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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 75**

**FAMILY PROCEEDINGS  
SUPREME COURT  
COUNTY COURTS**

**The Family Proceedings (Amendment)  
Rules (Northern Ireland) 2003**

*Made - - - - 14th February 2003*

*To be laid before Parliament*

*Coming into operation 1st June 2003*

We, the Family Proceedings Rules Committee, in exercise of the powers conferred on us by Article 12 of the Family Law (Northern Ireland) Order 1993(1) hereby, with the concurrence of the Lord Chancellor, make the following Rules:—

**Citation, commencement and interpretation**

**1.**—(1) These Rules may be cited as the Family Proceedings (Amendment) Rules (Northern Ireland) 2003 and shall come into operation on 1st June 2003.

**2.** In these Rules “the Principal Rules” means the Family Proceedings Rules (Northern Ireland) 1996(2).

**3.** In rule 1.3 of the Principal Rules –

- (a) in the definition of “Board”, after the word “means” there shall be inserted the words “subject to Part IVB”; and
- (b) in the definition of “child” and “child of the family”, after the words “except in Part IV” there shall be inserted the words “or Part IVB”.

**4.** After rule 4.27 of the Principal Rules there shall be inserted the rules set out in Schedule 1.

**5.** After Form F9 in Appendix 1 to the Principal Rules there shall be added the forms set out in Schedule 2.

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(1) S.I.1993/1576 (N.I. 6)

(2) S.R. 1996 No. 322, as amended by S.R. 1999 No. 88, S.R. 2000 No. 329 and S.R. 2002 No. 137

6. After Appendix 3 to the Principal Rules there shall be added the Appendix set out in Schedule 3.

**Saving**

7. Nothing in these Rules shall affect any proceedings commenced before these Rules come into operation.

Dated 11th February 2003.

*R. D. Carswell  
J. Gillen  
R. McLaughlin  
David Smyth  
F. Brian Hall  
M. McReynolds  
Barry Malcolm  
Kate Finlay  
Anne Marie Kelly*

I concur

Dated 14th February 2003

*Irvine of Lairg, C.*

## SCHEDULE 1

Rule 4

### PART IVA

#### FREEING FOR ADOPTION AND ADOPTION ORDERS

##### *Introductory*

##### **Interpretation**

- 4A.1.—(1) In this Part and Parts IVB and IVC, unless the context otherwise requires –
- “the 1976 Act” means the Adoption Act 1976<sup>(3)</sup>;
  - “the 1978 Act” means the Adoption (Scotland) Act 1978<sup>(4)</sup>;
  - “the Order of 1987” means the Adoption (Northern Ireland) Order 1987<sup>(5)</sup>, and –
    - (a) a reference to an Article by number is a reference to that Article as numbered in that Order; and
    - (b) expressions which are defined in the Order of 1987 have the same meaning as in that Order;
  - “adoption agency” means a Board or a registered adoption society which is an accredited body for the purposes of the Convention<sup>(6)</sup>;
  - “parental responsibility” has the same meaning as in the Order of 1995;
  - “application” means an application made under or by virtue of the Order of 1987 or under these Rules and “applicant” shall be construed accordingly;
  - “Board” means a Health and Social Services Board or, as the case may be, a Trust;
  - “CA of the receiving State” means, in relation to a Convention country<sup>(7)</sup> other than the United Kingdom, the Central Authority of the receiving State;
  - “CA of the State of origin” means, in relation to a Convention country other than the United Kingdom, the Central Authority of the State of origin;
  - “Central Authority” means the Department of Health, Social Services and Public Safety;
  - “the child” means the person whom the applicant for an adoption order or an order authorising a proposed foreign adoption proposes to adopt, or, as the case may be, the person the adoption agency proposes should be freed for adoption;
  - “Convention” means the Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, concluded at the Hague on 29th May 1993;
  - “Convention country” means any country or territory in which the Convention is in force;

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<sup>(3)</sup> 1976 c. 36

<sup>(4)</sup> 1978 c. 28

<sup>(5)</sup> S.I.1987/2203 (N.I. 22) as amended by S.I.1994/429 (N.I. 2), S.I. 1995/755 (N.I. 2) and 2001 c. 11 (N.I.)

<sup>(6)</sup> Section 2(3) of the Adoption (Inter-country Aspects) Act (Northern Ireland) 2001 c. 11 (N.I.) provides that a registered adoption society is an accredited body for the purposes of the Convention if its registration extends to the provision of facilities in respect of Convention adoptions and adoptions effected by Convention adoption orders

<sup>(7)</sup> The term “Convention country” is defined in Article 2(2) of the Order of 1987, as amended by section 6 of the Adoption (Inter-country Aspects) Act (Northern Ireland) 2001

“Convention proceedings” means proceedings in the High Court or a county court for a Convention adoption order or in connection with a Convention adoption order or a Convention adoption(8);

“Hague Convention Regulations” means the Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003(9);

“interim order” means an order under Article 26;

“the Master” means the Master (Care and Protection) or, as the case may be, the chief clerk;

“medical practitioner” has the meaning assigned by Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(10);

“the Office” means the Office of Care and Protection or, where appropriate, the office of the chief clerk for the county court division in which proceedings are pending;

“order authorising a proposed foreign adoption” means an order under Article 57;

“receiving State” means the State in which it is proposed that the child will become habitually resident;

“regular armed forces of the Crown” means the Royal Navy, the Regular Armed Forces as defined by section 225 of the Army Act 1955(11), the Regular Air Force as defined by section 223 of the Air Force Act 1955(12), the Queen Alexandra’s Royal Naval Nursing Service and the Women’s Royal Naval Service;

“State of origin” means the State in which the child is habitually resident.

## **Proceedings**

4A.2. Any hearing of an application shall be dealt with in chambers unless the court otherwise directs.

## ***Freeing for Adoption***

### **Commencement of proceedings under Article 17**

4A.3.—(1) An application under Article 17 (freeing child for adoption with parental agreement) for an order freeing a child for adoption shall be made in Form A1 issued out of the Office.

(2) The applicants shall be the adoption agency and each parent or guardian of the child and the respondents shall be –

- (a) any Board or voluntary organisation that has parental responsibility for, is looking after, or is caring for the child;
- (b) any person (not being an applicant) liable by virtue of any order or agreement to contribute to the maintenance of the child; and
- (c) the child.

(3) The court may at any time direct that any other person or body be made a respondent to the application.

(4) On filing the application the applicant shall pay the appropriate fee and supply three copies of: –

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(8) The terms “Convention adoption order” and “Convention adoption” are defined in Article 2(2) of the 1987 Order, as amended by section 6 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001

(9) [S.R. 2003 No. 16](#)

(10) [S.I. 1972/1265 \(N.I. 14\)](#)

(11) [1955 c. 18](#)

(12) [1955 c. 19](#)

- (a) the application, together with any other documents required to be supplied under this Part, and
- (b) a report, in writing, covering all the relevant matters specified in Part I of Appendix 4.

### **Commencement of proceedings under Article 18**

4A.4.—(1) An application under Article 18 (Freeing child for adoption without parental agreement) for an order freeing a child for adoption shall be made in Form A2 issued out of the Office.

(2) The applicant shall be the adoption agency and the respondents shall be each parent or guardian of the child and those persons prescribed by rule 4A.3(2).

(3) The court may at any time direct that any other person or body be made a respondent to the application.

(4) There shall be attached to the application a statement of the facts upon which the applicant intends to rely for the purpose of satisfying the court that the agreement of each parent or guardian of the child to the making of an adoption order ought to be dispensed with on a ground specified in Article 16(2).

(5) Where the applicant has been informed by a person with whom the child has been placed for adoption that he wishes his identity to remain confidential, the statement of facts supplied under paragraph (4) shall be framed in such a way as not to disclose the identity of that person.

(6) Except where the request for dispensation is based on the ground that the parent or guardian cannot be found, the Master shall, as soon as practicable, inform the parent or guardian of the request to dispense with his agreement and shall send him a copy of the statement supplied under paragraph (4).

(7) On filing the application the applicant shall pay the appropriate fee and supply three copies of: –

- (a) the application, together with any other documents required to be supplied under this Part;
- (b) a report in writing covering all the relevant matters specified in Part I of Appendix 4.
- (c) the statement of facts.

### **Appointment of guardian ad litem**

4A.5.—(1) As soon as practicable after the application has been filed, the Master shall appoint a guardian ad litem of the child, and shall send to him a copy of the application and any documents attached thereto and of the report supplied by the applicant and that report shall be confidential.

(2) The guardian ad litem shall not be a member or employee of the applicant or any respondent body nor have been involved in the making of any arrangements for the adoption of the child.

### **Duties of the guardian ad litem**

4A.6.—(1) The guardian ad litem shall: –

- (a) ensure, so far as is reasonably practicable, that any agreement to the making of an adoption order is given freely and unconditionally and with full understanding of what is involved;
- (b) confirm that the parent or guardian has been given an opportunity of making a declaration under Article 17(5), that he prefers not to be involved in future questions concerning the adoption of the child;
- (c) investigate all the circumstances relevant to any such agreement or declaration;

- (d) where it is proposed to free for adoption a child whose parents were not married to each other at the time of his birth and whose father is not his guardian, take all reasonable steps to identify any person claiming to be the father in order to be able to advise the court –
    - (i) of that person's views;
    - (ii) of whether that person intends to apply for an order under Article 7(1) or 10 of the Order of 1995;
    - (iii) of any matter relevant to the determination of an application under the Order of 1995.
  - (e) on completing his investigations make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application, and shall notify the applicant that he has done so.
- (2) With a view to safeguarding the interests of the child before the court, the guardian ad litem shall, so far as is reasonably practicable –
- (a) investigate –
    - (i) the matters alleged in the application, the report supplied by the applicant and, where appropriate, the statement of facts supplied under rule 4A.4; and
    - (ii) any other matters which appear to him to be relevant to the making of an order freeing the child for adoption;
  - (b) advise whether, in his opinion, the child should be present at the hearing of the application; and
  - (c) perform such other duties as appear to him to be necessary or as the court may direct.
- (3) With a view to obtaining the directions of the court on any matter, the guardian ad litem may at any time make such interim report to the court as appears to him to be necessary and in such a case the Master shall notify the applicant.
- (4) The court may, at any time before the final determination of the application, require the guardian ad litem to perform such further duties as the court considers necessary.
- (5) The guardian ad litem shall attend any hearing of the application if so required by the court.
- (6) Any report made to the court under this rule shall be confidential.

### **Agreement**

4A.7.—(1) Any document signifying the agreement of a person to the making of an adoption order shall be in Form A3, and, shall, if executed in Northern Ireland, be witnessed by a Justice of the Peace.

(2) If the document is executed in Scotland it shall be witnessed by a Justice of the Peace or a Sheriff.

(3) If the document is executed in England and Wales it shall be witnessed by a Justice of the Peace.

(4) If the document is executed outside the United Kingdom it shall be witnessed by one of the following persons –

- (a) any person for the time being authorised by law in the place where the document is executed to administer an oath for any judicial or other legal purpose;
- (b) a British consular officer;
- (c) a notary public; or
- (d) if the person executing the document is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of those forces.

(5) If the document is executed by a person outside Northern Ireland before the commencement of the proceedings it shall be filed with the application.

### **Notice of hearing**

4A.8.—(1) Within 14 days of being notified by the guardian ad litem that he has made his report to the court, the applicant shall apply to the Master to fix a date for the hearing of the application.

(2) On an application under paragraph (1) the Master shall fix a date and time for the hearing and shall take account of any directions given under paragraph (5) and rule 4A.10(3).

(3) The Master shall inform the applicant and the guardian ad litem of the date and time fixed for the hearing and the applicant shall serve notice of the hearing on all the parties in Form A4.

(4) Any one who wishes to object to the making of an order freeing the child for adoption shall, within 14 days of the date of service on him of the notice of hearing, give the Master written notice of his intention to object in Form A5.

