



# **Non-Agency/Partner Adoptions**

**Information Pack**

## **What is Non-Agency Partner Adoption?**

Adoption offers the child a legally permanent relationship with the adoptive parent which they will have all of his/her life. It means that the resident birth parent and their partner will share parental responsibility for the child. There is no automatic right to adoption, and it is not appropriate for every child in step-families. The court's decision is made based on the best interest of the child. An adoption order severs the legal relationship between the child and the non-resident birth parent.

The local authority where the child resides is responsible for the assessment of every family that proposes a non-agency adoption and prepares a report for the court of their findings. A social worker will make several visits to the family and complete various checks including checks with other Local Authorities you have lived in, ex-partner checks and DBS checks.

## **What is the eligibility Criteria for a NAPA?**

You can make an application to the court for a partner adoption order if all the following criteria are applicable

- Applicant is 21 or over.
- Applicant is married to the birth parent, or has been co-habiting with the birth parent, for at least 1 year
- British residency connection via domicile e.g. British passport holders who have or are living abroad.
- Applicant has been living with the child for at least 6 months.
- The child is not yet 18 (order can be made up to the day before 19<sup>th</sup> birthday if application made prior to child's 18<sup>th</sup> birthday)

## **Child's best interest**

Together4Children have a duty to ensure that adoption is in your child's best Interest. The court will need to establish that adoption will be best for the child throughout his/her life. The assessment process will involve the child being seen alone, it is therefore essential that the child knows the factual details about his/her origins and relationships within the family. It is beneficial if the child is able to



understand the implications of their adoption and has knowledge of his/her birth history. It is therefore preferable if children are over the age of five, before considering adoption, but each case will be considered on its own merits regardless of age.

### **The child's birth history**

If the child has not yet been told about his/her birth history, we may be able to help with ideas of how to do this. It is important that the child has a record of his/her early life, including photographs, documents, mementoes and details of significant people in his/her life. A special box/folder or photo album can be used for this purpose.

The court will require evidence of a child's relationship with the applicant in determining the applicant's suitability in a family relationship. The requirement applies if you are married, have entered into a civil partnership or, are living as partners in an enduring family relationship. Together4Children define this as a relationship that has lasted at least one year. The applicant must have lived within the same household as the child for at least 6 months preceding a "letter of intent to adopt".

### **Interviewing birth parents**

There is a legal duty for the assessing social worker to interview both birth parents, and anyone else who may have parental responsibility for the child and to ascertain their view. To confirm they are in agreement with your application the court will require written consent of all persons with parental responsibility for the child.

### **Relationships**

It is important to recognise that partner adoption constitutes a loss for the child of legal relationships with the extended family of the non-resident birth parent. If the whereabouts of the non-resident birth parent is not known, the court will expect all reasonable efforts to be made to contact that parent to inform them of the application.

"If the non-resident birth parent does not consent to the adoption the court will need to be satisfied, where they have parental responsibility that their consent should be dispensed with and, in any case, that it is appropriate to make the adoption order. This will mean a careful consideration of all the circumstances."

## **What happens if a birth parent is not in agreement?**

If the child's non-resident parent is not in agreement with the plan for adoption, you may wish to obtain legal advice from a solicitor experienced in adoption matters. Below is a website which will enable you to locate solicitors specialising in childcare law.  
[www.lawsociety.org.uk](http://www.lawsociety.org.uk)

Even if the non-resident birth parent does not have parental responsibility, he/she will still need to be contacted. Information about their life, family, health, education and employment are all important to record as well as their wishes and feelings about the proposed adoption.

If the non-resident birth parent is deceased, the court will require a copy of the death certificate. The social worker may want to interview the extended members of the deceased parent.

**NB: The courts make it quite clear that the decision to sever the relationship between parent and child is made only when there is evidence that this is in the child's best interest.**

## **Contact arrangements**

The social worker will ask about contact arrangements in place for the child, and whether financial maintenance was paid by the non-resident birth parent. You should be aware that the outcome of an adoption assessment could be a recommendation that contact is established between the child and the birth parent who does not live with them and this could also be ordered by the Court, if it is in the child's best interests.

## **Checks**

The local authority has a duty to carry out checks as to the applicant's suitability and will make contact with various agencies, including School and Local Authorities. A DBS will be required for the applicant and anyone aged 18+ years in the household. The child's school and professional individual's, who may be involved, will also be contacted.

## **References**



Together4Children will require you to supply the names and addresses of three referees, including one from a family member who has known the applicant and the parent with Parental Responsibility for at least 2 years. The other two referees should be people who know you well and can comment on your parenting of the child. We will also seek references from ex-partners where appropriate.

