



Adoption

If you're considering adopting
please call **0300 123 1093**
or look at **www.cpadoption.co.uk**



Step Parent Adoption in Peterborough and Cambridgeshire

www.cpadoption.co.uk
adoptionenquiries@cambridgeshire.gov.uk
0300 123 1093

  @candpadoptionservice

Step Parent Adoption

Introduction

This booklet has been put together to inform you about step-parent adoption and whether making an application is in the best interests of the child and your family. This booklet provides you with information based upon the Local Authorities experience and understanding of step-parent adoptions.

Step-parent adoption enables a step-parent to become the legal parent of their partner's child or children. A step-parent Adoption Order application is often pursued to acknowledge the close and important relationships between a child and the partner of their primary parent. Families often describe the Order as celebrating the commitment and love that a step-parent has shown to the child in the absence of the other biological parent.

It is important that any person seeking to obtain a step parent Adoption Order is subject to an assessment of both their suitability and whether or not this Order is in the best interests of a child.

As this guidance illustrates, a step-parent adoption application will not necessarily result in a step-parent Adoption Order, and consideration needs to be given as to whether or not other Orders are more suitable for a child and your family.



Who can adopt?

- You must be over 21 years old
- You must be either domiciled in the UK or resident for at least a year
- You must have notified the Local Authority at least three months prior to making an application
- The child must have lived with you for at least 6 months
- You must also be married to, or been in a relationship with the partner of, one of the parents of the child for at least two years



What is an adoption order?

An Adoption Order is a legal Order which is made by the court to provide the step-parent with the legal responsibility of caring for a child, equal to the parent they currently live with. The Order removes the legal rights which the estranged parent has for the child and any claims that the child may have in respect to inheritance from that parent or member of the wider family.

Legal Advice

The Local Authority fully recommends that any individual seeking to make an application to court benefits from some legal advice. Towards the end of this booklet you will find a list of approved solicitors who may be able to support you. The Local Authority will not fund any independent legal advice.



When to proceed with caution

Whilst the Local Authority cannot give guidance on the likely outcome of any court application, it is important that any applicant understands there are some factors that might impact upon whether or not an Adoption Order is granted. The following is some guidance about when you should proceed with caution:

- Does everybody with Parental Responsibility support the application? If not the court will have to strongly consider whether it is appropriate and necessary to remove the legal responsibility from the estranged parent or whether the applicant should without consent be recognised as the legal parent.
- Are there current contact arrangements between the child and their wider family? This includes whether the child is not having contact with the absent parent, but is having contact with their wider paternal family. The court will need to be satisfied that it is in the child's best interests to be legally removed from that family and any inheritance rights.
- The court will be hesitant if there is an existing Order (for example a Child Arrangement Order for contact with the other parent) and whether an adoption application risks depriving a child of a relationship with the other parent.
- If an applicant has a considerable criminal record.
- If the child is receiving other types of indirect support such as financial support from the absent parent then the Court will need to make a judgement as to whether or not the Adoption Order is necessary.
- If it could be alleged that a parent has prevented the other parent or wider family from having contact with the child (for a reason other than that contact may cause that child significant harm) then this will significantly impact upon the application.
- If a child is too young to be able to consent to this life changing decision then the court will need to be assured by the Local Authority and guardian that this order remains in the best interests of the child.
- Can the applicant evidence a committed and enduring relationship with the child? If the relationship is relatively new then it is unlikely that an Adoption Order is the most appropriate Order for that child.
- It is expected that references for step-parent adoption applications should know the family well and be able to comment on their observations of the applicant and child.
- Will the Order have a negative impact on anyone else in the household? If the Order is likely to cause upset to other children in the home or within the family, this will need to be considered within the wider recommendation.



Immigration and Nationality Issues

If the applicant or the resident birth parent is British, an Adoption order will have the effect of conferring British Citizenship on the child.

In cases where there may be issues around immigration status or nationality, the Secretary of State will be informed of the proceedings, in case they should want to become a party to the proceedings. It is recommended that applicants seek their own legal advice in respect of immigration status and the implications for a child's residency both in the UK and their country of birth.