(5) If at any stage before the hearing of the application it appears to the court that directions for the hearing are required the court may give such directions as it considers necessary.

### **Objections**

4A.9.—(1) Where the Master receives notice of objection under rule 4A.8 he shall notify the judge, the applicant or his solicitor and the guardian ad litem and the judge shall give such directions as appear appropriate.

(2) The judge may direct that the person who served such notice of objection shall appear before him in his chambers on a date fixed by him and, upon hearing the nature or grounds for objection made by him or his legal representative on his behalf, may give such directions or make such orders as appear just.

### **The hearing**

4A.10.—(1) Subject to any directions given under rule 4A.9(2), on the hearing of the application, any person upon whom notice is required to be served under rule 4A.8 may attend and be heard on the question whether an order freeing the child for adoption should be made.

(2) Any member or employee of a Board, adoption agency or other body which is a party to the proceedings may address the court if he is duly authorised in that behalf.

(3) Where the court has been informed by the applicant that the child has been placed with a person (whether alone or jointly with another) for adoption and that person wishes his identity to remain confidential, the proceedings shall be conducted with a view to securing that any such person is not seen by or made known to any respondent who is not already aware of his identity, except with his consent.

(4) Evidence may be given orally or by affidavit, but where the evidence of any person is on affidavit, the judge may require such person to give oral evidence.

(5) Subject to paragraph (6), the judge shall not make an order freeing the child for adoption except after the personal attendance before him of the child and of a representative of the applicant duly authorised in that behalf.

(6) If there are special circumstances which, having regard to the report of the guardian ad litem, appear to the court to make the attendance of the child unnecessary, the court may direct that the child need not attend.

(7) If there are special circumstances which appear to the court to make the attendance of any other party desirable, the court may direct that that party shall attend.

### **Proof of identity of child, etc.**

4A.11.—(1) Where the child who is the subject of the proceedings is identified in the application by reference to a birth certificate which is the same, or relates to the same entry in the Register of Births, as a birth certificate exhibited to a form of agreement, the child so identified shall be deemed, unless the contrary appears, to be the child to whom the form of agreement refers.

(2) Where the child has previously been adopted, paragraph (1) shall have effect as if for the references to a birth certificate and to the Register of Births there were substituted respectively references to a certified copy of an entry in the Adopted Children Register and to that Register.

(3) Where the precise date of the child's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined may be specified in the order freeing the child for adoption as the date of his birth.

(4) Where the place of birth of the child cannot be proved to the satisfaction of the court but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, he may be treated as having been born in the registration district in which the court sits, and in any other case (where the country of birth is not proved) the particulars of the country of birth may be omitted from the order freeing the child for adoption.

### **Application for revocation of order freeing a child for adoption**

4A.12.—(1) An application under Article 20(1) for an order revoking an order freeing the child for adoption shall be made in Form A6.

(2) Notice of proceedings in Form A7 shall be served by the applicant on all parties and on any adoption agency which has parental responsibility for the child by virtue of Articles 17, 18 or 21, sections 18 or 21 of the 1976 Act or sections 18 or 21 of the 1978 Act save that notice shall not be served on a party to the proceedings who was joined as a party by virtue of rule 4A.3(2)(a).

(3) As soon as practicable after receipt of the application, the Master shall list the case for hearing by a judge and shall appoint a guardian ad litem of the child in accordance with rule 4A.5 and shall send to him a copy of the application and any documents attached thereto.

(4) The guardian ad litem shall have the same duties as if he had been appointed under rule 4A.5 but as if in that rule: –

- (a) the reference to an order freeing the child for adoption was a reference to the revocation of an order freeing the child for adoption; and
- (b) each reference to the report supplied by the applicant was omitted.

### **Substitution of one adoption agency for another**

4A.13.—(1) An application under Article 21 shall be made in Form A8.

(2) Notice of any order made under Article 21 shall be sent by the court to the court which made the order under Articles 17, 18 or 21 (if a different court), or under section 18 or 21 of the 1976 Act or under sections 18 or 21 of the 1978 Act and to any former parent of the child.

## ***Adoption Orders***

### **Application for a serial number**

4A.14. Any person proposing to apply to the court for an adoption order who wishes his identity to be kept confidential, may, before commencing proceedings, apply to the Master for a serial number to be assigned to him for the purpose of identifying him in the proposed proceedings and a number shall be assigned to him accordingly.



### **Commencement of proceedings**

4A.15.—(1) An application for an adoption order shall be made in Form A9 issued out of the Office.

(2) The respondents shall be –

- (a) each parent or guardian (not being an applicant) of the child, unless the child is free for adoption;
- (b) any adoption agency having parental responsibility for the child by virtue of Articles 17, 18 or 21, or under sections 18 or 21 of the 1976 Act or sections 18 or 21 of the 1978 Act;
- (c) any adoption agency named in the application or in any form of agreement to the making of the adoption order as having taken part in the arrangements for the adoption of the child;
- (d) any Board to whom the applicant has given notice under Article 22 of his intention to apply for an adoption order;
- (e) any Board or voluntary organisation that has parental responsibility for, is looking after, or is caring for, the child;
- (f) any person (not being an applicant) liable by virtue of any order or agreement to contribute to the maintenance of the child;
- (g) where the applicant proposes to rely on Article 15(1)(b)(ii), the spouse of the applicant; and
- (h) the child.

(3) The court may at any time direct that any other person or body be made a respondent to the application.

(4) Notice to the Board for the purposes of Article 22(1) may be given in Form A10.

(5) On filing the application the applicant shall pay the appropriate fee and supply three copies of –

- (a) the application, together with any other documents required to be supplied under this Part, and
- (b) where the child was not placed for adoption with the applicant by an adoption agency, save where the applicant or one of the applicants is a parent of the child, reports by a medical practitioner made not more than three months earlier on the health of the child and of each applicant, covering the matters specified in Part II of Appendix 4.

### **Statement of facts in dispensation cases**

4A.16.—(1) Where the child is not free for adoption and the applicant intends to request the court to dispense with the agreement of a parent or guardian of the child on any of the grounds specified in Article 16(2), the request shall be included in the application and there shall be attached to the application three copies of a statement of facts on which the applicant intends to rely.

(2) Where a serial number has been assigned to the applicant under rule 4A.14 the statement of facts supplied under paragraph (1) shall be framed in such a way as not to disclose the identity of that person.

(3) Except where the request for dispensation is based on the ground that the parent or guardian cannot be found, the Master shall, as soon as practicable, inform the parent or guardian of the request to dispense with his agreement and shall send him a copy of the statement supplied under paragraph (1).

### **Appointment of guardian ad litem**

4A.17.—(1) As soon as practicable after the application has been filed, the Master shall appoint a guardian ad litem of the child and shall send to him a copy of the application, together with any documents attached thereto.

(2) The guardian ad litem shall not be a member or employee of the applicant or any respondent body nor have been involved in the making of any arrangements for the adoption of the child.

(3) Where the child is free for adoption, the guardian ad litem shall, where practicable, be the same person who was appointed under rule 4A.5.

### **Duties of guardian ad litem**

4A.18.—(1) With a view to safeguarding the interests of the child before the court the guardian ad litem shall –

- (a) ensure so far as is reasonably practicable that any agreement to the making of the adoption order is given freely and unconditionally and with full understanding of what is involved;
- (b) investigate all the circumstances relevant to any such agreement;
- (c) investigate so far as is reasonably practicable –
  - (i) the matters alleged in the application, any report supplied under rule 4A.15(5)(b) and, where appropriate, the statement of facts supplied under rule 4A.16;
  - (ii) any other matters which appear to him to be relevant to the making of an adoption order;
- (d) on completing his investigations make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application, and shall notify the applicant that he has done so;
- (e) advise whether, in his opinion, the child should be present at the hearing of the application; and
- (f) perform such other duties as appear to him to be necessary or as the court may direct.

(2) Paragraphs (3) to (6) of rule 4A.6 shall apply to a guardian ad litem appointed under this rule as they apply to a guardian ad litem appointed under that rule.

### **Agreement**

4A.19.—(1) Save with the leave of the court, any document signifying the agreement of a person to the making of the adoption order shall be in Form A11 and shall, if executed in Northern Ireland, be witnessed by a Justice of the Peace.

(2) If the document is executed outside Northern Ireland it shall be witnessed by one of the persons specified in rule 4A.7(2), (3) or (4), according to the country in which it is executed.

(3) If the document is executed outside Northern Ireland before the commencement of the proceedings it shall be filed with the application.

### **Notice of hearing**

4A.20.—(1) Within 14 days of being notified by the guardian ad litem that he has made his report to the court, the applicant shall apply to the Master to fix a date for the hearing of the application.

(2) On an application under paragraph (1) the Master shall fix a date and time for the hearing and shall take account of any directions given under paragraph (7).

(3) The Master shall inform the applicant and the guardian ad litem of the date and time fixed for hearing and the applicant shall, unless he desires his identity to be kept confidential, serve notice of the hearing on all the parties in Form A12.

(4) Where the applicant desires that his identity be kept confidential he shall, in lieu of serving a notice in Form A12, serve upon the parties a notice of presentation in Form A13.

(5) If the applicant has no solicitor acting for him the notice in Form A12 or Form A13 shall be signed by the Master.

(6) Anyone wishing to object to the making of an adoption order, shall within 14 days of the date of service on him, of the notice of hearing or as the case may be the notice of presentation give the Master written notice of his intention to object in Form A14 or Form A15 as the case may be, quoting the serial number of the application.

(7) If at any stage before the hearing of the application it appears to the court that directions for the hearing are required the court may give such directions as it considers necessary.

### **Objections**

4A.21.—(1) Where the Master receives notice of objection under rule 4A.20(6) he shall notify the judge, the applicant (or his solicitor) and the guardian ad litem, and the judge shall give such directions as appear appropriate.

(2) The judge may direct that the person who served such notice of objection shall appear before him in his chambers on a date fixed by him and, upon hearing the nature or grounds for objection made by him or by his legal representative on his behalf, give such directions or make such orders as appear just.

### **Reports by adoption agency or Board**

4A.22.—(1) Where the child was placed for adoption with the applicant by an adoption agency, that agency shall supply, within six weeks of receipt of the notice of hearing under rule 4A.20, three copies of a report in writing covering the matters specified in Part I of Appendix 4.

(2) Where the child was not placed for adoption with the applicant by an adoption agency, the Board to whom the notice under Article 22 of the Order was given shall supply, within six weeks of receipt of the notice of hearing or notice of presentation under rule 4A.20, three copies of a report in writing covering the matters specified in Part I of Appendix 4.

(3) The court may request a further report under paragraph (1) or (2) and may indicate any particular matters it requires such a further report to cover.

(4) The Master shall send a copy of any report supplied under paragraph (1) or (2) to the guardian ad litem.

(5) No other person shall be supplied with a copy of any report supplied under paragraph (1) or (2) and any such report shall be confidential.

### **The hearing**

4A.23.—(1) Subject to any directions given under rule 4A.21(2) on the hearing of the application, any person served with a notice of hearing under rule 4A.20(3) may attend and be heard on the question whether an adoption order should be made.

(2) Any member or employee of a Board, adoption agency or other body which is a party to the proceedings may address the court if he is duly authorised in that behalf.

(3) If a serial number has been assigned to the applicant under rule 4A.14 the proceedings shall be conducted with a view to securing that he is not seen or made known to any respondent who is not already aware of his identity, except with his consent.

(4) Subject to paragraphs (5) and (7), the judge shall not make an adoption order or an interim order except after the personal attendance before him of the applicant and the child.

(5) If there are special circumstances which, having regard to the report of the guardian ad litem, appear to the court to make the attendance of the child unnecessary, the court may direct that the child need not attend.

(6) If there are special circumstances which appear to the court to make the attendance of any other party desirable, the court may direct that that party shall attend.

(7) In the case of an application under Article 14, the judge may in special circumstances make an adoption order or an interim order after the personal attendance of one only of the applicants, if the application is verified by an affidavit sworn by the other applicant or, if he is outside the United Kingdom, by a declaration made by him and witnessed by any of the persons specified in rule 4A.7(4).