## **Assessment**

The social worker assessing your family situation will want to meet with each individual: the applicant, the birth parent, the child, and all other significant adults and children in the child's life.

Adoption is a very important step in the life of a child and the adoption application should be made at the right time for the child. The court requires a detailed report about each person within the family and how the individuals relate to one another.

## **Report- Annex A**

When the adoption agency receives the written notice of an application, it has to assess and prepare a report to the court about the suitability of the person applying to be an adoptive parent. The report will be compiled by a qualified social worker with experience in adoption case work.

If the applicant or the resident birth parent is British, an adoption order will have the effect of conferring British citizenship on the child.

In cases where there may be issues around immigration status or nationally, the Secretary of State will be informed of the proceedings, in case they should want to become a party to the proceedings.

### **The report must include:**

- Information about the child who is the subject of the application
- Information about the child's family
- The wishes and feelings of the child and others
- Information about the prospective adoptive parent
- Information about the agency that compiled the report
- The implication of making an adoption order for the people involved
- The relative merits of adoption and other orders
- A recommendation regarding adoption
- A recommendation regarding contact

## Court Ruling

The court will consider the adoption application and will check whether to grant an adoption or any other order. The court will make the decision which it believes is in the best interest of the child.

Please Note: when you make an application to the Court the cost is £183:00 per application, payable by the applicant.

## Adoption Order and Adoption Support Services

If an adoption order is made the child will be issued with an adoption certificate stating the same name of the resident parent and the adoptive parent as being the parents of the child. The adopted person can apply for a copy of their original birth certificate when he/she reaches 18 and can apply to access their adoption records through the adoption support services in the local authority where they reside.

**Please note: If adoption is the most appropriate way forward, you will need to have the following documents (where applicable) available when applying to the court:**

1. Child's certified copy of original birth certificate (not returned)
2. Certified copy of marriage certificate in respect of the applicant and resident birth parent (returned)
3. Documents relating to previous marriages – Decree Absolute
4. Change of name by deed poll
5. Documents relating to immigration status

## Alternatives to Non-Agency Partner Adoption

There are alternatives to adoption which may more appropriately secure the child's relationships within the family. A stepparent who is married to the resident birth parent can acquire parental responsibility by entering into a formal agreement with those with parental responsibility, or by applying to the court for a parental responsibility order, or a child arrangement order. The court therefore has a number of options at its disposal:

## Change of Surname





Information can be found on <https://www.gov.uk/change-name-deed-poll>

### **Parental responsibility agreement/order**

Information can be found on <https://www.gov.uk/parental-rights-responsibilities/apply-for-parental-responsibility>

### **Child Arrangements Order**

A Child Arrangements Order is issued by a Family Proceedings Court and decided the arrangements for whom is to live with, spend time with or otherwise have contact with, and where a child is to live, spend time or otherwise have contact with any other person.

#### Who can apply?

- Mother
- Father
- Parent under section 42/43 of the Human Fertilisation and Embryology Act 2008
- Stepparent
- Guardian

These can also apply but needs the Courts permission first;

- The child
- Someone who has had the child living with them for 3 years out of the last 5 years and this includes the last 3 months
- A Local Authority who has care of the child has agreed you may apply
- A person who is married, in a civil partnership or has been in either of these and the child is or was regarded as a child of the family
- Someone who has permission of everyone with parental responsibility and the child is not subject to a current Child Arrangements Order or in the care of the Local Authority

### **Special Guardianship Order**

Special Guardianship is a formal court order which places a child or young person with someone permanently and gives this person parental responsibility for the child. This could be a grandparent, close relative or a family friend (CoramBAAF, 2017).

Local Authority:	Contact Details:
<b>Joint Adoption Service (Shropshire &amp; Telford &amp; Wrekin)</b>	<b>Address:</b> Joint Adoption Service, Mount Mc Kinley, Anchorage Avenue, Shrewsbury, Business Park, Shrewsbury, Shropshire, SY2 6FG  <b>Contact Number:</b> 01743 250138
<b>Stoke-on-Trent City Council</b>	<b>Address:</b> Swann House, Booths Road, Stoke on Trent ST4 4SY  <b>Contact Number:</b> 01782 238795
<b>Staffordshire County Council</b>	<b>Address:</b> Adoption Team, Uttoxeter Area Office, 63 High Street, Uttoxeter Staffordshire, ST14 7JQ  <b>Contact Number:</b> 01889 256400

You can find information on Special Guardianship Orders on <https://corambaaf.org.uk/fostering-adoption/kinship-care-and-private-fostering/special-guardianship>

**If you are considering other options, we recommend you seek legal advice.**

If you have any further questions, please contact your Local Authority.

