

# FAMILY LAW SASKATCHEWAN

## ADOPTION

Adoption applications can be made by step-parents or by individuals (resident in Saskatchewan) with whom one or both birth parents have placed a child. Applicants may or may not be related to a child. Step-parents can apply to adopt their spouse's children but the consent of the birth parent is required or will have to be waived by the court. Step parent adoptions can also be utilized in surrogacy cases, where one parent is biologically related to the child born of a surrogate mother and the other parent is not biologically related. The applications involve preparing a number of required documents and filing them with the Ministry of Social Services and then with the court to seek a court order for the adoption. Consents of the birth mothers, birth fathers and children over age 12 are required in adoption applications. If these persons do not consent, the court can in some circumstances waive the requirement for them to consent. As an adoption takes away the parental rights of a parent, the court must be convinced that the circumstances are appropriate for an adoption to occur. An adoption is likely to be granted if the birth parent has had limited or no contact with the child, and the person applying to adopt has treated the child as his or her own. Adoptions can be time consuming and take about eight to twelve months to complete. Some adoptions require a home study conducted by a professional approved by the Ministry of Social Services.

An adoption terminates the child's legal connection to one or both of the birth parents (and their families) and creates those legal obligations with the adoptive parents and their families.



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McKercher LLP enjoys a reputation for integrity, experience and innovation. Our lawyers, collectively and individually, strive to preserve and promote that reputation, committing themselves and their considerable talents to meeting the complex needs of local, provincial, national and international clients. Kate, Samantha and Zina are part of our Family Law team and provide honest, focused & experienced legal solutions to Saskatchewan families - both in and outside of court.

This document as well as other resources online have been provided for information purposes only and should not be taken as legal opinions on any specific facts or circumstances. Counsel should be consulted concerning your own situation and any specific legal questions you may have.



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