- Does the applicant have a history of behaving violently or unreasonably in relationships?
- Does the child understand their parental heritage? Step parent adoption applications will not progress in families where there is a reluctance to inform the child about their story and biological parentage. The Local Authority is happy to provide advice and guidance around this difficult topic.
- Is there evidence to suggest that a lesser Order, such as a Child Arrangement Order or Parental Responsibility Order will be sufficient for the child and will provide the required level of responsibility and confirmation of a child's habitual arrangements and contact with other persons important to them.



The assessment process

The Local Authority is required to complete a report called the 'Annex A report' which provides the information that is required as defined within the Adoption and Children Act. An assessment is likely to take between 6-8 sessions and takes place within office hours and applicants are required to be flexible for these meetings. The report is focused upon the following key areas:

1. The child

The report is interested in the child's circumstances, their stage of development, their views, their place in the family and their presenting needs. A Social Worker will need to meet with the child and discuss the application with them as well as observe their relationships within the family home.

2. The parents

The assessing Social Worker will ask questions about the parent's personal histories. The report is interested in the views of both parents and the Local Authority has a legal duty to contact the other parent without exception.

3. The child's arrangements

The assessing Social Worker will need to understand the current and previous relationship the child has had with the applicant and contact references to verify this information.

4. Information about the prospective adopter of the child

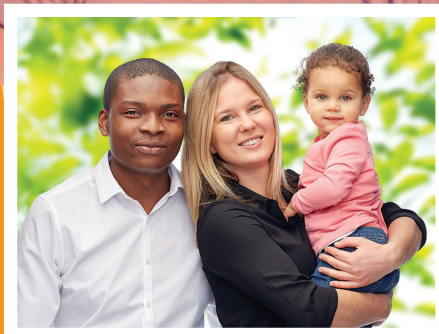
This section relates largely to an assessment of the applicants suitability to adopt, it will include information about their childhood and history.

5. The agencies actions

This section evidences the Local Authority enquiries when this report was completed.

6. The recommendation

The Local Authority will make a recommendation to the Court based on the 'welfare checklist' which ensures that the Order is in the best interests of the child.



The other parent

The Local Authority has a legal duty to contact the other parent of the child to seek their views. Even if this parent does not have parental responsibility for the child or has not maintained contact with the child. The Local Authority recommends that prior to considering an application for Adoption, you speak to the other birth parent and trace their details if required. The Local Authority is required to investigate the whereabouts of the other parent if this is not provided.

Should the Social Worker believe there is a deliberate attempt to withhold this information, this may result in the Local Authority producing a recommendation against an Adoption Order.

If the child's absent parent refuses to agree to the adoption, the Social Worker will need to make a recommendation to the court as to whether or not the other parent's consent should be disregarded.

If the other parent has died the above does not apply, although views of wider family for the other parent would be sought.



What is the process for step-parent adoption?

Step 1 - Applicant contacts the Local Authority for advice and a conversation about their circumstances and desire to make an application, an initial phone discussion will take place and if appropriate this will lead to an initial interview with a Social Worker to gather more information and provide a preliminary recommendation.

Step 2 - Applicant informs the Local Authority in writing that they want to pursue with an application.

Step 3 - Local Authority writes to the applicant and provides the application form.

Step 4 - The local authority has a duty to carry out checks as to the applicant's suitability and will make contact with various agencies including police, health and education. A full DBS check will be carried out and you will need to provide ID documents for this and sign a consent form for this. The child's school, the applicants employer and personal referees will also be contacted. There may be a charge passed on to you for DBS checks and any medical report requested. For applicants with other children to previous relationships references will also be required from both the adult and children.

Step 5 - Three months after notifying the Local Authority, the applicant can make a formal application to court, there is a court fee of £183, which the applicant must pay upon submitting the application.

Step 6 - Assessment is conducted and submitted to court.

A children's guardian will be appointed to undertake their own assessment of the best interests of the child.

Step 7 - Court date.

What are the alternative orders?

Parental responsibility order

As an Adoption Order is considered to be a very serious Order requiring a full assessment by the Local Authority, many step-parents decide instead to make an application to court for parental responsibility, which will provide them with the legal right to make decisions for that child, to care for them in the event that the other parents dies and to celebrate the relationship the parent has with that child. Step-parents can acquire parental responsibility by:

Making an application to court for a Parental Responsibility Order, which is in turn granted. Making an Application for a Child Arrangement Order to court.



