

ADOPTION – PROSPECTIVE ADOPTIVE PARENTS

What does an adoption agency do?

An adoption agency is a voluntary organisation approved by the Government. All local authorities are also required to maintain adoption services. If you are thinking of adopting a child, have a look at the British Association for Adoption and Fostering (BAAF) website - <http://www.baaf.org.uk/local/scot/>

The checks carried out by the adoption agency are very intensive, and involve interviews, home visits, training, criminal disclosure checks and medicals.

What is the procedure for adoption?

Your solicitor will prepare a petition to the court for the adoption order to be made, including any change of name of the child. The local authority or adoption agency will prepare a report on your suitability and the placement for the child.

The court will also appoint a solicitor (called a “curator ad litem and reporting officer”) to prepare an independent report. Your application is notified to the birth parents, who have the opportunity to consent or to object. If the birth parents don’t consent, the court will hear evidence and decide whether making an adoption order will safeguard and promote the welfare of the child throughout his or her childhood.

If the court makes an adoption order, all parental rights and responsibilities are transferred from the birth parents to you.

Notice of the adoption is sent to the Registrar General who makes an entry in the Adopted Children Register showing your names as parents and the child’s new name.

Who can apply to adopt a child?

You must be aged at least 21 to apply to adopt a child. Couples can apply to adopt, whether they are married to one another, in a civil partnership, or living together as if they were married or in a civil partnership. Single persons can also adopt.

Step-parents can adopt the child of their spouse, partner or civil partner if they are living together. An adopted step-child is treated in law as if he or she were the child of the adoptive parent, who has all the parental rights and responsibilities of a birth parent. There are alternatives to a step-parent adoption, such as a residence order, and you will need legal advice before deciding how to proceed.

If you don’t fit into one of these categories of people who can adopt, it may still be possible, but you need legal advice and should contact one of our family lawyers.