

ADOPTING A STEP-CHILD



Adopting a step-child

As a step family, you may be thinking about ways in which both of you can become the children's legal parent. This information leaflet explains the legal position in Scotland. Since September 2009, you can apply for a step parent adoption if you and your partner are married to each other, or civil partnership or are living together in an enduring family relationship as if married or civil partners.

Adoption means that the law no longer requires the birth parent of the child and that grandparents, aunts and uncles on the side of the family are no longer legally related to the child.

A young person can be adopted up to the age of 18 and consent to the adoption is required from the child if aged over 12.

A child under 12

You need to be aware of the child's feelings about adoption when deciding if adoption is in their best interest. The law states that a child's view and wishes must be taken into account.

An adoption order cannot be made unless the child is at least 19 weeks old and has lived with you for at least 13 weeks.

Thinking about Adoption

When a new step family is formed, adults often give a great deal of thought about how to strengthen the ties and give the children as much security as possible. You might want to consider adoption for many reasons including:

- All children in the family will have the same inheritance rights
- All children in the family will have the same legal security in the event of a death of a legal parent
- Each member can have the same surname.

However, it is also important to consider some of the disadvantages of adoption:

- It may be confusing for a child and it can be sometimes be difficult for a child to understand the complicated relationships that adoption will create.
- It may cut the child's links with the other parent and his or her extended family. These relationships may have emotional meaning to the child and if this is the case, it will be important to consider the need for the child not to lose contact with them, even when the legal ties are cut.
- Adopted stepchildren may blame their step - parents for the loss of the other birth parent and can sometimes idealise them. Alternatively they may feel rejected by the other birth parent which can cause upset, lack of confidence and might slow down their development.
- An adopted child will lose rights of inheritance from the other birth parent.

Change of name

In Scotland, a child's surname may be changed informally, and it is relatively straightforward to change a child's name legally.

Residence order

Among the responsibilities and rights covered by a Residence order are:

1. The right to decide where and how the child lives
2. The choice of education
3. Consent to medical treatment if the child is not considered old enough to give his or her own consent.
4. The right to apply for a passport.

Applying to adopt

If you wish to adopt the child of your partner, you or your solicitor must notify. **You should write or email:**

Children and Families via Social Care direct

<https://www.glasgow.gov.uk/article/24178/Apply-online-for-a-Childrens-Service>

Once we receive your notification, a social worker will discuss your circumstances in order to prepare a report for the court. Normally the court will expect to receive the social work report within 12 weeks.

Phone **Social Care Direct 0141 287 0555**

Email **socialcaredirect@glasgow.gov.uk**

The social work report is required to address issues such as:

- The nature and duration of your relationship with the child;
- The nature and duration of your relationship with your partner;
- The relationship of the child with the absent birth parent;
- The absent birth parent's wishes;
- A recommendation about whether adoption is in the child's best interests;
- Disclosure Scotland check
- Contact GP

Your solicitor will complete an adoption petition form on your behalf. If you choose not to ask a solicitor to act for you, you can obtain this form from the court yourself.

The Sherriff Clerk will also be able to advise you about the documents that need to accompany the adoption petition and the current court fee.

What happens after you have applied to adopt?

When the court receives your application and the social work report, it appoints a curator ad litem and a reporting officer. This is usually one person who reports to the court on whether adoption is in the child's best interests. The curator will speak to you, your partner and the child and will then prepare a report for the court.

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This will also contain information about the absent birth parent, their relationship with the child and whether he or she agrees to the proposed adoption.

The court needs the formal consent of the other birth parent if he or she has parental responsibilities or rights. The mother will usually have these automatically. **The father will have these automatically if:**

- He was married to the child's mother at the time of the birth of the child;
- His name is in the child's birth certificate and the child's birth was registered on or after 4 May 2006;
- He has a formal agreement with the child's mother or if he has a court order.

If a birth parent is in disagreement with the proposed adoption, the court has to be asked to dispense with his consent. The disagreement of the absent birth parent does not necessarily mean that an adoption order will not be granted but the Sheriff will need to be clear about the circumstances and make a judgement about whether adoption is the best choice for the child.

Where an absent parent does not have parental responsibilities and rights, the social worker has a duty to inform them of the intention to adopt.

If you become involved in such a dispute, it is advisable to seek the advice of a solicitor because of the legal issues that need to be addressed.

After the adoption

When an adoption order is granted, the court will send you a formal notification.

You should then apply to:

The General Register Officer

New Register House

EDINBURGH

EH1 3YT

P:0131 334 0380

A copy of an adoption birth certificate for the child will be issued to you from the Adopted Children's Register for which there is a fee.



Complaints

Whilst it is our intention to provide a good service at all time, if you have a complaint, please contact the Customer Care Team. If the situation cannot be resolved, then contact our Rights and Enquiries Service. [Phone](#), [email](#) or [write to](#):

Complaints, FOI and Investigations Team
Business Development
Glasgow City Health and Social Care Partnership
Commonwealth House
32 Albion Street
Glasgow G1 1LH

P: 0141 287 0499

Email SWcomplaints@sw.glasgow.gov.uk

[As Glasgow City Council is regulated by the Care Inspectorate in Scotland you may also complain to:](#)

Customer Care Team
Glasgow City HSCP
City Chambers
Glasgow
G2 1DU

P: 0141 287 0555

Text phone 18001 0141 287 0555

Email scdchildrenandfamilies@glasgow.gov.uk

[If emailing please provide full details of your complaint together with your name and address.](#)