

# Adoption

This can arise in either private or public law proceedings.

This area is covered by the Adoption and Children Act 2002 which came into force from 30 December 2005.

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.

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.

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.

For advice on adoption or any other family matters contact **Gorvins Solicitors Family Team** at:

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