



Seirbhís Sláinte
Níos Fearr
á Forbairt

Building a
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informing unmarried parents

Step-Parent Adoption



Tel: 01 670 0120

What is Step-Parent Adoption?

Step-parents can apply to adopt their spouse's or partner's child without the partner, (who is already the biological parent of the child), also applying to adopt the child. The interpretation of "step-parent" includes the civil partner of a parent of the child; a cohabitant in a cohabiting couple where the other cohabitant is a parent of the child; and the spouse of a parent of the child. The child must have lived with the biological parent and partner together for a minimum of two years.

The biological parent can consent to the adoption while keeping parental rights and responsibilities. Once the adoption order is made, the biological parent will share the parental rights and responsibilities with the step-parent.

The effect of step-parent adoption is:

- the step-parent becomes the adoptive parent with full parental rights and responsibilities in respect of the child
- the family can all have the same surname
- the biological father has no further rights or responsibilities to the child and will have no possibility of getting rights in the future
- the child will have the same rights, including succession rights, as any other children of either parent born both inside or outside of marriage
- where the adoption takes place within a marriage, the adoption creates a legal family unit with constitutional protection as if the child had been born into that family unit

***Note: the same rules will apply if a father who is a guardian and has the primary care (custody) of his child, wishes to apply to adopt the child with someone other than the biological mother.**

Other aspects of step-parent adoption

Adoption completely severs all legal links between the child and his/her birth parent and extended family. This means that following the adoption the other birth parent has no legal right to have contact with the child. The adoptive parents may agree that the birth parent can stay in touch but if this agreement breaks down he/she does not have the right to go to court to look for access.

Adoption changes the identity of the child and obscures his/her birth details. Children need to know the truth about themselves. They need to know who they are, where they came from and where they fit in. Where a child is in a family with a parent who is not his/her birth parent, it is important that this fact is acknowledged and that opportunities are found to discuss these issues with the child in an open and honest manner. Even if a child has had no contact with the birth father/mother, in general it is important for the child to know about the father/mother and his/her family.

How to apply to adopt

Apply directly to TUSLA the Child and Family Agency, local office (see overleaf). TUSLA may forward the application for assessment to an accredited assessment agency. In order to decide if adoption is appropriate the assigned social worker will make a number of visits to the family home.

This is to ensure that the child and the step-parent are bonding well and that adoption is in the best interest of the child. The social worker will want to talk to young children to ensure that they understand what is happening. If, on receipt of a report from TUSLA, the Adoption Authority is satisfied that adoption is appropriate and that all legal requirements are met, the adoption order will be granted. The views of the child shall be ascertained by the Adoption Authority or by the court, as the case may be, and shall be given due weight, having regard to the age and maturity of the child.

Whose consent is required before an adoption order can be made?

The mother is automatically a guardian of her child and her consent is always required before an adoption order can be made. If the child's biological father is a legal guardian, his consent to the adoption is required by law. Any other guardian of the child will be required to give consent for the adoption to take place such as non-parental guardians appointed by the court with a specific right to place the child for adoption and consent to the adoption of the child.

Who must be consulted before an adoption order can be made?

Relevant non-guardians are now required to be consulted.

A relevant non-guardian is, in relation to the child:

- a father of a child who is not a guardian of the child;
- a person who has been appointed the guardian of a child but who has not been granted certain rights of guardianship;
- a person appointed by the court to be a temporary guardian of a child;
- and
- a parent of a donor-conceived child who is not a guardian of the child.

Where any relevant non-guardian objects to the proposed placement of the child for adoption, the placement will be deferred for not less than 21 days for the purpose of affording the relevant non-guardian an opportunity to make an application to the court to become a legal guardian.

Where consultation is not possible or is considered inappropriate, the Adoption Authority, having first obtained the approval of the High Court, may make the adoption order without consulting the birth father.

If a father is concerned that he might not be consulted by the Adoption Authority he can make a request in writing to the Adoption Authority, before or after the birth of his child, that he be consulted if:

- his child is being placed for adoption, or
- an application has been made by the mother or a relative to adopt his child.

For further information on step-parent adoption contact:

TUSLA the Child and Family Agency

Tel: 01 7718500

Email: info@tusla.ie

To find your local office see www.tusla.ie.

The Adoption Authority of Ireland

Tel: 01 - 2309300

E-Mail: info@aai.gov.ie

www.aai.gov.

If you would like to talk through your individual situation, call Treoir on our confidential helpline at: **01 670 0120**



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