Child arrangement order

A Child Arrangement Order is a relatively straightforward Order which requires an individual to make an application to court to:

- **Request parental responsibility**
- **Define the living arrangements for a child**
- **To define whom a child has contact with**

An application for a Child Arrangement Order is unlikely to result in the court requesting that the Local Authority undertake an assessment. This is because the Court recognises a Child Arrangement Order to be less restrictive and therefore there is a greater chance the application will be successful. This Order gives families a level of confidence that the step-parent is able to make arrangements for the child in the event that the biological parent is not able to do so and that they are well placed to provide care for the child in the event that a parent dies.

Families often report they are more hesitant to make an application for a Child Arrangement Order because it does not result in the change of the child's surname. Whilst it is true that the Child Arrangement Order does not automatically change the child's name, this can be achieved through the deed poll process if it is considered to be in the child's best interest.



Does a step-parent adoption application cost money?

The application does incur a cost and information is available in respect of the most up to date costs from your local court. In addition the Local Authority may request you to cover the costs of a DBS check (police check) and your GP may charge you for a medical summary. This amount is not refundable should you change your mind about your application.

How do I make an application?

If you are confident that an Adoption Order is in the child's best interests and there is nothing that is likely to challenge your application please contact the Cambridgeshire & Peterborough Adoption Service Team by calling:

0300 1231093

You are also able to write to the RAA at:
**Scott House, 5 George Street,
Huntingdon PE29 3AD**

Can a step-parent adoption application be difficult for a child?

- Children can sometimes feel conflicted and unsettled by the application. Children have reported that they feel as though they are being asked to choose to make one of their parents unhappy causing a level of personal conflict or it happened because they were not 'good enough'.
- Children might not have a close relationship with a particular parent, however may have loving and warm relationships with their grand parents or aunts and uncles. These relationships are important and should not be severed.
- Children lose out on their inheritance rights from the other biological parent and their wider family.
- Children may be reminded of the loss they have experienced by not having a relationship with their birth parents and re-live a sense of rejection as they are reminded of this through the assessment process.
- Children may feel as though they are being required to ignore their past or that they are not entitled to fully understand why they no longer have a relationship with their biological parent.

Solicitors who may be able to advise you

You don't have to go to one of these solicitors (you can choose a different one if you like) but the ones set out below are all experienced in dealing with care proceedings.

Rebecca Dedman or Rebecca Fenner Adams Harrison Solicitors

48 High Street, Sawston,
Cambridgeshire, CB22 3BG
T: 01223 832939

Alison Burden Adlams LLP

37b Market Square, St Neots, PE19 2AR
T: 01480 474061

Simon Matthews or Ben Spencer cb4law Solicitors

10 Milton Road, Cambridge, CB4 1JY
T: 01223 316666

David Chapple Chapple & Co Solicitors

15 Dartford Road, MARCH,
Cambridgeshire, PE15 8LA
T: 01354 652550

Susan Pearson Dack Pearson Solicitors

32/34 High Street, Wisbech,
Cambridgeshire, PE13 1DE
T: 01945 467053

Krina Parmar Duncan Lewis Solicitors

66 Devonshire Road, Cambridge, CB1 2BL
T: 07880 700644

Hazel Chapman, John Futter or Tom Andrews

Futter Chapman Solicitors

The White House, 59 Park Road,
Peterborough, PE1 2TH
T: 01733 566681

Denis White, Edward Owen or Louise Ballantyne

Hunt & Coombs LLP

35 Thorpe Road, Peterborough, PE3 6AG
T: 01733 565312

Janet R Thompson Janet Thompson Solicitors

Milton House, 38a Cowgate,
Peterborough, PE1 1NA
T: 01733 347247

Paul Motley Motley & Hope

The Manor House, 11 Shortmead Street,
Biggleswade, SG18 0AT
T: 01767 600600

Stephanie Halford or Ray Pritchard Oslers Solicitors

6 Signet Court, Swann Lane,
Cambridge, CB5 8LA
T: 01223 792331