



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITION NO.

PE01701

Name of petitioner

Nathan Sparling

Petition title

Change the law to allow adoption for people over the age of 18

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to amend the Adoption and Children (Scotland) Act 2007, or introduce separate legislation, to allow for the adoption of individuals who are over the age of 18, in order to respect the right to a family life enshrined in the Human Rights Act 1998.

Action taken to resolve issues of concern before submitting the petition

On 3rd March, I wrote to my MSPs to gain their support and ask them to question the Government as to their willingness to change the law. A number of MSPs wrote back in support of the move, and Kezia Dugdale MSP submitted a parliamentary question. The Government's response was that there was no plan to make the necessary changes.

Petition background information

The adoption of people over the age of 18 is currently not possible in Scotland due to the Adoption and Children (Scotland) Act 2007. This sets 18 as the upper limit for adoption.

Adult adoption is currently legal in countries such as Canada, USA, Japan, Germany and Spain.

It can be used by step-parents and step-children to formalise a relationship in law, to unite natural parents with children who were adopted at an early age, allow care experienced young people the sense of belonging to a family or to protect inheritance rights.

The right to a family life is protected by the Human Rights Act 1998.

Having been brought up by my Mum until the age of 12, my step-father came into my life and raised me as his own. Unfortunately, due to the law that limits adoption to those under 18, when it came to looking into this as an option I was unable to take it forward. After this issue was covered by the press, a number of people across Scotland have been in touch to say they are in similar situation. The right to a family life is protected

by the Human Rights Act 1998, and this should extend to people beyond the age of 18 and into later life. The sense of belonging and the importance of a family life brings great benefits to people, and this should be reflected in the law.

Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/adultadoption>

Related information for petition

- The Herald, 4th March 2018, "Give parents the right to adopt adults MSPs urged"
- The Herald, 5th March 2018, "Adult Adoption plan "achievable" says leading family lawyer"
- Harper MacLeod LLP Blog - Is there a case to be made for Adult Adoption?
<https://www.harpermacleod.co.uk/hm-insights/2018/april/is-there-a-case-to-be-made-for-adult-adoption-in-scotland/>
- Morton Fraser LLP Blog - Adult Adoption - A question of welfare?
<https://www.morton-fraser.com/knowledge-hub/adult-adoption-question-welfare>
- The Guardian - I was adopted by my step-father - at 37 -
<https://www.theguardian.com/lifeandstyle/2009/mar/27/family-relationships>

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

0

Closing date for collecting signatures online

03 / 09 / 2018

Comments to stimulate online discussion

- Do you support a change to the law, so that people who are over 18 years old can be adopted?
- What are the benefits that could be gained by changing the law to allow adoption for people over the age of 18?