



A Family Law Department  
Client Guide on  
Adoption

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# ADOPTION

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Children are usually adopted either:-

- As a result of being removed from the care of their birth family by social services or
- When one birth parent forms a new relationship.

## **1. As a result of being removed from the care of their birth family by Social Services**

Some children have to be placed in foster care by social services. The law recognises that these children often grow up more happily if they feel that they are a full member of a family and one way in which this can be achieved is by them being adopted. Social services, either during or after proceedings where the Court makes a Care Order, can also ask the Court to make a Placement Order. If the Court makes a Placement Order then social services will make arrangements for the child to be brought up by a family which has expressed a wish to adopt.

People who wish to adopt a child who does not already live with them need to contact an adoption agency. Many adoption agencies are part of the local authority's social services department. Details of adoption agencies are listed in Yellow Pages or can be found on the Internet and a local authority's contact details can be found in the telephone book.

Adopters must be aged at least 21 years. It is unusual, but not impossible, for there to be an age gap of more than 45 years between an adopter and the child they wish to adopt. A single person, or one partner in an unmarried couple - heterosexual, or same sex couples - can adopt. In September 2005 the law changed so that unmarried couples can now apply to adopt jointly.

Adoption agencies will always try to match the racial and cultural background of the child and adoptive parents, so people from all ethnic origins and religions can adopt.

Once you contact an adoption agency their workers will assess you. This may take about six months. Anyone who wants to adopt a child will need to:-

- provide a medical report to show that they are well enough to raise a child, but people with disabilities are not excluded from adopting.
- agree to their criminal record being checked but apart from some crimes involving children a criminal record will not always mean that someone cannot adopt.
- provide personal references from at least two friends.

The agency will also contact the local social services department to find out any information which they hold.

Once the agency's assessment has been completed their adoption panel will decide whether or not you should be approved as adopters.

Once you have been approved, the agency will try to "match" a child with you. After a child has been matched with you, you will be able to meet them several times over a period of a few weeks. If all goes well then the child will then move in with you.

A court will not be allowed to make an adoption order until the child has lived with you for at least 13 weeks, and this period does not start until the child is six weeks old.

## **2. When one birth parent forms a new relationship**

Some children live with one of their birth parents and their new partner. These children can be adopted by that birth parent and their new partner, who should both contact their local authority's social services or children's services department who will investigate the proposed adoption. Adoption by a step-parent is only likely to be allowed where the child has no contact with the other birth parent.

In either case, once you apply to adopt a child the Court will appoint someone to check that the birth parents understand what adoption means and to witness their agreement to the adoption order being made.

If the birth parents do not agree to adoption the court will still often make a Placement Order, but this takes longer than if the birth parents agree to the adoption. This is because the Court needs to investigate whether it is in the child's best interests for them to be adopted.

When a Placement Order is granted by a court, Parental Responsibility (the legal term describing a parent's rights and duties in respect of a child) is transferred to the adopters and the child's legal connection with their birth parents ends.

Once a child has been adopted written information about the child and birth parents may be exchanged once or twice a year, usually through the adoption agency involved before the child was adopted. This is referred to as "letterbox" contact. In a very few cases a child may have direct contact with its birth parents or any brothers or sisters after an adoption, but this will only ever be allowed if it is in the best interests of the child. This is called an open adoption.

Where, for some reason, an adoption is not possible or appropriate it may still be possible to secure a child's placement by means of a Special Guardianship Order or a Residence Order. Special Guardianship does not take away the birth parents' parental responsibility and can be granted to individuals who are not a child's parents, allowing them to raise a child in their care without intervention by the birth parents (except to change the child's name or to move abroad). Usually there will be more frequent contact between a child who is the subject of a Special Guardianship Order and their birth parents.