

At this stage it may be possible for a final hearing date to be set or, more likely, a further directions hearing may be arranged to consider whether the absent parent has indicated either they wish to oppose your application, or be heard by the court, or feel unable to give their formal consent (where they are the legal parent).

Where all parties agree to the adoption and reports indicate that the granting of an adoption order would be in your child's best interests, a date for the adoption hearing may be set. This is likely to be a minimum of 15 weeks after this initial directions hearing. This timescale is to allow reports to be prepared and for the Deemster to read the reports before the hearing.

Does the child's absent parent need to give their agreement to the adoption?

Efforts will need to be made to try to contact the birth parent if possible and to seek their views and, where legally required, their consent. However in certain circumstances application may be made to the court to dispense with such consent. If you believe the birth parent will not give their formal consent, you should seek legal advice and/or guidance from the Isle of Man Adoption Service who will explain the statement of facts needed to accompany your adoption applications and the evidence needed to support your application.

If the absent parent is your child's legal parent (i.e. is the child's mother, legal father or has shared parental rights) and decides to contest your adoption application or wishes to be heard by the court prior to the final decision being made, then it is likely that there will be separate hearings where evidence may be heard from them and from you. In this case, the court may schedule several directions hearings at intervals during the process where a decision is needed about the next step in your adoption application. You and/or your legal representative will need to be present at each directions hearing.

What reports are required?

An adoption worker from the Isle of Man Adoption Service will visit you and your child at home several times. They will speak to you together and separately, and depending on the age of your child, talk with him/her about their understanding of adoption and its impact on their current and future family relationships. A number of background checks will also be carried out including police, health and education. These are necessary under Isle of Man adoption law before an adoption order can be granted.

Who is in court for the final hearing?

The Deemster, the applicants, the child, your worker from the Isle of Man Adoption Service, the Guardian ad Litem and the advocate (if the applicants are represented). At the hearing, the Deemster will decide whether to grant your application to adopt the child, or not.

If the order is granted, there is then a short, less formal, ceremony of congratulation.

What happens once the adoption order is made?

Following the granting of an adoption order, a letter will be sent to you enclosing a copy of the adoption order together with an adoption certificate showing your names as the child's legal parents. The child's original birth entry will then have the word 'adopted' added alongside that entry in the Register of Births. The child's original birth certificate is replaced legally by the adoption certificate for the child.

Last updated 11th September 2009

www.courts.im

Deemsters Walk, Bucks Road, Douglas
Isle of Man IM1 3AR

Phone: +44 (0) 1624 685265 Fax: +44 (0) 1624 685236
E-mail: court.house@courts.im

ISLE OF MAN
COURTS OF JUSTICE

What do I need to do to apply for Adoption? ADO01

Adoption Guidance

What do I need to do to apply for Adoption?

www.courts.im

What is an adoption?

An adoption order gives full parental rights and all legal responsibilities to the adoptive parents as if the child concerned were born to them. An adoption order severs all legal ties with the birth family whom will then cease to have any legal rights over the child.

In a number of adoptions, however, the adoptive parents and birth parents may enter into an agreement to exchange information once or twice a year or occasionally to retain contact and meet. This happens most often when a child has previously been in the care of the Department of Health and Social Security and has been placed for adoption through the IOM Adoption Service. Much will depend on the strength of the existing relationships the child has with members of their birth family and the working relationships that can be established between adoptive and birth parents. The agreement is made between the parties concerned but is not legally binding.

Adoptions fall into four main areas:-

- Step-parent adoption - where a birth parent wishes their new husband/wife to adopt his/her child. Under current IOM adoption law, the birth parent and their new partner have to be married and demonstrate an established relationship with each other and with the child. The parent applying for the order, who is the birth parent of the child, has to adopt their own child jointly with the step-parent. They then share full parental responsibility for the child.
- Adoption by a relative of a child with whom the child has lived for at least 13 consecutive weeks.
- Adoption where the child is placed with approved adoptive parents by an adoption agency – where the child is no relation to the applicants and has been placed with the applicants by a registered adoption agency. On the Isle of Man, the Isle of Man Adoption Service would be involved in the placement and support of all parties to the adoption.

The child must have been living with the applicants for at least 13 consecutive weeks before an application can be made.

- Adoption of a child from a country outside the British Isles who is not a member of the Hague Convention. The child, although adopted in the country of origin already, has to be adopted again under IOM adoption law. The child has to have lived with the adoptive parents for 12 months before an adoption order can be granted.

The information below refers specifically to an application made by a birth parent and step-parent together.

What do I need to do to apply for an adoption order?

For initial advice and guidance about this and in all other adoption applications you should contact The Isle of Man Adoption Service, 3 Albany Lane, Douglas, Isle of Man, IM2 3NS. telephone +44 (0) 624 625161. IOMAS will be able to look, with you, at your particular circumstances and guide you through the process.

You can download the adoption application forms the courts website (www.courts.im) or obtain a copy from the public counter. You will be given three copies of the application form and a consent form for you to pass to the absent parent to see if he/she is willing to formally sign their agreement. (This applies only if they are the child's legal parent, though the father of an illegitimate child will also need to be consulted). This consent needs to be formally witnessed by a Justice of the Peace or Notary Public. The birth parent applying to adopt their own child does not have to give their formal written consent to the adoption of their own child.

You will need to complete all three copies of the application form and return the completed forms to the court together with:-

- a certified copy of your marriage certificate;

- a full copy of the child's birth certificate (or adoption certificate if the child has been adopted previously);
- any documents showing a legal change of name for the child; and
- two photocopies of all of these documents.

You may wish to consider at this stage whether your application should be made under a serial number - which keeps your current identity and address confidential and from the other parent.

You will also need to write to the Director of Social Services, Hillary House, Prospect Hill, Douglas IM1 1EQ, to inform him that you will be applying for an adoption order and stating the child's name and date of birth, your full names, address and telephone numbers.

There is a filing fee and court staff will be able to tell you what this fee is.

Do I need to be married to adopt a child?

Yes. Applicants wishing to adopt the child of one of them need to be married.

Do I need to employ an advocate?

Not always. You can submit your application yourself. The Isle of Man Adoption Service will be able to advise you. However, if your application is likely to be opposed or is complicated you may need to seek legal advice.

What happens next?

The court will fix a short directions appointment. This appointment will last no more than 30 minutes and will be used to check that your application is completed correctly and has all supporting documentation attached. The Court will appoint the Isle of Man Adoption Service to prepare a report detailing your particular circumstances for the court. It will also appoint a Guardian ad Litem who looks at your application from your child's viewpoint and also prepares a report for the court, and to direct a notice be sent to the absent parent notifying him/her of your adoption application.