



Adoption and your rights

Overview

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 and can arise in either private or public law proceedings.

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.

The child to be adopted must have lived with you (or if you are applying as a couple, with one or both of you) for certain set periods prior to any application for an adoption order.

What legal aspects of adoption do I need to know?

An application is made to a Family Proceedings Court (Magistrates Court), an adoption centre (specialist County Court) or the High Court. A fee is payable. (Public Funding is never available.)

If the child’s biological parents do not give their consent to the adoption you can ask the court to dispense with their consent. However, the court will need to be satisfied that one of the exceptions applies, i.e. the parents’ whereabouts are unknown, they are incapable of giving consent or the welfare of the child means such consent can be dispensed with.

Once the application has been made the court will make several directions to include one or all of the following:

- > A guardian to be appointed for the children
- > A report to be prepared for the court and arrange a first hearing.

At the first hearing the court will give more directions to deal with the application and is likely to set a date for a final hearing.

Why obtain an adoption order?

The effect of an adoption order is to legally make the adopters the child’s parents and extinguish any legal right the biological parents may have over the child. We are able to assist with obtaining an adoption order from the courts and advise the best way forward for you and the child.



“We are able to assist you and your family within all legal areas of UK adoption”



Contact us

Please feel free to discuss your own position and concerns. Contact your nearest Russell Jones & Walker office or call:

Call: 0800 916 9055
Email: enquiries@familylaw4police.co.uk
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Our offices:

Birmingham, Bristol, Cardiff, Edinburgh (Associated Office), London, Manchester, Milton Keynes, Newcastle, Sheffield, Wakefield

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