



# Family Law

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YOUR EX DOES!

## A

There are several avenues that you may pursue to meet your objective. You will need to consider if the biological parent will agree to the adoption. This assumes that you are in contact with the biological parent. If this is the case, there is a specific process that must be followed to show that you have obtained consent, which requires the biological parent to swear an Affidavit that they were given independent legal advice about their rights and obligations. If you cannot obtain the biological parent's consent, you will have to file an additional Application with the court, to waive their consent.

Whether or not you can obtain the biological parent's consent, the next hurdle is to obtain the child's consent, if over 7 years of age. There is an assumption here that the child is aware that you are not their biological parent. If the child has no knowledge of the parental relationship, this

creates the added complexity of ensuring the child is mentally prepared for this revelation, which may require counselling. For the child to give fully informed consent, they will have to meet with a lawyer registered with the Officer of the Children's Lawyer, who will inform the child of their rights. Once you have obtained the necessary consents, you will have to file these with the Adoption Application, and your affidavit, at court. Your partner will also need to sign a consent after receiving independent legal advice.

In a time where the internet is so readily accessible, the sooner the child is made aware of the parental relationship, the better. The child will feel safe and comfortable, rather than shocked and confused, if such knowledge is imparted by immediate family rather than from a third-party source.

Your friends at Shank Law



M. Omar Khan  
LAWYER

## Q

How can I adopt my partner's child from a previous relationship?



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