### **Proof of identity of child, etc**

4A.24.—(1) Where the child who is the subject of the proceedings is identified in the application by reference to a birth certificate which is the same, or relates to the same entry in the Register of Births, as a birth certificate exhibited to a form of agreement, the child so identified shall be deemed, unless the contrary appears, to be the child to whom the form of agreement refers.

(2) Where the child has previously been adopted, paragraph (1) shall have effect as if for the references to a birth certificate and to the Register of Births, there were substituted respectively references to a certified copy of an entry in the Adopted Children Register and to that Register.

(3) Subject to paragraph (5), where the precise date of the child's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined may be specified in the adoption order as the date of his birth.

(4) Subject to paragraph (5), where the place of birth of the child cannot be proved to the satisfaction of the court but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, he may be treated as having been born in the registration district in which the court sits, and in any other case (where the country of birth is not approved) the particulars of the country of birth may be omitted from the adoption order.

(5) Where the child is free for adoption, any order made identifying the probable date and place of birth of the child in the proceedings under Article 17 or 18 or under section 18 of the 1976 Act or section 18 of the 1978 Act shall be sufficient proof of the date and place of birth of the child in proceedings to which this rule applies.

### **Further proceedings after interim order**

4A.25.—(1) Where an interim order is made under Article 26 and the application is postponed without a date being fixed for a further hearing, the applicant shall, at least 2 months before the expiration of the period specified in the interim order, obtain a date for the further hearing of the application from the Master, and if he fails to do so, the guardian ad litem shall obtain such a date.

(2) When the date for a further hearing is fixed the applicant shall, unless the Master otherwise directs, serve a notice in Form A12 or Form A13 of the hearing on the parties and to the guardian ad litem not less than one month before that date.

## PART IVB

### CONVENTION PROCEEDINGS

#### Introductory

4B.1. This Part shall apply to Convention proceedings and, subject to the provisions of this Part, rules 4A.2, 4A.14 to 4A.24 and Part IVC shall apply, with the necessary modifications, to Convention proceedings.

#### Application

4B.2.—(1) An applicant for a Convention adoption order shall state in his application that he is applying for a Convention adoption order.

(2) The application –

- (a) need not contain paragraphs corresponding to paragraph 2, 24 or 25 of Form A9, but,
- (b) shall contain the additional information required by Part III of Appendix 4.

#### Statement at hearing

4B.3. The requirements prescribed by regulations 19 and 30 of the Hague Convention Regulations may be established by a document executed by the applicant containing a statement to that effect attested in accordance with rule 4B.14 and such a statement shall be admissible in evidence without further proof of the signature of the applicant.

#### Form of consent

4B.4.—(1) Any document signifying the consent of a person to, or otherwise containing the opinion of a person on the making of, the Convention adoption order shall be in a form which complies with the internal law relating to adoption of the Convention country of which the child is a national : provided that where the court is not satisfied that a person consents with full understanding of what is involved, it may call for further evidence.

(2) A document referred to in paragraph (1) shall, if sufficiently witnessed, be admissible as evidence of the consent or opinion contained therein without further proof of the signature of the person by whom it is executed.

(3) A document referred to in paragraph (1) shall, if executed before the date of the applicant's application, be attached to that application.

#### Notice of hearing

4B.5.—(1) On serving notice of the hearing or notice of presentation on the parties as required under rule 4A.20, the applicant shall also serve notice on any person: –

- (a) whose consent to the making of the order is required, not being an applicant, or
- (b) who, in accordance with the internal law relating to adoption of the Convention country of which the child is a national has to be consulted about, but does not have to consent to, the adoption.

(2) Any person served or required to be served with notice under this rule shall be treated as if he had been served or was required to be served with notice under rule 4A.20.

### **Application to annul a Convention adoption or Convention adoption order**

4B.6.—(1) An application for an order under Article 55A(1)(13) shall be made in Form A16 issued out of the Office.

- (2) An application for an order under Article 55A(1) may be made by –
- (a) the adopter or adopters, or
  - (b) the adopted person, or
  - (c) the relevant Central Authority, or
  - (d) the adoption agency, or
  - (e) the Board to whom notice under Article 22 was given (if different), or
  - (f) the Secretary of State for the Home Department.
- (3) The Respondent shall be –
- (a) the adopted person; and
  - (b) any adopter, not being the applicant.
- (4) The court may require notice of the application to be served on such persons as it thinks fit.

### **Application for directions where a full adoption has not been made**

- 4B.7.—(1) An application for a direction under Article 40(3A)(14) –
- (a) may be made by the adopted child, the adopter or adopters or the birth parents of the child; and
  - (b) shall be made by in Form A17.
- (2) The respondents shall be –
- (a) the adopter or adopters (if not the applicant),
  - (b) the birth parents (if not the applicant),
  - (c) the adoption agency,
  - (d) the Board to whom notice under Article 22 was given (if different),
  - (e) the Attorney General

and the court may require notice of the application to be served on such other persons as it thinks fit, including the child, having regard to the child's age and degree of maturity.

### **Application to declare overseas adoption invalid or determination invalid or affected**

4B.8.—(1) An application for an order or decision under Article 55A(2) shall be made in Form A18 issued out of the Office.

- (2) The Respondent shall be –
- (a) the adopted person; and
  - (b) any adopter, not being the applicant.

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(13) Article 55A was inserted into the Order of 1987 by virtue of section 5 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001

(14) Article 40(3A) was inserted into the Order of 1987 by virtue of section 4(3) of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001

### **Evidence in support of application**

4B.9.—(1) Evidence in support of an application under Article 55A shall be given by means of an affidavit in Form A19 which shall be filed within 14 days after the issue of the application.

(2) There shall be exhibited to the affidavit a statement of facts and there shall be filed with the affidavit expert evidence of any provision of foreign law relating to adoption on which the applicant intends to rely.

(3) The court may order any deponent to give oral evidence concerning the grounds stated in, or exhibited to, his affidavit.

### **Notice of order made under Article 55A**

4B.10.—(1) Where under Article 55A the court has ordered that an adoption be annulled or that an adoption or a determination shall cease to be valid in Northern Ireland, the Master shall serve notice of the order on the Registrar General and, where it relates to a Convention adoption order or a Convention adoption, the relevant Central Authority, and shall state in the notice –

- (a) the date of the adoption;
- (b) the name and address of the authority which granted the adoption; and
- (c) the names of the adopter or adopters and of the adopted person as given in the affidavit referred to in rule 4B.9.

### **Application for removal, return etc of the child in Convention proceedings**

4B.11.—(1) Paragraph (2) shall apply where –

- (a) a notice under regulation 16(1) of the Hague Convention Regulations has been given but not been complied with; or
- (b) before such a notice was given an application for a Convention adoption order has been made and not disposed of.

(2) Where this paragraph applies, an application for the return of the child shall be made in writing by the Board to whom notice under Article 22 was given.

(3) The respondents shall be –

- (a) the prospective adopter or adopters,
- (b) the guardian ad litem,
- (c) the adoption agency (if different)

and the court may require notice of the application to be served on such other persons as it thinks fit, including the child, having regard to the child's age and degree of maturity.

(4) Any respondent who wishes to contest the notice shall, within 7 days of service of the notice upon him, file and serve an answer.

(5) The Master shall list the case for hearing on a date not more than 21 days from the date the application under paragraph (2) was submitted to the court.

### **Specific applications**

4B.12.—(1) Where a Convention adoption order is to be or has been sought and has not been disposed of the applicant or proposed applicant may apply to the court for an order –

- (a) permitting the child to be known by a new surname, or
- (b) permitting the child to be removed from the United Kingdom for a period of one month or more.

- (2) The application under paragraph (1) shall be made –
  - (a) if an application for a Convention adoption order under Article 16A<sup>(15)</sup> is pending, on notice in those proceedings; or
  - (b) if no such application is pending, by filing written application in the court.
- (3) The Master shall serve a copy of the application and a notice of the date of the hearing –
  - (a) in a case where proceedings for an adoption order are pending on all the parties to those proceedings and on the guardian ad litem;
  - (b) in any other case, on the adoption agency and the Board to whom notice under Article 22 was given.

### **Witnessing of documents**

4B.13. A document shall be sufficiently attested for the purposes of this Part of these rules if it is witnessed by one of the following persons –

- (a) if it is executed in Northern Ireland, the guardian ad litem, a justice of the peace, any officer of the Supreme Court appointed by the Lord Chief Justice in accordance with section 112 of the Judicature (Northern Ireland) Act 1978<sup>(16)</sup>;
- (b) if it is executed elsewhere, any person specified in rule 4A.7(2), (3) or (4), according to the country in which it is executed.

### **Service of documents**

4B.14. Any document served out of the jurisdiction in a country in which English is not an official language shall be accompanied by a translation of the document in the official language of the country in which service is to be effected or, if there is more than one official language of the country, in any one of those languages which is appropriate to the place in that country where service is to be effected.

### **Translation of documents**

4B.15. Where a translation of any document is required for the purposes of Convention proceedings, the translation shall, unless otherwise directed, be provided by the applicant.

## **PART IVC**

### **MISCELLANEOUS PROCEEDINGS UNDER THE ORDER OF 1987**

#### **Application for leave of the court etc**

- 4C.1.—(1) An application under –
- (a) Article 20(2);
  - (b) Article 28(1) or (2);
  - (c) Article 29(1) or (2);
  - (d) Article 30(1);
  - (e) Article 30(2); or

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<sup>(15)</sup> Article 16A was inserted into the Order of 1987 by section 3 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001

<sup>(16)</sup> 1978 c. 23



- (f) Article 31(2),  
shall be made in accordance with paragraph (2).
- (2) An application pursuant to paragraph (1) shall be made –
- (a) if an application for an adoption order or an order under Articles 17, 18 or 20 is pending, by sending a notice of application in Form A20 to the Master; or
  - (b) if no such application is pending, by sending a notice of application in Form A21 to the Master.
- (3) Subject to paragraph (5), the Master shall serve a copy of the notice of application, together with a notice of the date of hearing –
- (a) where the proceedings specified in paragraph 2(a) were pending at the time of receipt of the application or where such proceedings were commenced subsequently, on the parties to those proceedings and on the guardian ad litem;
  - (b) in any other case, on any person against whom an order is sought in the application and on the Board to whom the prospective adopter has given notice under Article 22; and
  - (c) in any case, on such other person or body, not being the child, as the court thinks fit.
- (4) Anyone who wishes to object to the application shall, within 14 days of the service of the application on him, send written notice of his objection to the Master.
- (5) The Master shall serve a copy of the written notice of objection on each person served with a copy of the application.
- (6) If in any application under this rule a serial number has been assigned to a person who has applied or who proposes to apply for an adoption order, or such a person applies to the Master in that behalf before filing the application and a serial number is assigned accordingly –
- (a) the Master shall ensure that the documents served under paragraph (3) or (5) do not disclose the identity of that person to any other party to the application under this rule who is not already aware of that person's identity, and
  - (b) the proceedings on the application under this rule shall be conducted with a view to securing that he is not seen by or made known to any party who is not already aware of his identity except with his consent.
- (7) Unless otherwise directed, any prospective adopter who is served with a copy of an application under this rule and who wishes to oppose the application shall file his application for an adoption order within 14 days or before or at the time of the hearing of the application under this rule, whichever is the earliest.
- (8) The court may at any time give directions as to the appointment of a guardian ad litem of the child.
- (9) Where an application under paragraph (1)(a), (b) or (e) is granted or an application under paragraph (1)(c) or (d) is refused, the judge may thereupon, if any application for an adoption order has been filed, treat the hearing of the application as the hearing of the application for an adoption order and refuse an adoption order accordingly.
- (10) Where an application under this rule is determined the Master shall serve notice of the effect of the determination on all the parties.

