

PE1701/B

Adoption UK's submission of 26 October 2018

The current purpose and use of adoption in Scotland is primarily a provision to provide children with a stable and secure family, and this should remain its core purpose. However, we see no reason why adoption legislation cannot have a dual purpose, so long as any proposed amendments do not undermine or compromise its core purpose and/or functioning. Fundamentally this has to ensure that the individuals' (those subject to the adoption order) safeguarding must be taken into account.

One issue raised is that of inheritance planning and its relevance to the removal of the upper age limit of adoption. Adoption UK would not consider inheritance planning to be the main concern in this debate since less interventionist measures – such as the making of a Will – is sufficient for this purpose.

One of the main issues that we do consider to be important is the assigning of parental responsibilities and rights. Adoption orders currently confer these automatically on to the adoptive parent in respect of the child/ren. For every parent throughout Scotland, these expire once the child reaches the age of 18. Therefore, in the absence of either rights or responsibilities, any changes to adoption legislation would be hollow in practice. This may call into question the benefits to be secured via this proposed legislative change.

However, we would argue that despite this, there is still something to be gained from legally recognising a parent-child relationship for the individuals involved. These relationships are tremendously important and remain so after a child reaches adulthood. The role of parent does not end upon this transition, and given the needs of many care experienced and adopted young people, the parental caring responsibilities will go on well into adulthood and beyond the age of 18. This is already recognised within legislation in the case of looked after children, who may now stay in caring placements until the age of 21, and access aftercare services until the age of 25 in cases of need. Should adoption in adulthood be an option, this may provide a further opportunity for looked after children to make permanent their relationships with those who have provided their care in childhood.

Anecdotal evidence gathered from our helpline service can confirm the value and power of step parent adoption, as is the focus of the argument from the named petitioner. We receive many enquiries on this topic, from parents but also, on occasion, from young people in their late teens or young adulthood. These enquiries show the very real need felt by many families to legally recognise the parent/child relationship, and the desire for this to occur in adulthood in cases other than that of the individual petitioner.

Should a change be made to allow adoption in adulthood, the practice of considering each case on its own merits should continue, and safeguards provided to prevent abuse on either side. Comprehensive assessments should not be retained as part of the process

I would like to reiterate that legislative changes in order to recognise such relationships should only be pursued if such changes do not, in any way, undermine or compromise the current purpose of adoption law in Scotland. Adoption is life altering, and life long, and we are in support of this only when it has been duly considered and established to be the best option or outcome for the individual(s) involved.