

Should You Adopt Your Stepchild?

With so many second marriages forming these days, the “blended family” has become a common event. The term refers to families that bring together children from prior marriages or relationships, to live in one household together. Over time, the bond between stepparent and stepchild can become very strong. And where a biological parent (e.g. the natural father) is minimally involved or even non-existent in that child’s life, the stepparent bond can grow stronger than that of the biological parent.

So at what point might a stepparent consider adoption of a stepchild? First, the spouse, or the natural mother in this example, would have to consent to her husband adopting the child. Second, the consent of the other biological parent is, with a few exceptions, required.

If the biological mother and father were married when the child was born, then the consent of both parents, presuming neither is deceased, is generally required. Exceptions exist in rare instances where, for example, the other parent is missing or incarcerated for a prolonged period.

However, if the biological parents were not married and are both still around, the requirements change. Using the example of the natural mother with a new husband who wants to adopt her child, the consent of the biological father could be dispensed with if that father has not paid support for, or maintained reasonable contact with, the child for an extended period of time. This also serves as a word of advice to unmarried parents. Failure to pay support and/or maintain a meaningful relationship with your child could result in a court finding that your consent to the adoption of your child is unnecessary and, like it or not, your child could end up adopted by someone else.

Unmarried parents who do not pay support or spend custodial time with their child are considered “notice parents” under the adoption laws. This means that while they are entitled to notice of the intended adoption, and the opportunity to be heard, a court could make a finding, even over their objection, that the adoption is in the child’s best interest and will proceed resulting in their parental rights being permanently severed.

If you are considering adoption, for yourself or by your spouse, be sure to obtain a clear understanding of the legal requirements and the rights of those involved. While adoption can be one of the exciting and “constructive” events in a family’s life, it can also be heart wrenching if not entered into advisedly and with full knowledge of the requirements and effects.