### **Proposed foreign adoption proceedings**

- 4C.2.—(1) An application under Article 57(1) shall be in Form A9 issued out of the Office.
- (2) Subject to paragraph (3), rules 4A.14, 4A.15(2) to (5), 4A.16 to 4A.25 and this Part (except rule 4C.7(1)(e)) shall apply to an application for an order authorising a proposed foreign adoption as if such an order were an adoption order.

(3) An applicant for an order authorising a proposed foreign adoption shall provide expert evidence of the law of adoption in the country in which he is domiciled and an affidavit as to that law sworn by such a person as is mentioned in section 114(3) of the Judicature (Northern Ireland) Act 1978<sup>(17)</sup> (that is to say a person who is suitably qualified on the account of his knowledge or experience to give evidence as to that law) shall be admissible in evidence without notice.

### **Amendment and revocation of orders**

4C.3.—(1) An application under Article 52 for the amendment of an adoption order or the revocation of a direction to the Registrar General, or under Article 55 for the revocation of an adoption order, may be made ex parte in the first instance, but the court may require notice of the application to be served on such persons as it thinks fit.

(2) Where the application is granted, the Master shall send to the Registrar General a notice specifying the amendments or informing him of the revocation and shall give sufficient particulars of the order to enable the Registrar General to identify the case.

### **Service of documents**

4C.4. Subject to rule 4B.14, the person effecting service of any document under Part IVA, Part IVB or this Part of these rules shall make, sign and file a certificate showing the date, place and mode of service. If he has failed to effect service of any document, he shall make, sign and file a certificate of non-service showing the reason why service has not been effected.

### **Costs**

4C.5. On the determination of proceedings to which Part IVA, Part IVB or this Part of these rules apply or on the making of an interim order, the judge may make such order as to the costs as he thinks just and, in particular, may order the applicant to pay –

- (a) the expenses incurred by the guardian ad litem,
- (b) the expenses incurred by any respondent in attending the hearing,

or such part of those expenses as the judge thinks proper.

### **Notice and copies of orders etc**

4C.6.—(1) In proceedings to which Part IVA, Part IVB or this Part of these rules apply orders shall be made in the form indicated in this paragraph –

<i>Description of order</i>	<i>Form</i>
(a) (a) Order under Article 17	A22
(b) (b) Order under Article 18	A23
(c) (c) Order under Article 20	A24
(d) (d) Interim order	A25
(e) (e) Order under Article 40(3A)	A26
(f) (f) Adoption order	A27
(g) (g) Convention adoption order	A27 (with the word “Convention” inserted where appropriate)

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<sup>(17)</sup> 1978 c. 23

<i>Description of order</i>	<i>Form</i>
(h) (h) Order authorising a proposed foreign adoption	A27 (with the words “order authorising a proposed foreign adoption” substituted for the words ‘adoption order’ wherever they appear)

(2) Within 7 days of the making of an order to which paragraph (1)(d), (f) or (g) applies, the Master shall send a copy of the order to the Registrar General.

(3) Where an order to which paragraph (1)(a), (b), (f) or (g) applies is made or refused or an order to which paragraph (1)(c) applies is made, the Master shall serve notice to that effect on every respondent.

(4) The Master shall serve notice of the making of an order to which paragraph (1)(a), (b), (c), (g) or (h) applies on any court in the United Kingdom which appears to him to have made any such order as is referred to in Article 12(3) (orders relating to parental responsibility for the child).

(5) A copy of any order may be supplied to the Registrar General at his request.

(6) A copy of any order may be supplied to the applicant.

(7) A copy of any order may be supplied to any other person with the leave of the court.

(8) Within 7 days of the making of an order to annul a Convention adoption order or a Convention adoption, the proper officer shall send a copy of the order to the applicant, every respondent, the relevant Central Authority and the Registrar General.

### **Custody, inspection and disclosure of documents and information**

4C.7.—(1) All documents relating to proceedings under the Order of 1987 (or under any previous enactments relating to adoption) shall, while they are in the custody of the court, be kept in a place of special security.

(2) A party who is an individual and is referred to in a confidential report supplied to the court by an adoption agency, a Board or a guardian ad litem may inspect, for the purposes of the hearing, that part of any such report which refers to him, subject to any direction given by the court that –

- (a) no part of one or any of the reports shall be revealed to that party, or
- (b) the part of one or any of the reports referring to that party shall be revealed only to that party’s legal advisers, or
- (c) the whole or any other part or any of the reports shall be revealed to that party.

(3) Any person who obtains any information in the course of, or relating to, any proceedings mentioned in paragraph (1) shall treat that information as confidential and shall only disclose it if –

- (a) the disclosure is necessary for the proper exercise of his duties, or
- (b) the information is requested –
  - (i) by a court or public authority (whether in Northern Ireland or not) having power to determine adoptions and related matters, for the purpose of the discharge of its duties in that behalf, or
  - (ii) by the Registrar General, or a person authorised in writing by him, where the information requested relates only to the identity of any adoption agency which made the arrangements for placing the child for adoption in the home of the applicants, and of any Board which was notified of the applicant’s intention to apply for an adoption order in respect of the child, or
  - (iii) by a person who is authorised in writing by the Department to obtain the information for the purposes of research.

(4) Save as required or authorised by a provision of any enactment or of these Rules or with the leave of the court, no document or order held by or lodged with the court in proceedings under the Order of 1987 (or under any previous enactment relating to adoption) shall be open to inspection by any person, and no copy of any such document or order, or of an extract from any such document or order, shall be taken by or issued to any person.

#### **Transfer to county court**

4C.8. Where the Judge presiding in the High Court is of the opinion that, by reason of any special circumstances, an application under the Order of 1987 should be dealt with in the county court, he may by order transfer the matter to a county court and any matter so transferred shall be heard and determined in accordance with these rules as if it has been commenced in that court.

## **SCHEDULE 2**

Rule 5

### **FORM A1 Application for an Order Freeing a Child for Adoption (with Parental Consent)**

Rule 4A.3

[In the High Court of Justice in Northern Ireland

Family Division]\*

[In the County Court/Recorder's Court for the Division of

]\*

No. of 20 .

IN THE MATTER OF the Adoption (Northern Ireland) Order 1987 and

IN THE MATTER OF a child. *(Enter the first name(s) and surname as shown in the certificate referred to in paragraph 1; otherwise enter the first name(s) and surname by which the child is known).*

Let of attend at on a date to be fixed for the hearing of the application of of

for an order: –

1. That the said child be freed for adoption;
2. That the costs of this application be provided for;

And take notice that the grounds of the application are as follows:

I, an authorised officer of the of being an adoption agency wishing to free for adoption a child, and I/We the parent(s)/guardian(s) of the child hereby give the following further particulars in support of the application.

#### Particulars of the child

1. Identity etc. The child is of the sex and is not and has not been married. He/she was born on the day of 20 , and is the person to whom the attached birth/adoption certificate relates (or, was born on or about the day of 20 , in ). He/she is a national.

2. Parentage etc. The child is the child of whose last known address was (or deceased) and whose last known address was (or deceased).

(3. The guardian(s) of the child (other than the mother or father of the child) is/are of (and of ).)

4. Home, etc. The child is currently living with of and has been living there since the day of 20 . (The child has been placed with them for adoption (and they wish their identity to remain confidential).)

(5. The child is being looked after by (who has parental responsibility for the child).)

(6. Maintenance. is liable by virtue of an order made by the court at on the day of 20 , (or by an agreement dated the day of 20 ) to contribute to the maintenance of the child.)

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(7. I attach hereto signed by the mother/father/guardian of the child a declaration that he/she prefers not to be involved in future questions concerning the adoption of the child.)

(8. The child's parents were not married to each other at the time of his birth and \_\_\_\_\_ of \_\_\_\_\_ who is/claims to be the father does/does not intend to apply for an order under Article 7(1)(a) of the Children (Northern Ireland) Order 1995 or for a residence order in respect of the child.)

(9. No proceedings relating in whole or in part to the child have been completed or commenced in any court in Northern Ireland or elsewhere (except \_\_\_\_\_).)

We accordingly apply for an order freeing the child for adoption.

Signatures:

on behalf of the Adoption Agency

Parent(s)/guardian(s) of the child

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

#### Notes

\*Delete as appropriate

**Paragraph 1:** If the child has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births. Where a certificate is not attached, enter the place, including the country, of birth if known.

**Paragraph 2:** If the child has previously been adopted, give the names of his adoptive parents and not those of his natural parents. If the child's parents were not married to each other at the time of his birth and the father has parental responsibility for the child, give details under paragraph 9 of the court order or the agreement which provides for parental responsibility.

**Paragraph 3:** Enter particulars of any person appointed by a court of competent jurisdiction or under Article 159 of the Children (Northern Ireland) Order 1995 to be a guardian. Delete this paragraph if the child has no guardian.

**Paragraph 4:** Enter the name and address of the person with whom the child has his home.

**Paragraph 5:** This paragraph should be completed where the child is in the care of a Board or a voluntary organisation.

**Paragraph 6:** This paragraph should be completed where some person or body is liable to contribute to the maintenance of the child under a court order or agreement.

**Paragraph 9:** State the nature of the proceedings and the date and effect of any orders made.

Each parent/guardian of the child **MUST** sign the application in addition to the authorised officer.

**FORM A2Application for an Order Freeing a Child for Adoption (without Parental Consent)**

Rule 4A.4

[In the High Court of Justice in Northern Ireland

Family Division]\*

[In the County Court/Recorder's Court for the Division of

]\*

No. of 20 .

IN THE MATTER OF the Adoption (Northern Ireland) Order 1987 and

IN THE MATTER OF a child. *(Enter the first name(s) and surname as shown in the certificate referred to in paragraph 2; otherwise enter the first name(s) and surname by which the child is known).*

Let of attend at on a date to be fixed for the hearing of the application of for an order: –

1. That the said child be freed for adoption;
2. That the costs of this application be provided for;

And take notice that the grounds of the application are as follows:

I, an authorised officer of the of being an adoption agency wishing to free for adoption a child, hereby give the following further particulars in support of the application.

1. This application is not made with the consent of (and ), the parent(s)/guardian(s) of the child.

**Particulars of the child**

2. Identity etc. The child is of the sex and is not and has not been married. He/she was born on the day of 20 , and is the person to whom the attached birth/adoption certificate relates (or, was born on or about the day of 20 , in ). He/she is a national.

3. Parentage etc. The child is the child of whose last known address was (or deceased) and whose last known address was (or deceased).

(4. The guardian(s) of the child (other than the mother or father of the child) is/are of (and of ).)

5. I request the judge to dispense with the agreement of (and ) on the grounds that and attach hereto three copies of the statement of facts on which I intend to rely.

(6. Home, etc. The child is currently living with of and has been living there since the day of 20 . (The child has been placed with them for adoption (and they wish their identity to remain confidential)).

(7. The child is being cared for by (who have parental responsibility for the child).)

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(8. Maintenance of \_\_\_\_\_ is liable by virtue of an order made by the \_\_\_\_\_ court at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, (or by an agreement dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_) to contribute to the maintenance of the child.)

(9. The child's parents were not married to each other at the time of his birth and \_\_\_\_\_ of \_\_\_\_\_ who is/claims to be the father does/does not intend to apply for an order under Article 7(1)(a) of the Children (Northern Ireland) Order 1995 or for a residence order in respect of the child.)

(10. No proceedings relating in whole or in part to the child have been completed or commenced in any court in Northern Ireland or elsewhere (except \_\_\_\_\_).)

Signature:

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

#### Notes

\*Delete as appropriate

**Paragraph 2:** If the child has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births. Where a certificate is not attached, enter the place, including the country, of birth if known.

**Paragraph 3:** If the child has previously been adopted, give the names of his adoptive parents and not those of his natural parents. If the child's parents were not married to each other at the time of his birth and the father has parental responsibility for the child, give details under paragraph 9 of the court order or the agreement which provides for parental responsibility.

**Paragraph 4:** Enter particulars of any person appointed by a court of competent jurisdiction or under Article 159 of the Children (Northern Ireland) Order 1995 to be a guardian. Do not include any person who has the care of the child only. Delete this paragraph if the child has no guardian.

