

Adoption

Question:

I have a dual citizenship (Cypriot and Moldovan). I'm married to a citizen of Cyprus. I have a 12-year-old son, who was born in Russia. We didn't register marriage with a father of the son, who is a Russian citizen. Despite the fact that the child was not even adopted by his biological father, his name is inscribed on the birth certificate. For this reason, my current husband (Cypriot) is not allowed to adopt my child. Biological father refuses to write surrender of the child. What shall we do?

Response:

Since the biological father's name is written on the birth certificate, this means that the biological father already recognized the child as his own. Hence, there is no need for him to adopt the child, since his rights and responsibilities towards the child including the support of the child, educationally, financially or otherwise, for the best interests of the child, constitute an implied and integral part of his role as the biological father of the child. As such and since the biological father will not surrender his rights and responsibilities over his child, the only way for your current husband to adopt your child, would be for the biological father to be declared missing or not being of sound mind. In any case, these allegations may only be proved at the court. If you believe that any of the above two situations is relevant to your case or an additional situation exists which does not allow the biological father to exercise properly his rights and responsibilities towards the child, then you will have a legal basis in order to support your case at the Court. Your lawyer will be the most suitable person to advise you correctly regarding this matter. In any case, the final decision, will be that of the Court which may request the report of the Social Welfare Services.