



## What is adoption

Adoption is a formal legal process in which all the rights and responsibilities relating to a child are transferred to the adoptive parents. If an adoption order is granted by a court, it makes you, the adopter, the child's legal parent. The child's birth parents will no longer have any responsibilities or rights for the child. Only a child under 18 who has never been married or in a civil partnership can be adopted.

## Who can adopt

### Age limits

If you want to adopt a child, you must normally be at least 21. If you are part of a couple and one of you is the parent of the child who is to be adopted, the parent must be at least 18, and the step-parent, who will be the adopter, must be at least 21. There is no legal upper age limit.

### Couples

If you are part of a couple, you may apply to adopt a child together. This includes married couples, civil partners and couples (including same sex couples) who are living together in an enduring family relationship. Evidence that the relationship is an enduring relationship might be that you have been together for at least 2 years.

### Single people

You can apply to adopt a child if you are single.

### Divorced people

You can apply to adopt a child if you are divorced.

### If you have other children

You can apply to adopt if you already have a child or children of your own.

### Past convictions

Having a past criminal conviction will not necessarily prevent you from adopting a child. If you (or a member of your household) have a criminal conviction, this will be investigated carefully by the adoption agency or local authority. You will not be able to adopt if you have been convicted of certain offences involving children.

### Employment status

You do not have to be employed or have a certain level of income to adopt a child. However, an adoption agency will want to find out if you will be able to manage on your income. You must have what the agency considers is a sufficient income to provide for the child's requirements, although adoption allowances may be available.



## Health

When you apply to an agency to be assessed as an adopter, a comprehensive medical report will be prepared on your health. It is unlikely that you will be accepted as a prospective adopter if you have serious ill health. Agencies will want to ensure as far as possible that your health will allow you to care for a child throughout their childhood.

## Placement with same race parents

There is no legal requirement for children to be placed with parents of the same race as themselves, although agencies must take into account a child's racial, cultural and linguistic background in making their decisions. Most agencies have a policy of trying first to place children with families of the same ethnic origin as the child.

## Who arranges adoption

### Non-agency adoptions

If you want to adopt a child who is a close relative or a step-child (for example, the child of your spouse, civil partner or cohabiting partner), you do not need to involve an adoption agency.

You must tell your local authority that you want to adopt the child. They will investigate your situation carefully and will prepare a report for the court, which it will consider in making its decision about whether or not to grant the adoption.

### Adopting through an agency

If you are thinking about adopting a child, you can choose to go through either the adoption agency provided by your local authority or any other registered adoption agency in your area. You should check that the adoption service is registered with Social Care and Social Work Improvement Scotland (SCSWIS), which provides a list of registered agencies at [www.scswis.com](http://www.scswis.com) or phone them on 0845 600 9527.

Adoption agencies must make sure that people who want to adopt meet certain legal and other requirements. After prospective adopters are approved, the agencies try to match them with children who need adoption.

## The assessment process for agency adoptions

Once you have applied to an adoption agency, the agency will assess whether or not you are suitable to be an adoptive parent. Once the assessment is complete, your application will be referred to the agency's adoption panel for a recommendation about whether you should be approved by the agency or not. The assessment process usually takes around **six to eight months** to complete. It may take longer, but the agency will keep you informed of any delays in the process.



## Your application is rejected

If you are not approved as an adopter, you can:

- write to the adoption agency to ask them to reconsider their decision, clearly stating the reasons why you want them to do this
- use the agency's complaints procedure
- complain to Social Care and Social Work Improvement Scotland (SCSWIS) on 0845 600 9527 or visit their website [www.scswis.com](http://www.scswis.com).

You could also try applying to another agency but by law you have to tell them about your first application and the second agency will seek information from the first one.

## Your application is approved

Once you have been approved as an adopter, unless you have applied for a particular child, it may take some time before a suitable child is found to match you with. Once the agency has found a possible match, you should meet your social worker to learn about the child. The child's social worker and the adoption agency will decide whether to match the child with you.

## The court process for adoption

In order to obtain an adoption order you have to apply to court. The court process is the same for all types of adoption.

An adoption order cannot be granted until the child has lived with you for at least **13 weeks** (and, in some cases, the required period will be longer). The child must be at least **19 weeks old** before the order is granted. The court's main concern will be ensuring that a child's welfare is safeguarded and promoted throughout their life.

## Adopting a child from overseas

Adopting a child from overseas can be complicated legally. If you want to adopt a child from another country you have to be assessed and approved as for an agency adoption. You should contact your local authority or other registered adoption service. You should also find out if the country from which you want to adopt allows intercountry adoptions. You can get more information and advice from the Intercountry Adoption Centre Helpline on: 0870 516 8742 or visit their website [www.icacentre.org.uk](http://www.icacentre.org.uk).

## How much does an adoption cost

An agency **cannot charge a fee** for arranging the adoption of a child. Other costs could include a fee for Disclosure Scotland to check your criminal record and sometimes court fees. You can ask the agency about likely costs and what help they might give you with any fees.



In **intercountry adoptions**, many but not all agencies charge for the home study. You will also have expenses for travelling to the overseas country and for translating documents there.

## Adoption leave and pay

An adoptive parent who is working and who adopts using an agency may be entitled to statutory adoption leave and pay.

## Further help

### Adoption UK

Adoption UK is a voluntary self-help organisation offering advice, support and information to families who want to adopt, or who have already adopted. Scottish helpline: 0131 558 2667 (Mon – Fri, 10.00 – 1.00) and 0844 848 7900 (Mon – Fri 1pm – 4pm)  
Website: [www.adoptionuk.org.uk](http://www.adoptionuk.org.uk)

### British Association for Adoption and Fostering (BAAF) Scotland

BAAF is a UK voluntary organisation providing advice, training, consultancy and publications for adoption and other agencies and for the public.  
Tel: 0131 226 9270  
Website: [www.baaf.org.uk/scotland](http://www.baaf.org.uk/scotland)

### Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

### Other information on Adviceguide which may help:

- [Adopting a child](#)
- [Tracing your birth parents](#)

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This fact sheet is reviewed on a monthly basis. The law changes frequently. To confirm you are looking at the most up-to-date version, download the fact sheet from [www.adviceguide.org.uk](http://www.adviceguide.org.uk) or contact your local Citizens Advice Bureau.

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