

# Changes to Queensland's adoption legislation

## Information sheet 5

### Step-parent adoption

#### Background

On 2 November 2016, Queensland Parliament passed the Adoption and Other Legislation Amendment Bill 2016, making important changes to Queensland's adoption laws.

#### What are the changes to step-parent adoption?

Changes to *Adoption Act 2009* (the Act) commenced on Friday 11 November 2016.

Changes to the Act clarify the circumstances in which a step-parent application to adopt may lapse. Step-parent applications may lapse if:

- consent cannot be obtained from each of the child's parents
- you fail to pay the required assessment fee
- you fail to provide further information that is required for the purpose of assessment.

If an application lapses because of a failure to pay the assessment fee, or provide requested information, you will be given an opportunity to object to the lapse before your application is closed.

Another change to the Act gives step parents 12 months to apply to the Childrens Court for an adoption order, after receiving a suitability report from Adoption Services. If you received a suitability report from Adoption Services prior to Friday 11 November 2016 when the Act was changed, you will still have one year to apply to the Childrens Court for a final adoption order.

#### As a step-parent applicant, do I need to reapply from the beginning of the process if my application lapses? Will my application fee be refunded?

If your application lapses and you wish to continue to pursue the adoption, you will need to reapply with a new application.

The fee is not refundable. The step-child adoption process fee subsidises the cost incurred by Adoption Services in processing your application.

#### I am in a same-sex relationship and want to adopt my partner's child. Do the changes to the Act allow me to do this?

Yes. Changes to the Act allow a same-sex person to apply to adopt their step-child.

This means that someone in a same-sex relationship can pursue adoption of their partner's child through the step-parent adoption process.

A person in a same-sex relationship who wishes to adopt their partner's child will be required to undergo the same eligibility and assessment process for step-parent adoption, as someone in a heterosexual relationship.

This includes that the court must be satisfied there are exceptional circumstances that warrant the adoption order.

## **Where can I find more information?**

For more information about the changes to Queensland's adoption laws, go to the Department of Communities, Child Safety and Disability Services:

Website:

**[www.communities.qld.gov.au/childsafety](http://www.communities.qld.gov.au/childsafety)**

Phone: Adoption Services on **3224 7415** or **1800 647 983** (free call within Queensland)

Email: **[ads@communities.qld.gov.au](mailto:ads@communities.qld.gov.au)**