

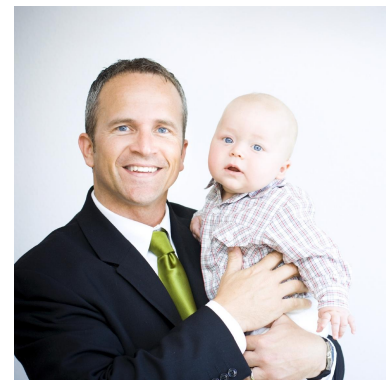
Adoption

Your rights

Overview

Adoption is the legal process by which individuals become a child's parents, assuming full legal and parental responsibility for a child, despite not being the child's natural parents.

Adoption is one of ways that you can expand your family. Before embarking on this path, it may be wise to consult a legal expert to discuss the best way to deal with this process and ensure that the adoption runs as smoothly as possible. This area is covered by the Adoption and Children Act 2002 which came into force from 30th December 2005.



How a child can become available to adopt

A Local Authority is authorised by a placement order to place a child with prospective adopters. A placement order is most commonly made at the end of care proceedings, which are proceedings issued by a Local Authority who believe a child is at risk of suffering or has suffered significant harm. Once a placement order is made it allows the Local Authority to place a child with a new family.

Not every child is adopted as a result of care proceedings or because there is any fault with the child's parent. A mother may consent to her child being removed after birth and placed in an adoptive placement.

Who can apply to adopt?

A couple or single person may apply to adopt, subject to certain specific requirements. A "couple" includes those of different or same sex, married, unmarried or civil partners. They must be domiciled and habitually resident in a part of the British Islands, which includes The UK, Channel Islands and The Isle of Man.

The child to be adopted must have lived its new family for certain set periods prior to any application for an adoption order.

Application for adoption order

If all goes well for both the child and the prospective adopters, the adoption placement should be secured by making an application for an adoption order to the Family Court.

Confidentiality of prospective adopters

Unless the prospective adopters are known to the parents, prospective adopters often want to remain unknown to birth parents to avoid possible future disruption. To gain anonymity throughout adoption proceedings an application can be made to the court requesting this.

Conditions for an adoption order

Section 47 of Adoption and Children Act 2002 allows the court to make an adoption order. An adoption order is most commonly made if any of the following conditions are satisfied:

- The parents' consent to, or do not oppose, the adoption order being made, or their consent is dispensed with; or
- The adoption agency placed the child with the prospective adopters under the placement order or with the consent of the parents, who do not oppose the making of the adoption order.

Effect of adoption order

An adoption order severs all legal ties between a child and his/her birth parents. The biological mother and father are no longer the child's legal parents and he/she cannot be treated as their child. Anyone who had parental responsibility no longer has this after the adoption order is made. The child legally becomes the adopters' child, as if the adopters were his/her biological parents. The effect of an adoption order is meant to be lifelong and final both legally and psychologically for the child.

Please feel free to discuss your own position and concerns. Contact your nearest office on:

T: 0800 916 9055
E: enquiries@slatergordon.co.uk
W: www.slatergordon.co.uk

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