



My Husband Wants to Adopt My Children- Is He Eligible and What are the Consequences

By David Melusky

Many blended families exist consisting of one parent and one step-parent and not infrequently, each is a step-parent and simultaneously a birth-parent. Adoption discussions arise with frequent confusion as to what's truly involved.

This article discusses a single mother who remarries and a new husband wanting to adopt her children.

If the child is eighteen or less, the first step of the process focuses on the natural father. The child is available for adoption if the natural father is deceased or if the parental rights of the father have been terminated or relinquished. The child is also available for adoption if the father has abandoned the child or failed to provide support for one year or more. If the father is providing some support, the child would not be available for adoption, unless of course, the natural father consented. If the father has **not** lost his parental rights, he must be given notice and an opportunity to be heard.

For a child 12 years or older, written consent must be given by the child. Any child should

be present at the Court hearing as they may be asked questions.

The second step involves the adoptive parent. The step-parent must generally be at least 21 years of age and married to the mother. He will have to testify under oath, answering questions regarding his character, his ability and commitment to support and educate the child. The step-father is required to pay for and obtain a current criminal record check.

One should understand all the consequences of an adoption. The natural father's obligation to provide support to the child ceases. The child's right to inherit from the natural father also ceases, as does the father's right to inherit from the child. The adoptive father will support the child, assuming rights of inheritance. Both the mother and the adoptive father will be on equal footing if custody issues arise in the future.

For general information and instructions on filing your own case and all forms required, you can visit www.state.court.co.us. However, it is advisable to consult an attorney who specializes in step-parent adoption.

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