



CAN MY SPOUSE ADOPT MY CHILD?

The reality of today's families and the fact that many parents will be part of more than one couple during their lifetime is not without its repercussions on their children. These children will have several parental figures during their childhood. Family law lawyers have noted a new upsurge in the number of parents who would like their new spouse to adopt their children. Although such an adoption is possible, the new spouse must satisfy certain conditions, including:

- be at least 18 years old;
- be married to or in a civil union with the mother or father of the child to be adopted or have cohabited with that person for at least three (3) years;
- have obtained a special written consent to the adoption from the parents appearing on the child's birth certificate;
- have obtained the child's consent if the child is 10 years old or older.

Thirty days after the special consent to the adoption has been signed, the parent and his or her new spouse must present an application for an order placing the child in their charge. The placement order may range from three to six months in length, depending on the situation. After the expiry of that period of time, the application for adoption must be presented before a judge who will investigate the matter and render a decision.

In addition to the basic conditions described above, before the judge rules on an adoption application, he must ensure that the decision he renders will be in the best interests of the child and respect the child's rights. It should be noted that, when a special consent to adoption is given, the director of youth protection (DYP) is not involved in the legal adoption process. Consequently, the adopters are not required to undergo a psychosocial assessment by the DYP.

Even if the child has adapted to the new spouse and has consented to being adopted, the judge may refuse the adoption if he concludes that it would not be in child's interests, including if the person who wishes to adopt the child failed to fulfil his or her own parental responsibilities towards other children from a previous union or if the evidence tends to show that in the event of a breakup between the adopting spouse and the mother of the child, the adopting spouse would abandon the child.

Judges are sensitive to children's needs and to the wishes of parents, but the courts will not grant applications for adoption by a new spouse at any cost.

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