

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.ie

If you would like to talk through your individual situation, call us on our confidential LoCall number 1890 252 084 or 01 670 0120.

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While every effort has been made to ensure that the information in this leaflet is accurate, no responsibility can be accepted by Treoir for any error or omission.

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Step-Parent Adoption

NOTE:

This leaflet has been updated with sections of the Children and Family Relationships Act 2015, commenced 18/1/2016.



LoCall: 1890 252 084

What is Step-Parent Adoption?

If a woman has a child outside marriage and goes on to marry someone other than the father, it is possible for herself and her husband to apply to adopt the child.*

The effect of step-parent adoption is:

- the biological mother becomes the adoptive mother of her own child
- 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 has the primary care (custody) of his child wishes to apply to adopt the child with someone other than the mother.

Other aspects of step-parent adoption

Adoption completely severs all legal links between the child and her/his 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 her/his 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 below). 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. Children aged seven and over will be consulted before an adoption order is made. The social worker will want to talk to younger 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.

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 father is a legal guardian his consent to the adoption is required by law.

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

If the birth father is not a guardian of the child he must be consulted about the adoption if this is possible. He will have at least 21 days from the day of notice to make an application for guardianship of the child. If the father applies to the court to become a guardian then the adoption proceedings are put on hold until the outcome of the court hearing for guardianship. 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.