
Step Parent Adoptions - Victoria

Step child adoptions are dealt with by the County Court of Victoria. It is usually a very lengthy process. The County Court must be satisfied that:

- An adoption order is better for the child than a *Family Law Act* order;
- Exceptional circumstances exist. For example, a parent has been totally absent from the child's life for a long time or a parent has died.

Step parent adoption is more difficult than adoption where the natural parents are deceased. The County Court is wary of totally severing the legal relationship between the child and the child's parent and other relatives.

There are several differences between a parenting order under the *Family Law Act* and an adoption order made by the County Court:

- An adoption order:
 - is permanent
 - changes the birth certificate of the child so that the adoptive parent is the child's legal parent
- A parenting order does not change the birth certificate. A parenting order:
 - can be changed
 - does not change the birth certificate
 - the birth parent remains the legal parent
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 - expires when the child turns the age of 18.
- A child who is adopted can inherit from the adoptive parent in the same way as a natural child of the adoptive parent. The child will not inherit from the natural parent after the adoption, unless the child is specifically named in the natural parent's will. If a parenting order is made, the child retains the automatic right to inherit from the birth parent

The steps required to obtain an adoption order by a step parent are:

- Apply to the local branch of the Department of Human Services to be assessed for step parent adoption.
- If the Department of Human Services assesses that an application is likely to meet the requirements, an adoption agency is contacted. The family is interviewed by a worker from the adoption agency. The adoption agency prepares a report for the County Court
- The natural parent, whose rights will be removed by the adoption, must consent to it.
- If the Department of Human Services approves the application, the leave of the Family Court must be obtained before the adoption application is made to the County Court.

The Family Court will only grant leave for adoption proceedings if it considers that is in the child's best interests.

The County Court Application is served on the Department of Human Services or an alternative adoption agency. The Department of Human Services or an adoption agency prepares a report for the County Court on the merits of the Application.