**Paragraph 5:** Enter the name of the person(s) mentioned in paragraph 3 or 4 and enter one or more of the grounds set out in Article 16(2).

**Paragraph 6:** Enter the name and address of the person with whom the child has his home.

**Paragraph 7:** This paragraph should be completed where the child is in the care of a Board or a voluntary organisation.

**Paragraph 8:** This paragraph should be completed where some person or body is liable to contribute to the maintenance of the child under a court order or agreement.

**Paragraph 10:** State the nature of the proceedings and the date and effect of any orders made.

#### FORM A3 Agreement to an Adoption Order (Freeing Cases)



Rule 4A.7

IF YOU ARE IN ANY DOUBT ABOUT YOUR LEGAL RIGHTS YOU SHOULD OBTAIN LEGAL ADVICE BEFORE SIGNING THIS FORM.

WHEREAS an application is to be/has been made by \_\_\_\_\_ (*Insert the name of the adoption agency applying for the order*) for an order freeing \_\_\_\_\_, (*insert the first name(s) and surname of the child as known to the person giving agreement*) a child, for adoption:

AND WHEREAS the child is the person to whom the birth certificate attached marked 'A' relates:

(AND WHEREAS the child is at least six weeks old:)

I, \_\_\_\_\_ the undersigned \_\_\_\_\_ of \_\_\_\_\_ being a parent/guardian of the child hereby state as follows: –

(1) I consent to the application of \_\_\_\_\_ an adoption agency, for an order freeing the child for adoption.

(2) I understand that the effect of an adoption order would be to deprive me permanently of parental responsibility for the child and to vest it in the adopters; and in particular I understand that, if and when an adoption order is made, I shall have no right to see or get in touch with the child or to have him/her returned to me.

(3) I further understand that the court cannot make an order freeing a child for adoption without the agreement of each parent or guardian of the child to the making of an adoption order, unless the court dispenses with that agreement on the ground that the person concerned –

- (a) cannot be found or is incapable of giving agreement, or
- (b) is withholding his agreement unreasonably, or
- (c) has persistently failed without reasonable cause to discharge his parental responsibility for the child, or
- (d) has abandoned or neglected the child, or
- (e) has persistently ill-treated the child, or
- (f) has seriously ill-treated the child and the rehabilitation of the child within the household of the parent or guardian is unlikely.

(4) I further understand that, when the application for an order freeing the child for adoption is heard, this document may be used as evidence of my agreement to the making of an adoption order unless I inform the court that I no longer agree.

(5) I hereby freely, and with full understanding of what is involved, agree [unconditionally] [on condition that the religious persuasion in which the child is proposed to be brought up is \_\_\_\_\_] to the making of an adoption order.

(6) (I have been given an opportunity of making a declaration that I prefer not to be involved in future questions concerning the adoption of the child. I understand that, if I make such a declaration, I will not be told when the child has been adopted or whether he has been placed for adoption. I further understand that I will not be able to apply for a revocation of the order freeing the child for adoption if I make such a declaration. I hereby freely declare, with full understanding of what is involved, that I do not wish to be involved in future questions concerning the adoption of the child.)

(7) (I have been given an opportunity of making a declaration that I prefer not to be involved in future questions concerning the adoption of the child, and the effect of making such a declaration has been explained to me. I do not wish to make such a declaration.)

(8) (I have not received or given any payment or reward for, or in consideration of, the adoption order or consent to the making of an application for an order freeing the child for adoption, for placing the child for adoption with any person or making any arrangements for the adoption of the child (other than a payment to an adoption agency for their expenses incurred in connection with the adoption.)

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Signature:

This form, duly completed, was signed by the said \_\_\_\_\_ before me at \_\_\_\_\_ on the  
day of \_\_\_\_\_ 20 \_\_\_\_.

Signature:

Address

Description

#### Notes

- (a) If the child has previously been adopted a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births.
- (b) Where two or more forms of agreement are supplied to the court at the same time they may both or all refer to a certificate attached to one of the forms of agreement.

**Paragraphs 6 and 7:** If the parent or guardian does not make the declaration the adoption agency must, after twelve months have passed from the making of the order freeing the child for adoption, inform the parent or guardian whether an adoption order has been made in respect of the child, and, if not, whether the child has his home with a person with whom he has been placed for adoption. Further, if no adoption order has been made in respect of the child or the child does not have his home with a person with whom he has been placed for adoption, then the parent or guardian may apply to the court for revocation of the order freeing the child for adoption.

**Witness Statement:** In Northern Ireland and England and Wales, the document should be witnessed by a Justice of the Peace. In Scotland, it should be witnessed by a Justice of the Peace or a Sheriff. Outside the United Kingdom it should be witnessed by a person authorised by law in the place where the document is signed to administer an oath for any judicial or legal purpose, a British consular officer, a notary public, or, if the person executing the document is serving in the regular armed forces of the Crown, an officer holding a commission in any of those forces.

#### FORM A4 Notice of Hearing of an Application for an Order Freeing a Child for Adoption

Rule 4A.8(3)

To

of

WHEREAS an application for an order freeing for adoption, a child of the sex born on the day of 20 , was made by of .

AND WHEREAS was appointed guardian ad litem of the child;

TAKE NOTICE: –

1. That the said application will be heard before the judge at on the day of 20 , at o'clock and that you may then appear and be heard on the question whether an order freeing the child for adoption should be made.

2. That you are not obliged to attend the hearing unless you wish to do so or the court notifies you that your attendance is necessary.

3. That while the said application is pending, if the child is being looked after by the applicant, then a parent or guardian of the child who has not consented to the making of the application must not, except with the leave of the court, remove the child from the home of the person with whom the child has his home against the will of that person.

4. That the court has been requested to dispense with your agreement to the making of an adoption order on the ground(s) that and the statement of the facts on which the applicant intends to rely is attached.

If you wish to object you must within 14 days complete the attached Form and return to [the Master (Care and Protection), High Court][the Chief Clerk of County Court/Recorder's Court].\*

Dated this day of 20 .

Signed  
Solicitor for the Applicant

\*Delete as appropriate

**FORM A5Notice of Objection to the Making of an Order Freeing a Child for Adoption**

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Rule 4A.8(4)

[To the Master (Care and Protection), High Court]\*

[To the Chief Clerk, County Court/Recorder's Court]\*

I have received notice of the hearing of an application for an order freeing a child of the sex born on the day of 20 , for adoption.

I intend to object to the making of such an order and wish to be heard on the hearing of the application. My objections may be summarised as follows:

(Date)

Signature

Address

\*Delete as appropriate

## FORM A6 Application for Revocation of an Order Freeing a Child for Adoption

Rule 4A.12(1)

On the day of 20 , this court made an order freeing , a child, for adoption.

I/We (and ) of (address), the former parent(s) of the child, apply for revocation of that order on the grounds that: –

1. No adoption order has been made in respect of the child, and
2. The child does not have his home with a person with whom he has been placed for adoption , and
3. I/We wish to resume parental responsibility for the child because

Signed

Dated

### Notes

- (1) The application must be made to the court which made the original order, and not earlier than 12 months from the date of that order.
- (2) A parent or guardian of the child who has made a declaration (referred to in Article 17(5)) that he prefers not to be involved in future questions concerning the adoption of the child may not make application for revocation of the order.
- (3) State the reasons relied upon for the revocation of the order.
- (4) Where the court has previously dismissed an application for revocation of a freeing order under Article 20(4), no further application may be made without the leave of the court.

## FORM A7 Notice of Hearing of an Application for Revocation of an Order Freeing a Child for Adoption

Rule 4A.12(2)

To

of

WHEREAS an order was made by \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, freeing (enter the first name(s) and the surname of the child), a child of the \_\_\_\_\_ sex born on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, for adoption.

AND WHEREAS an application has been made for the revocation of that order;

TAKE NOTICE:-

1. That the said application will be heard before the judge at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock and that you may then appear and be heard on the question whether the order freeing the child for adoption should be revoked.
2. That you are not obliged to attend the hearing unless you wish to do so or the court notified you that your attendance is necessary.
3. It would assist the court if you would complete the attached form and return it to [the Master (Care and Protection)] [the Chief Clerk, \_\_\_\_\_ County Court/Recorder's Court]\*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

FORM A7(2)

[To the Master (Care and Protection), High Court].

[To the Chief Clerk, \_\_\_\_\_ County Court/Recorder's Court]\*

Number \_\_\_\_\_ of 20\_\_\_\_.

I received notice of the hearing of the application on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

I wish/do not wish to oppose the application.

I wish/do not wish to appear and be heard on the question whether an order should be made.

(Signature)

(Address)

(Date)

\*Delete as appropriate

FORM A8Application for Substitution of One Adoption Agency for Another(Heading as in Form A1)

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Rule 4A.13(1)

I, \_\_\_\_\_ an authorised officer of the \_\_\_\_\_ of \_\_\_\_\_, and I, \_\_\_\_\_ an authorised officer of the \_\_\_\_\_ of \_\_\_\_\_, both being adoption agencies, wishing to transfer parental responsibility for \_\_\_\_\_, (enter the name of the child shown in the order referred to in paragraph 1) a child, from \_\_\_\_\_ to \_\_\_\_\_ hereby give the following further particulars in support of our application.

1. On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, the court made an order freeing the child for adoption under Article (17), (18) (Section 18 of the Adoption Act 1976) (Section 18 of the Adoption (Scotland) Act 1978).

2. On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, the court made an order under Article 21 (section 21 of the Adoption Act 1976) (section 21 of the Adoption (Scotland) Act 1978) transferring parental responsibility to \_\_\_\_\_.

3. A copy of that order is attached.

4. The transfer would be in the best interests of the child because \_\_\_\_\_

5. The administrative reasons why the transfer is desirable are \_\_\_\_\_

(6. The former parent(s) \_\_\_\_\_ of \_\_\_\_\_ (and \_\_\_\_\_ of \_\_\_\_\_) has/have been informed of the making of this application.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

(Signatures)

(Addresses)

#### Notes

**Paragraph 1:** Delete the appropriate reference to either Article 17 or 18 or section 18 of the Adoption Act 1976 or section 18 of the Adoption (Scotland) Act 1978.

**Paragraph 2:** To be completed **ONLY** if there has been a previous order transferring parental responsibility. Delete the inappropriate legislative references and enter the name of the agency to which parental responsibility was transferred by the court order.

**Paragraph 3:** Attach a copy of the appropriate order referred to in paragraph 1 and 2.

**Paragraph 4 and 5:** State concisely the reason it is desired to transfer the child between the agencies.

**Paragraph 6:** A former parent is a person as defined in Article 19(1). This paragraph should be deleted only if there are no former parents.

**FORM A9 Application for an Adoption Order/Order under Article 57 Authorising a Proposed Foreign Adoption/Convention Adoption Order (Heading as in Form A1)**

Rule 4A.15(1) Rule 4B.2(2) Rule 4C.3(1)

I/We, the undersigned, \_\_\_\_\_ (and \_\_\_\_\_),  
wishing to adopt \_\_\_\_\_, (enter the first name(s) and surname of the  
child as shown in any certificate referred to in paragraph 6 below) a child, hereby give the following  
further particulars in support of my/our application.

## PART I

### PARTICULARS OF THE APPLICANT(S)

1. Name and address etc.  
Name of (first) applicant in full  
Address  
Occupation  
Date of Birth  
Relationship (if any) to the child  
Name of (second) applicant in full  
Address  
Occupation  
Date of Birth  
Relationship (if any) to the child

#### 2. Domicile

I am/we are/one of us (namely \_\_\_\_\_) is domiciled in Northern Ireland/England  
and Wales/Scotland/ the Channel Islands/the Isle of Man.

#### 3. Status

We are married to each other and our marriage certificate (or other evidence of marriage) is attached  
(or I am unmarried/a widow/a widower/a divorcee) (or I am applying alone as a married person and can  
satisfy the court that \_\_\_\_\_).

