

Did you know?

Revised
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STEP-PARENT ADOPTIONS

The spouse or partner of a parent may wish to adopt that parent's child, breaking ties to the other natural parent. The spouse who is not the child's parent can apply to the court for a step-parent adoption. Adoptions can be contested or uncontested, and prospective adoptive parent(s) usually retain lawyers to help them process their adoption application.

Advantages

- 1. Symbolic Aspects:** The effects of the adoption may be more important psychologically than legally. The legal process reinforces the feelings of "family" that a step-parent and child may share.
- 2. Legal Rights:** A non-adopting step-parent is NOT a legal guardian and has no right to sign permission slips for school or medical purposes. An adoption order gives a step-parent this right. He or she becomes the child's legal guardian jointly with his or her spouse.
- 3. Inheritance Rights:** Children will have inheritance rights to their step-parent's families' estates after legal adoption has taken place. The children will lose inheritance rights with the non-adopting natural parent after the adoption order is complete.

4. Guardianship: There would be no need to apply for guardianship if the natural parent, for example, dies, because an adoption order makes a step-parent a joint legal guardian and the responsibility would automatically go to the surviving parent.

How to Apply

To obtain an order for adoption, the applicant must file an application in B.C. Supreme Court. A child aged 7 to 12 years being adopted by a step-parent must be interviewed in private by an authorized person in order to find out if the child understands the meaning of adoption and has any views on the proposed adoption. A child 12 years or older must be asked for consent to the adoption and to any change of name resulting from the adoption. Anyone with a court order or enforceable agreement for parenting time or contact with the child must also be given notice of the adoption application.

For More Information:

Ministry of Children and Family Development
Adoption website:
<http://www.mcf.gov.bc.ca/adoption/>

The Lawyer Referral Service:

Lower Mainland: 604-687-3221
Elsewhere in BC: 1-800-663-1919