



Partner Adoptions



Adoption is a legal decision that permanently transfers parental responsibility for a child. This factsheet provides information about what happens when an adult wants to adopt their partner's child.

Adopting a partner's child

If a person lives with their partner and their partner's children, they may wish to apply for an adoption order to legally become a parent of the children. If granted, the adoption order gives them parental responsibility for the children – along with their spouse or partner – and the law will no longer recognise the other birth parent as having any parental links with the child.

In order to adopt a partner's child, the applicant must:

- * either be married, in a registered civil partnership, or in a long-term relationship with the parent of any children they wish to adopt
- * have lived in the same household as the children for at least six months.

If both of the birth parents have parental responsibility for the child (this would usually be if they were married at the time of the birth, if they are both named on the birth certificate or if they have obtained parental responsibility during the child's life), they will both be asked whether they consent to the adoption order being made.

It is important to understand that if the child is successfully adopted, the law will no longer recognise the other birth parent (who the child does not live with) as having any legal relationship with the child. This also has the effect of cutting legal ties to any other members of that side of the family, for example aunts and uncles.

If the other birth parent does not have parental responsibility, the local authority may need to talk to them to see if they wish to obtain parental responsibility. The local authority has to prepare a report for the court about the application and they may also want to know the views of the child's other family members.

The court will decide whether to make the adoption order based on the best interests of the child.

The adoption process can be complicated, especially if anyone objects. Adoption is just one way that a partner of a parent with a child can obtain parental responsibility – it's important to seek legal advice to discuss all options available.

If you have any questions about parental responsibility and what this means, we recommend you seek legal advice at the earliest stage possible.

What is Cafcass' role?

If everyone agrees to the adoption the Cafcass worker, called a Reporting Officer in these cases, will talk to each party and make sure that they fully understand what the adoption means for them and the child, and that they really do agree to it. They will then witness the consent forms being signed and inform the court.

The forms will be sent to the court with a short report, as evidence of the parent's consent to the adoption. The applicant and their partner should attend the adoption hearing, but the birth parent who is giving up parental responsibility does not have to be present.

The Cafcass officer will not be able to witness consent if the birth parent lives out of the country but may be able to suggest who else can witness consent.

What if a parent disagrees?

If a parent who has parental responsibility does not agree to the adoption, the Cafcass worker (in this instance a Children's Guardian) will speak to all of the adults involved in the case and the child as well, depending on their age and level of understanding, to get their views. The Cafcass worker's report will include relevant information from the meetings with the adults in the case and will also tell the court about the child's wishes and feelings.

The report will also cover other matters that the court needs to know about, such as future contact arrangements with the other birth parent or other people who are important to the child.

The court will then decide whether an adoption order should be made based on what it believes is best for the child.

If the parent who does not live with the child cannot be found, following all reasonable attempts by the local authority to find them, the court can still make the order, dispensing with their consent.

Further information

The below sites provide further information about partner adoptions and adoption more generally.

Family Lives: Provide help and support in all aspects of family life and have specific information for step families.

Website: www.familylives.org.uk

Phone: 0808 800 2222

Gov.uk: Provides information about how to adopt your stepchild.

Website: www.gov.uk/child-adoption/adopting-a-stepchild

Child Law Advice: Operated by Coram Children's Legal Centre, provides specialist advice and information on child, family and education law.

Website: www.childlawadvice.org.uk

Family Rights Group: Provide a range of information for those concerned about adoption.

Website: www.frg.org.uk

Phone: 0808 801 0366



What is the effect of an adoption order?

If an adoption order is made, the applicant will become the legal parent of the child (along with their partner) and the legal relationship between the child and the other birth parent will be broken. This is a permanent decision and cannot be reversed at a later date.

The child's name can be changed, unless the court prevents this, and if the applicant and their partner ever divorce, they will both remain the child's legal parents.



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