(4. I am applying alone for an adoption order in respect of my own child and can satisfy the court  
that the other natural parent \_\_\_\_\_).

#### (5. Health

A report on my/our health by a medical practitioner on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_,  
is attached.

### Notes – Part I

**Paragraph 1:** Insert the address where the applicant has his home and the place (if different) where documents may be served upon him.

**Paragraph 2:** May be deleted if the application is for an order under Article 57 authorising a proposed foreign adoption/a Convention adoption order.

**Paragraph 3:** Documentary evidence of marital status should be supplied. A married applicant can apply alone if he or she can satisfy the court that his or her spouse cannot be found, or that they have separated and are living apart and that the separation is likely to be permanent, or that by reason of physical or mental ill health the spouse is incapable of making an application for an adoption order. Any documentary evidence on which the applicant proposes to rely should be attached to the application. The name and address (if known) of the spouse should be supplied, and the marriage certificate (or other evidence of marriage) should be attached.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Paragraph 4:** State the reason to be relied upon, e.g. that the other natural parent is dead, or cannot be found, or that there is some other reason, which should be specified, justifying his or her exclusion. Documentary evidence, e.g. a death certificate, should be supplied where appropriate.

**Paragraph 5:** A separate health report is required in respect of each applicant, and the report must have been made during the period of three months before the date of the application. No report is required, however, if the child was placed for adoption with the applicant by an adoption agency, or if he is the child of the applicant or either of them, or if the application is for a Convention adoption order.

## PART II

### PARTICULARS OF THE CHILD

#### 6. Identity etc.

The child is of the \_\_\_\_\_ sex and is not and has not been married. He/she was born on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and is the person to whom the attached birth/adoption certificate relates (or was born on or about the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, in \_\_\_\_\_). He/she is a \_\_\_\_\_ national.

#### (7. Health

A report on the health of the child, made by a medical practitioner on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, is attached.)

(8. The child is free for adoption pursuant to Article (17) (18), (section 18 of the Adoption Act 1976) (section 18 of the Adoption (Scotland) Act 1978) and I/we attach hereto the order of the court, dated \_\_\_\_\_, to that effect. Parental responsibility for the child was thereby vested in \_\_\_\_\_ (and was transferred to \_\_\_\_\_ by order of the \_\_\_\_\_ court under Article 21, (section 21 of the Adoption Act 1976) (section 21 of the Adoption (Scotland) Act 1978) on \_\_\_\_\_ 20\_\_\_\_).)

#### (9. Parentage, etc.

The child is the child of \_\_\_\_\_ whose last known address was \_\_\_\_\_ (or deceased) and whose last known address was \_\_\_\_\_ (or deceased).

(10. The guardian(s) of the child (other than the mother or the father of the child) is/are \_\_\_\_\_ of \_\_\_\_\_ (and \_\_\_\_\_ of \_\_\_\_\_).)

#### 11. Parental agreement

I/We understand that the said \_\_\_\_\_ (and \_\_\_\_\_) is/are willing to agree to the making of an adoption order in pursuance of my/our application.)

(12. I/We request the judge to dispense with the agreement of \_\_\_\_\_ (and \_\_\_\_\_) on the ground(s) that \_\_\_\_\_ (and \_\_\_\_\_) and there are attached hereto three copies of a statement of the facts upon which I/we intend to rely.)

#### 13. Home etc.

The child is being looked after by \_\_\_\_\_ (who have parental responsibility for the child).

#### 14. Maintenance

\_\_\_\_\_ of \_\_\_\_\_ is liable by virtue of an order made by the \_\_\_\_\_ court at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, (or by an agreement dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_) to contribute to the maintenance of the child.)

#### 15. Proposed names

If an adoption order is made in pursuance of this application, the child is to be known by the following names:

Surname

Other names



## Notes – Part II

**Paragraph 6:** If the child has previously been adopted a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births. Where a certificate is not attached, enter the place (including the country) of birth if known.

**Paragraph 7:** The report must have been made during the period of three months before the date of the application. No report is required, however, if the child was placed for adoption with the applicant by an adoption agency, or if he is the child of the applicant or either of them or if the application is for a Convention adoption order.

**Paragraph 8:** The order made by the court freeing the child for adoption and any order made under Article 21 (or under section 21 of either Act) should be attached.

**Paragraph 9:** This paragraph and paragraphs 10 to 14 only apply if the child is not free for adoption. If the child has previously been adopted, give the names of his adoptive parents and not those of his natural parents. If the child's parents were not married to each other at the time of his birth and the father has parental responsibility for the child, give details under paragraph 19 of the court order or agreement which provides for that parental responsibility.

**Paragraph 10:** Enter particulars of any person appointed by a court of competent jurisdiction or under Article 159 of the Children (Northern Ireland) Order 1995 to be a guardian. Delete this paragraph if the child has no guardian.

**Paragraphs 11 and 12:** Enter either in paragraph 11 or 12 the names of the persons mentioned in paragraphs 9 and 10, except that in the case of a child whose parents were not married to each other at the time of his birth the father of the child should be entered only if he has parental responsibility for the child by virtue of a court order or by agreement or he has a residence order in respect of the child. Where it is sought to dispense with parental agreement, enter in paragraph 12 one or more of the grounds set out in Article 16(2).

**Paragraph 13:** This paragraph should be completed where the child is being looked after by a Board or a voluntary organisation.

**Paragraph 14:** This paragraph should be completed where some person or body is liable to contribute to the maintenance of the child under a court order or agreement.

## PART III

### GENERAL

16. The child has lived with me/us continuously since the       day of       20   , (and has accordingly had his home with me/us for the five years preceding the date of this application).

17. The child was (placed with me/us for adoption on the       day of       20   , by       , an adoption agency) (or received into my/our home in the following circumstances:

18. I/we notified the Board on the       day of       20   , of my/our intention to apply for an adoption order in respect of the child.

19. No proceedings relating in whole or in part to the child other than as stated in paragraph 8 have been completed or commenced in any court in Northern Ireland or elsewhere (except       ).

20. I/we have not received or given any payment or reward for, or in consideration of, the adoption of the child, for any agreement to the making of an adoption order, the transfer of the home of the child with a view to adoption or the making of any arrangements for adoption (except as follows: –

)

21. As far as I/we know, the only person(s) or bod(y)(ies) who have taken part in the arrangements for the child's adoption are

22. For the purpose of this application reference may be made to       of       .

23. I/we desire that my/our identity should be kept confidential, and the serial number assigned to me/us is       .

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24. I/we intend to adopt the child under the law of or within , which is the country of my/our domicile, and evidence as to the law of adoption in that country is filed with this process.

25. I/we desire to remove the child from the British Isles for the purpose of adoption.

I/we accordingly apply for an adoption order/an order under Article 57 authorising a proposed foreign adoption/a Convention adoption order in respect of the child.

Dated this                      day of                      20                      .

Signature(s)

### Notes – PART III

**Paragraphs 16 and 17:** Under Article 13 an adoption order cannot be made unless the child has had his home with the applicants or one of them:-

- (a) for at least 13 weeks if the applicant or one of them is a parent, step-parent or relative of the child or if the child was placed with the applicant by an adoption agency or in pursuance of an order of the High Court; or
- (b) for at least 6 months if the proposed adoption is to be effected as a Convention adoption order; or
- (c) for at least 12 months in any other case.

**Paragraph 18:** Notice does not have to be given if the child was placed with the applicant by an adoption agency. Where notice does have to be given, no order can be made until the expiration of three months from the date of the notice.

**Paragraph 19:** The nature of the proceedings and the date and effect of any orders made should be stated. The court cannot proceed with the application if a previous application made by the same applicant in relation to the child was refused, unless one of the conditions in Article 25(1) is satisfied.

**Paragraph 21:** Enter the name and address of the adoption agency or individual who took part in the arrangements for placing the child for adoption in the home of the applicant. In Convention proceedings it is only necessary to specify those who took part in the arrangements in the country where the order is to be made.

**Paragraph 22:** Where the applicant or one of the applicants is a parent of the child, or a relative as defined by Article 2(2), or the child was placed with the applicant by an adoption agency or if the application is for a Convention adoption order, no referee need be named.

**Paragraph 23:** If the applicant wishes his identity to be kept confidential, the serial number obtained under rule 4A.14 should be given.

**FORM A10 Notice to Board under Article 22(1) of the Adoption (Northern Ireland) Order 1987**

Rule 4A.15(4)

IN THE MATTER of the Adoption (Northern Ireland) Order 1987

AND

IN THE MATTER OF \_\_\_\_\_, an infant

I/we \_\_\_\_\_ of \_\_\_\_\_ hereby give notice\* as required by Article 22(1) of the Adoption (Northern Ireland) Order 1987 of my/our intention to apply for an adoption order in respect of \_\_\_\_\_ an infant aged \_\_\_\_\_ of the \_\_\_\_\_ sex who is in my/our home at (full address) \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

(Signed)

**NOTE: IMPORTANT**

\* This notice is only required to be issued where the child has not been placed for adoption by an adoption agency. It must be addressed to the Board in whose area the applicant has his home.

Where the applicant is made *jointly* by husband and wife the notice must be signed by them both, unless neither of them or only one of them has his home in Northern Ireland, when one signature is sufficient.

This notice must *not* be given before the infant attains the age of six weeks and must be received by the Board three months before the order to be applied for is made.

**FORM A11 Agreement to an Adoption Order/a Proposed Foreign Adoption/a Convention Adoption Order** (Heading as in Form A1)

Rule 4A.19(1)

IF YOU ARE IN ANY DOUBT ABOUT YOUR LEGAL RIGHTS YOU SHOULD OBTAIN LEGAL ADVICE BEFORE SIGNING THIS FORM.

WHEREAS an application is to be/has been made by \_\_\_\_\_ and \_\_\_\_\_ (or under serial No. \_\_\_\_\_) *(insert either the name(s) of the applicants or the serial number assigned to the applicant(s) for the purposes of the application)* for an adoption order or order authorising a proposed foreign adoption or a Convention adoption order in respect of \_\_\_\_\_ *(enter the first name(s) and surname of the child as known to the person giving agreement)* a child;

AND WHEREAS the child is the person to whom the birth certificate attached marked 'A' relates;

(AND WHEREAS the child is at least six weeks old:)

I, \_\_\_\_\_ the undersigned \_\_\_\_\_ of \_\_\_\_\_ being a parent/guardian of the child hereby state as follows: –

(1) I understand that the effect of an adoption order/an order authorising a proposed foreign adoption/a Convention adoption order will be to deprive me permanently of parental responsibility for the child and to vest it in the applicant(s); and in particular I understand that, if an order is made, I shall have no right to see or get in touch with the child or to have him/her returned to me.

(2) I further understand that the court cannot make an adoption order/an order authorising the proposed foreign adoption of the child/a Convention adoption order without the agreement of each parent or guardian of the child unless the court dispenses with an agreement on the ground that the person concerned –

- (a) cannot be found or is incapable of giving agreement, or
- (b) is withholding his agreement unreasonably, or
- (c) has persistently failed without reasonable cause to discharge his parental responsibility for the child, or
- (d) has abandoned or neglected the child, or
- (e) has persistently ill-treated the child, or
- (f) has seriously ill-treated the child and the rehabilitation of the child within the household of the parent or guardian is unlikely.

3. I further understand that when the application for an adoption order/order authorising the proposed foreign adoption of the child/a Convention adoption order is heard, this document may be used as evidence of my agreement to the making of the order, unless I inform the court that I no longer agree.

4. I hereby freely, and with full understanding of what is involved, agree (unconditionally) (on condition that the religious persuasion in which the child is proposed to be brought up is \_\_\_\_\_) to the making of an adoption order/an order authorising the proposed foreign adoption of the child/a Convention adoption order in pursuance of the application.

5. As far as I know, the only person(s) or bod(y)(ies) who has/have taken part in the arrangements for the child's adoption is/are \_\_\_\_\_ (and \_\_\_\_\_).

