

ADOPTION AND CHILDREN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Adoption

Chapter 4 – Status of Adopted Children

Section 67: Status conferred by adoption

190. *Section 67* provides for the determination of the legal status of an adopted child. *Subsection (1)* provides that the child is to be treated as if born as the child of the adopter or adopters. *Subsection (2)* provides that an adopted child is the legitimate child of the adopters or adopter and where a person is adopted by a couple or a partner of his parent, he is to be treated as if he had been born as the child of the relationship of that couple.
191. *Subsection (3)(a)* provides that in an adoption by the partner of a parent the adopted person is *only* to be treated in law as the child of the adopter and the partner of the adopter. In any other circumstances *subsection (3)(b)* provides that an adopted person is to be treated *only* in law as the child of the adopter or adopters. *Subsection (4)* provides that where the adopter is both a sole adopter and the natural parent, *subsection (3)(b)* is to have no effect with respect to anything dependant on the relationship to that parent, for example entitlement to property. A single parent may, for example, adopt his own child so that the child may cease to be illegitimate (although this now happens rarely).
192. *Subsection (5)* provides that this section has effect from the date of an adoption order being made in respect of an individual. *Subsection (6)* confirms that subject to the other provisions of Chapter 4 and Schedule 4, this section applies for the interpretation of enactments or instruments passed both before and after a person's adoption and has effect as respects events taking place after the adoption order has been made.
193. The provisions in this section are intended only to clarify how an adopted child should be treated in law. They do not touch on the biological or emotional ties of an adopted child, nor are they intended to.