration, the Court may decide to over-rule the views of the other parent. In other situations, the Court may decide that it is not appropriate for the child to be adopted. The social worker and the Guardian-ad-Litem will be required to make their recommendations to the Court as to whether the child should be adopted.



Q Do we have to tell the child about the other parent?

A Yes, it is essential that your child knows about their background from you and that they grow up with an awareness of the situation. Research shows that adoptees who have not been told about their adoption in childhood but who find out as adults, often feel betrayed by their parents. This is true also in step-parent adoption. The social worker will want to talk to the children about the proposed adoption. It is better for them to be given this information by the adults who are caring for them.

Q Can a step-parent adopt alone?

A No – a step-parent and a parent must apply jointly to adopt the child. Both adults will then become the child's adoptive parents. This will be clearly indicated on the child's adoption certificate when the Adoption Order is granted.


Alternatives to Adoption

Because of the problems which can arise in step-parent adoption, some families decide that a Residence Order may be more appropriate. A Residence Order will specify who the child should live with, ie. the birth parent and step-parent, and will give the step-parent parental responsibility for the child. This is usually shared with both of the child's birth parents. A Residence Order is most appropriate in a situation where the birth parents and step-parent are able to work together and share decisions which are made regarding the child. It has the advantage of maintaining the relationship between the child and the birth parent with whom they do not live, and with their extended family.

Under a Residence Order, the child's surname does not change, unless written consent to do so is given by everyone who has parental responsibility, or by a Court Order. A Residence Order enables a step-parent to contribute more fully to the child's life, for example, through:

- Decisions about where and how the child lives
- Choice of education and religion
- Power to consent to medical treatment and marriage.

A Residence Order does not give a step-parent the right to:

- Agree to the child's adoption
 - Arrange for the child's emigration.
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Some step-families worry that a Residence Order is not a permanent order and gives less security than adoption. However, many people outside the step-family prefer this option, as it does not cut links with the other birth parent and their extended family. Even if you apply for an Adoption Order, the Court makes the final decision about which order would be best in your case.


Applying to adopt

You can make an adoption application to the County Court or the High Court. You may wish to obtain legal advice in doing so and it is best to talk to a solicitor who has experience in Family Law. You are responsible for the solicitor's fee. On receipt of your application, a social worker from the local Health and Social Care Trust will be appointed to the case as will a Guardian-ad-Litem. The process is likely to take several months to complete.


The length of time involved will depend on how available the various people who need to be interviewed can be. A delay in locating a birth parent, for example, will mean that the adoption process will take longer. When all of the necessary reports have been received by the Court, a date for the adoption hearing will be set. The child who is subject to the proceedings is required to attend Court together with the parent and step-parent.

Making a decision

Parents and step-parents must be certain that adoption is the best option for the child. They also need to give consideration to the fact that if their relationship ends, adoption will have given the step-parent equal rights to the child while the child's other birth parent will have lost their parental rights. Therefore, they need to be sure that their relationship is secure before proceeding. It may be helpful to talk through the options with a social worker from your local Health and Social Care Trust. A list of addresses and phone numbers is included.



Step-Parent Adoption Flow Chart for Social Workers

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- Step 1** Trust acknowledges receipt of Form A10 in writing – (Letter ASL 30) child becomes a protective child and Trust has responsibility for supervising wellbeing while adoption is pending.
- Step 2** Social worker appointed who must visit the applicants and protected child within 7 working days.
- Step 3** Manager advises the Court of the name, address and phone number of the social worker responsible for lodging the report to Court.
- Step 4** Court advises NIGALA of above information and Guardian is appointed.
- Step 5** Social worker visits protected child every 28 days.
- Step 6** Social worker counsels applicants to ensure they understand the implication of proposed adoption.
- Step 7** Social worker completes an enhanced disclosure on all in household over 10 years.
- Step 8** Social worker takes all reasonable steps to find the absent birth parent.
- Step 9** Social worker suggests, where appropriate, the applicants should seek legal advice. Advice should be sought at applicant's expense.
- Step 10** Social worker completes Appendix 4 plus social work report and submits to Court within 12 weeks of the Trust receiving Form A10. Original and 3 copies of the report and all supporting documentation are required by the Court.

Flow Chart for Step-Parent Adopters

- Step 1** Talk to your child about your wish to apply for Step-Parent Adoption.
- Step 2** Contact your local Court office to request a documents pack for Step-Parent Adoption. Please note: when telephoning, you will be put through to the NI Direct switchboard; please ask for the Family Proceedings office in the relevant Court, ie. - Craigavon Courthouse, Londonderry Courthouse, Dungannon Courthouse; Laganside Court (Belfast).
- Step 3** Complete Form A10 - send the original to your local Trust and 3 copies to the relevant Court. Alternatively you may instruct a family solicitor to complete this form on your behalf. You will be responsible for the cost of fees incurred.
- Step 4** You will receive a letter from the Trust acknowledging receipt of your Form A10. The letter may also advise you of the named social worker who will be responsible for completing your adoption report.
- Step 5** A social worker will meet with you to explain the adoption process including why your child is now a protected child. The social worker will visit your child every 28 days until an Adoption Order is granted.
- Step 6** The Court will appoint a Guardian-ad-Litem who will arrange with you to meet with your child.
- Step 7** The social worker will have completed their assessment and will submit their report within 15 weeks of their first contact with you. The report will be submitted with your supporting documentation and payment. Please refer to Court information pack for cost per child and who to make the cheque payable to.
- Step 8** Social worker takes all reasonable steps to find the absent birth parent.
- Step 9** The Guardian-ad-Litem will meet with you and your child to discuss your application to adopt. The Guardian is required to ensure all relevant matters have been adequately covered in the social workers report.
- Step 10** Social worker completes Appendix 4 plus social work report and submits to Court within 12 weeks of the Trust receiving Form A10. Original and 3 copies of the report and all supporting documentation are required by the Court.

Useful addresses and contact numbers

Belfast Health and Social Care Trust

Head of Service, Adoption and Fostering

Fairview 1, Mater Hospital, Crumlin Road, Belfast, BT14 6AB

T: 028 9504 1279

Northern Health and Social Care Trust

Head of Service, Adoption and Fostering

Unit 3, Springfarm Industrial Estate,

Ballymena Road, Antrim, BT41 4NT

T: 028 9448 8285

South Eastern Health and Social Care Trust

Head of Service, Adoption and Fostering

Warren Children's Centre

61 Woodland Park Lisburn, BT28 1LQ

T: 028 9260 7528

Southern Health and Social Care Trust

Head of Service, Adoption and Fostering

Oakdale House, Dromalane Road, Newry, BT35 8AP

T: 028 3083 2692

Western Health and Social Care Trust

Head of Service, Adoption and Fostering

Riverview House Abercorn Road Londonderry, BT48 6SB

T: 028 7127 2102

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T: 0800 0720 137

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