6. I have not received or given any payment or reward for, or in consideration of, the adoption of the child, or any agreement to the making of an adoption order or placing the child for adoption with any person or making arrangements for the adoption of the child (other than payment to an adoption agency for their expenses incurred in connection with the adoption).

Signature:

This form, duly completed, was signed by the said \_\_\_\_\_ before me  
at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

Signature:

Address:

Description:

#### **Notes**

If the child has previously been adopted a certified copy of the entry in the adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births.

Where two or more forms of agreement are supplied to the court at the same time they may both or all refer to a certificate attached to one of the forms of agreement. The father of a child who was not married to the child's mother when he was born is not a parent for this purpose unless he has parental responsibility by virtue of a court order or an agreement or he has a residence order in respect of the child, "guardian" also means a person appointed by court of competent jurisdiction or under Article 159 of the Children (Northern Ireland) Order 1995 to be the guardian of the child.

**Paragraph 3:** Notice will be given of the hearing of the application and of the court by which it is to be heard. After the making of the application a parent or guardian who has agreed cannot remove the child from the home of the applicant(s) except with the leave of the court.

**Paragraph 5:** Enter the name and address of the adoption agency or individual who took part in the arrangements for placing the child in the home of the applicant(s).

**Witness statement:** In Northern Ireland and England and Wales the document should be witnessed by a Justice of the Peace. In Scotland, it should be witnessed by a Justice of the Peace or a Sheriff. Outside the United Kingdom it should be witnessed by a person authorised by law in the place where the document is signed to administer an oath for any judicial or legal purpose, a British consular officer, a notary public, or, if the person executing the document is serving in the regular armed forces of the Crown, an officer holding a commission in any of those forces.

**FORM A12 Notice of Hearing of an Application for an Adoption Order/an Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order***(Heading as in Form A1)*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 4A.20(3)

To \_\_\_\_\_ of \_\_\_\_\_

WHEREAS an application for an adoption order/an order under Article 57 authorising a proposed foreign adoption/a Convention adoption order in respect of \_\_\_\_\_, *(enter the name(s) and surname of the child as shown in the application)* a child of the \_\_\_\_\_ sex born on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, has been made (by \_\_\_\_\_ (and \_\_\_\_\_) of \_\_\_\_\_) *(enter the name(s) of the applicants)*.

TAKE NOTICE: –

1. That the said application will be heard before the judge at \_\_\_\_\_ on the \_\_\_\_\_ day of 20\_\_\_\_, at \_\_\_\_\_ o'clock and that you may then appear and be heard on the question whether an adoption order/an order under Article 57 authorising a proposed foreign adoption/a Convention adoption order should be made.)

2. That you are not obliged to attend the hearing unless you wish to do so or the court notifies you that your attendance is necessary.

3. That while the application is pending, a parent or guardian of the child who has agreed to the making of an order must not, except with the leave of the court, remove the child from the home of the applicant.

4. That the application states that the child has had his home with the applicant for the five years preceding the application and accordingly, if that is correct, no person is entitled, against the will of the applicant, to remove the child from the applicant's home except with the leave of the court or under authority conferred by an enactment or on the arrest of the child.

5. That the court has been requested to dispense with your agreement to the making of an order on the ground(s) that \_\_\_\_\_ and a statement of the facts on which the applicant intends to rely is attached.)

If you wish to object to the making of the order you should within 14 days complete the attached Form and return it to [the Master (Care and Protection), High Court] [the Chief Clerk of \_\_\_\_\_ County Court/Recorder's Court].\*

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Signed \_\_\_\_\_  
Solicitor for the Applicant

\*Delete as appropriate

When this form is used under rule 4A.25(2) to give notice of a further hearing of an application, it is to be amended so as to refer to a further hearing and so as to give particulars of the interim order.

**Paragraph 4:** This paragraph should be deleted except where it appears from the application that the child had had his home with the applicant for five years.

**Paragraph 5:** Unless deleted, this paragraph should contain the grounds specified in the application.

**FORM A13 Notice of Presentation of an Application for an Adoption Order/an Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order**

Rule 4A.20(4)

Serial No.

To

of

WHEREAS an application for an adoption order/order under Article 57 authorising a proposed foreign adoption/a Convention adoption order in respect of the above named child of the sex born on the day of 20 is to be heard by the above court.

TAKE NOTICE that under Rule 4A.20(6) of the Family Proceedings Rules (Northern Ireland) 1996 (S.R. 1996 No. 322) if you wish to object to the grant of an adoption order/an order under Article 57 authorising a proposed foreign adoption/a Convention adoption order you must, within 14 days of service on you of this notice, give to [the Master (Care and Protection)] [the Chief Clerk, County Court/Recorder's Court]\* written notice in Form A15 of your intention to object, quoting the above serial number.

If you give such written notice, you will be notified of the date on which you must attend court.

AND FURTHER TAKE NOTICE that if you do not give such written notice of your intention to object to the making of the said order at the said hearing the court may make such order as in the opinion of the court is just and expedient.

Dated this day of 20 .

Signed

Solicitor for the Applicant

#### Notes

\* Delete as appropriate

When this form is used under rule 4A.25(2) to give notice of a further hearing of an application, it is to be amended so as to refer to a further hearing and so as to give particulars of the interim order.

**FORM A14 Notice of Objection to the Making of an Adoption Order/an Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order**

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Rule 4A.20(6) Rule 4A.25(2)

[To the Master (Care and Protection), High Court,]\*

[To the Chief Clerk , County Court/Recorder's Court]\*

I received the notice of the hearing of an application for an adoption order/order under Article 57 authorising a proposed foreign adoption/a Convention adoption order in respect of child of the sex born on the day of 20 .

I intend to object to the making of such an order and wish to be heard on the hearing of the application. My objections may be summarised as follows:

(Date)

Signature

Address

**Notes**

\*Delete as appropriate

### FORM A15 Notice of Objection to the Making of an Adoption Order/Order under Article 57 Authorising a Proposed Foreign Adoption/a Convention Adoption Order

Rule 4A.20(6) Rule 4A.25(2)

Serial No.:

[To the Master (Care and Protection), High Court]\*

[The Chief Clerk , County Court/Recorder's Court]\*

I have received notice of the presentation of an application for an adoption order/order under Article 57 authorising a proposed foreign adoption/a Convention adoption order in respect of a child of the sex born on the day of 20 .

I intend to object to the making of such an order and wish to be heard by the court. My objections may be summarised as follows:

(Date)

Signature

Address

**Notes**

\*Delete as appropriate

### FORM A16 Application for the Annulment of a Convention Adoption or Convention Adoption Order



Rule 4B.6

IN THE HIGH COURT

No. of 20

IN THE MATTER OF

(Enter the full name(s) by which the adopted person has been known since the adoption) and

IN THE MATTER OF the Adoption (Northern Ireland) Order 1987

Let \_\_\_\_\_ of \_\_\_\_\_ attend at the Royal Courts of Justice, Belfast,  
BT1 3JF, on a date to be fixed for the hearing of the application of \_\_\_\_\_ of \_\_\_\_\_  
for an order:—

1. That the adoption which was authorised on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_, by which \_\_\_\_\_ (and \_\_\_\_\_) was (or were) authorised to adopt the said \_\_\_\_\_ be annulled.
- (2. That the leave of the court be granted for the purpose of making this application out of time.)
3. That the costs of this application be provided for.

Dated this       day of                  20     .

This summons was taken out by \_\_\_\_\_ of \_\_\_\_\_, solicitor for the above named.

## Notes

This form is for use when the adoption is to be annulled under Article 55A of the Adoption (Northern Ireland) Order 1987. An application may not be made unless either the adopter or both adopters, as the case may be, or the adopted person habitually resides in Northern Ireland immediately before the application is made.

**Paragraph 1:** Enter the description and address of the authority by which the adoption was authorised.

**Paragraph 2:** Except with the leave of the court, an application to annul an adoption may not be made later than two years after the date of the adoption to which it relates.

**FORM A17Application for a Direction under Article 40(3A) of the Adoption (Northern Ireland) Order 1987**

Rule 4B.7

IN THE HIGH COURT

No.                      of 20                      .

IN THE MATTER OF

*(Enter the full name(s) by which the adopted person has been known since the adoption)*

and

IN THE MATTER OF the Adoption (Northern Ireland) Order 1987

Let                                      of

attend at the Royal Courts of Justice, Belfast, BT1 3JF, on a date to be fixed for the hearing of the application of

of

for –

1. A direction that the Convention adoption which was authorised on the                      day of [19                      ][20                      ],  
at                                      , by which  
(and                                      ) was (or were) authorised to adopt the said                      was not, under the law of the country in which the adoption was effected, a full adoption; (that the consents referred to in Articles 4(c) and (d) of the Convention have not been given for a full adoption) (that the United Kingdom is not the receiving State within the meaning of Article 2 of the Convention); and that it would be more favourable for the said                      if a direction under Article 40(3A) of the Adoption (Northern Ireland) Order 1987 was given.
2. A direction that Article 40(2) of the Adoption (Northern Ireland) Order 1987 shall not apply to the said                      to the extent that –                      ).
3. An order that the costs of this application be provided for.

Dated this                      day of                      20                      .

This summons was taken out by                                      of

solicitor for the above named.

**FORM A18 Application for an Order that an Overseas Adoption or a Determination Cease to be Valid or that a Determination has been Affected by a Subsequent Determination** *(Heading as in Form A16)*

Rule 4B.8

Let \_\_\_\_\_ of \_\_\_\_\_  
attend at the Royal Courts of Justice, Belfast, BT1 3JF on a date to be fixed for the hearing of the  
application of \_\_\_\_\_ of \_\_\_\_\_ for: –

- (1. An order that an overseas adoption which was authorised on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_, by which \_\_\_\_\_ (and \_\_\_\_\_) was (were) authorised to adopt the said \_\_\_\_\_ do cease to be valid in Northern Ireland;)
- (2. An order that a determination made by an authority of a specified country to authorise or review the authorisation of an adoption order made under any enactment in force in a specified country and corresponding to Articles 12(1) and 16A of the Adoption (Northern Ireland) Order 1987 do cease to be valid in Northern Ireland;)
- (3. An order that a determination made by an authority of a specified country to give or review a decision revoking or annulling an order made under any enactment in force in a specified country and corresponding to Articles 12(1) and 16A of the Adoption (Northern Ireland) Order 1987 do cease to be valid in Northern Ireland;)
- (4. A decision as to the extent, if any, to which a determination mentioned in paragraph 2 (or 3) above has been affected by a subsequent determination;)
- (5. An order that the costs of this application be provided for.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

This summons was taken out by \_\_\_\_\_ of \_\_\_\_\_ solicitor for the above named.

**Notes**

This form is principally for use if the applicant claims that the adoption or determination is contrary to public policy or that the authority which purported to authorise the adoption or make the determination was not competent to entertain the case. The applicant should delete the paragraphs which are not relevant.

**Paragraph 1:** An overseas adoption means an adoption which is an overseas adoption for the purposes of the Adoption Act 1976 or the Adoption (Scotland) Act 1978.

**FORM A19Affidavit in Support of Application under Article 55A(Heading as in Form A16)**

Rule 4B.9

I/we \_\_\_\_\_ of \_\_\_\_\_  
hereby make oath and say that the particulars set out in this affidavit are true.

1. Name of (first) adopter in full  
Address \_\_\_\_\_
- (2. Name of second adopter in full  
Address \_\_\_\_\_)
3. Name of adopted person in full \_\_\_\_\_
- (4. The said \_\_\_\_\_ (and the said \_\_\_\_\_ habitually reside(s) in Northern Ireland.
5. The adopted person is of the \_\_\_\_\_ sex, is a national of \_\_\_\_\_ and was born at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.
6. On the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ the said \_\_\_\_\_ (and \_\_\_\_\_ ) was (or were) authorised to adopt the said \_\_\_\_\_ by \_\_\_\_\_ at \_\_\_\_\_ and those persons are the persons to whom the certified copy of an entry in a public register (or other evidence of adoption) which is exhibited to this affidavit relates.
- (7. At the time at which the adoption was authorised the said \_\_\_\_\_ was a national of \_\_\_\_\_ and resided in \_\_\_\_\_ (the said \_\_\_\_\_ was a national of \_\_\_\_\_ and resided in \_\_\_\_\_ ) and the adopted person was a national of \_\_\_\_\_ and resided in \_\_\_\_\_ .)
- or
- (7. For other applications, details of the marriage or, as appropriate, of the determination or determinations should be given and any necessary documentary evidence relating thereto supplied.).
8. A statement of the grounds upon which the applicant intends to rely is exhibited to this affidavit.)

**Sworn etc**

This affidavit is filed on behalf of the applicant(s).

**Notes**

**Paragraph 3:** Enter the name(s) by which the adopted person has been known since the adoption.

**Paragraph 4:** This paragraph is not required for applications made under Article 55A(2). Where this paragraph is required, no application may be made to the court unless the adopter or, as the case may be, both adopters or the adopted person habitually reside in Northern Ireland immediately before the application is made. Therefore, the name(s) of either the adopter(s) or the adopted person should be entered.

**Paragraph 6:** Enter the description and the full address of the authority which authorised the adoption. Evidence of the adoption may be given either by a certified copy of an entry in a public register relating to adoptions or by a certificate that the adoption has been effected signed by a person who is authorised by the law of the country concerned to do so.

**Paragraph 7:** This paragraph should be completed where the application is made under Article 55A(1). Enter the name of the first adopter and of the second adopter, if applicable.

**Paragraph 8:** A statement of facts is required for an application to revoke a Convention adoption order under Article 55A. Expert evidence as to notified provisions may be necessary. In that or any other case where the applicant intends to rely on any provision of foreign law relating to adoption, any accompanying affidavit thereon must be sworn by a person who is suitably qualified on account of his knowledge or experience to give evidence as to the law concerned.

**FORM A20 Application for leave of Court where Application for Adoption Order/Freeing Order/Revocation of Freeing Order is pending (Heading as in Form A1)**

Rule 4C.1(2)(a)

WHEREAS an application for (an adoption order) (an order under Article 17 – Freeing for adoption – consent cases) (an order under Article 18 – Freeing for adoption – dispensation with consent cases) (an order under Article 20 – revocation of a freeing order) in respect of \_\_\_\_\_, a child of the sex born on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, has been made by \_\_\_\_\_ (and \_\_\_\_\_) of \_\_\_\_\_;

AND WHEREAS \_\_\_\_\_ has been appointed guardian ad litem of the child;

TAKE NOTICE that I/We \_\_\_\_\_, (description) of \_\_\_\_\_, hereby \_\_\_\_\_ made application for

- (1. leave of the court under Article 20(2) to place the child for adoption);
- (2. leave of the court under Article 28(1), to remove the child from the home of \_\_\_\_\_);
- (3. leave of the court under Article 28(2), to remove the child from the home of \_\_\_\_\_);
- (4. leave of the court under Article 29(1), to remove the child from the home of \_\_\_\_\_ an applicant for an adoption order in respect of the child, with whom the child has had his home for the 5 years preceding the making of the application);
- (5. leave of the court under Article 29(2), to remove the child from the home of \_\_\_\_\_, being a person who has given notice to the \_\_\_\_\_ Board of his intention to apply for an adoption order and with whom the child has had his home for the preceding 5 years);
- (6. an order of the court directing \_\_\_\_\_, of \_\_\_\_\_, who removed the child from my/our home in breach of Article 28/29 to return the child to me/us);
- (7. an order of the court directing \_\_\_\_\_, of \_\_\_\_\_, not to remove the child from my/our home in breach of Article 28/29);
- (8. leave of the court under Article 31(2), to give notice to \_\_\_\_\_ (and \_\_\_\_\_) of \_\_\_\_\_, applicants for an adoption order in respect of the child, of our intention to remove the child from his/their home).

THE GROUNDS on which I/We rely in support of this application are

Signed

Dated

#### Notes

**Paragraph 1:** May only be completed by the adoption agency holding parental responsibility by virtue of a freeing order.

**Paragraph 2:** To be completed by the parent or guardian, or applicant where the child has been placed for adoption.

**Paragraph 3:** To be completed by the parent or guardian of the child, with whose consent it is proposed to dispense.

**Paragraph 7:** The order may only be made if the applicant for the order has reasonable grounds for believing that the person named intends to remove the child.

**Paragraph 8:** May only be completed by the adoption agency which placed the child with the prospective adopters.

**FORM A21 Application for Leave of Court where no Application under Article 17, 18 or 20 is pending (Heading as in Form A1)**

Rule 4C.1(2)(b)

I/We, the undersigned, (and .) of hereby make application for

- (1. leave of the court under Article 20(2) to place the child for adoption)
- (2. leave of the court under Article 28(1), to remove the child from the home of );
- (3. leave of the court under Article 28(2), to remove the child from the home of );
- (4. leave of the court under Article 29(1), to remove the child from the home of an applicant for an adoption order in respect of the child, with whom the child has had his home for the 5 years preceding the making of the application);
- (5. leave of the court under Article 29(2), to remove the child from the home of , being a person who has given notice to the Board of his intention to apply for an adoption order and with whom the child has had his home for the preceding 5 years);
- (6. an order of the court directing , of , who removed the child from my/our home in breach of Article 28/29 to return the child to me/us);
- (7. an order of the court directing , of , not to remove the child from my/our home in breach of Article 28/29);
- (8. leave of the court under Article 31(2), to give notice to (and ) of , applicants for an adoption order in respect of the child, of our intention to remove the child from his/their home).

THE GROUNDS on which I/We rely in support of this application are

Signed

Dated

#### Notes

**Paragraph 1:** May only be completed by the adoption agency holding parental responsibility by virtue of a freeing order.

**Paragraph 2:** To be completed by the parent or guardian, or applicant where the child has been placed for adoption.

**Paragraph 3:** To be completed by the parent or guardian of the child, with whose consent it is proposed to dispense.

**Paragraph 7:** The order may only be made if the applicant for the order has reasonable grounds for believing that the person named intends to remove the child.

**Paragraph 8:** May only be completed by the adoption agency which placed the child with the prospective adopters.

FORM A22 *Order Freeing a Child for Adoption (Consent Cases)* (Heading as in Form A1)

Rule 4C.6

WHEREAS an application has been made (jointly) by \_\_\_\_\_ of \_\_\_\_\_, being an adoption agency, (and \_\_\_\_\_ parent(s) or guardian(s) of the child) for an order freeing for adoption \_\_\_\_\_, a child of the \_\_\_\_\_ sex, the child of \_\_\_\_\_ (and \_\_\_\_\_);

IT IS ORDERED that the child be freed for adoption and that parental responsibility for the child be vested in:

(AND AS REGARDS COSTS it is ordered that \_\_\_\_\_);

(AND WHEREAS the precise date of the child's birth has not been proved to the satisfaction of the court, but the court has determined the probable date of his/her birth to be the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_);

(AND WHEREAS it has been proved to the satisfaction of the court that the child was born in \_\_\_\_\_ (country);)

(AND WHEREAS the place of birth of the child has not been proved to the satisfaction of the court (but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, the child is treated as having been born in the registration district of \_\_\_\_\_ in the county of \_\_\_\_\_);)

(AND WHEREAS it has been proved to the satisfaction of the court that the child is identical with \_\_\_\_\_ to whom the entry numbered \_\_\_\_\_ made on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_, in the Register of Births for the registration district of \_\_\_\_\_ in the county of \_\_\_\_\_ relates (or with \_\_\_\_\_ to whom the entry numbered and dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_, in the Adopted Children Register relates);)

IT IS DIRECTED that this order is sufficient proof of the above particulars for the purposes of any future adoption application in respect of the child.

AND IT IS FURTHER RECORDED that \_\_\_\_\_ (and \_\_\_\_\_ being a parent or guardian of the child) made a declaration under Article 17(5) that he/she prefers not to be involved in future questions concerning the adoption of the child.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

**FORM A23 Order Freeing a Child for Adoption (Dispensation with Parental Consent)** *(Heading as in Form A1)*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 4C.6

WHEREAS an application has been made under Article 18(1) by \_\_\_\_\_ of \_\_\_\_\_, being an adoption agency, for an order freeing for adoption \_\_\_\_\_, a child of the sex, the child of \_\_\_\_\_ (and \_\_\_\_\_);

IT IS ORDERED that parental agreement to the making of an adoption be dispensed with on the grounds that *(enter one or more of the grounds set out in Article 16(2)).*

AND IT IS ORDERED that the child be freed for adoption and that parental responsibility for the child be vested in \_\_\_\_\_.

(AND AS REGARDS COSTS it is ordered that \_\_\_\_\_;)

(AND WHEREAS the precise date of the child's birth has not been proved to the satisfaction of the court, but the court has determined the probable date of his/her birth to be the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_;)

(AND WHEREAS the place of birth of the child has not been proved to the satisfaction of the court (but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, the child is treated as having been born in the registration district of \_\_\_\_\_ in the county of \_\_\_\_\_);)

(AND WHEREAS it has been proved to the satisfaction of the court that the child is identical with \_\_\_\_\_ to whom the entry numbered \_\_\_\_\_ made on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ in the Register of Births for the registration district of \_\_\_\_\_ in the county of \_\_\_\_\_ relates (or with \_\_\_\_\_ to whom the entry numbered \_\_\_\_\_ and dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, in the Adopted Children Register relates);)

IT IS DIRECTED that this order is sufficient proof of the above particulars for the purposes of any future adoption application in respect of the child.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

**FORM A24 Order revoking an Order Freeing a Child for Adoption/ dismissing an Application to revoke an Order Freeing a Child for Adoption (Heading as in Form A1)**

Rule 4C.6

WHEREAS an application has been made by \_\_\_\_\_ of \_\_\_\_\_ (and \_\_\_\_\_ of \_\_\_\_\_) for an order revoking an order freeing for adoption \_\_\_\_\_, a child of the \_\_\_\_\_ sex, the child of (and \_\_\_\_\_), such order having been made by the \_\_\_\_\_ court on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_;

IT IS ORDERED that the said order be revoked and that parental responsibility for the child be vested in (and \_\_\_\_\_);

(AND IT IS ORDERED that the application be dismissed (and that the applicant(s) shall not make further application under Article 20);

(AND IT IS ORDERED that \_\_\_\_\_ of \_\_\_\_\_ do make periodical payments to the child in the sum of £ \_\_\_\_\_ payable \_\_\_\_\_;)

(IT IS ORDERED that \_\_\_\_\_, the adoption agency which obtained the order under Article 17(18), is released from the duty of complying further with Article 19(3) as respects the applicant(s).)

(AND AS REGARDS COSTS it is ordered that \_\_\_\_\_;)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

**FORM A25 Interim Order (Heading as in Form A1)**



Rule 4C.6

WHEREAS an application has been made by \_\_\_\_\_ of \_\_\_\_\_ (and \_\_\_\_\_) for an adoption order in respect of a child of the \_\_\_\_\_ sex, the child/adopted child of \_\_\_\_\_ (and \_\_\_\_\_);

IT IS ORDERED that the determination of the application be postponed and that the applicant(s) do have parental responsibility for the child until the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by way of a probationary period (or that the determination of the application be postponed to the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and that the applicant(s) do have parental responsibility for the child until that day by way of a probationary period) (upon the following terms, namely \_\_\_\_\_);

(AND AS REGARDS COSTS it is ordered that \_\_\_\_\_);

(AND IT IS ORDERED that the application be further heard before the judge at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

**FORM A26Direction under Article 40(3A) of the Adoption (Northern Ireland) Order 1987(Heading as in Form A17)**

Rule 4C.6

WHEREAS an application has been made (jointly) by \_\_\_\_\_ of \_\_\_\_\_ (and \_\_\_\_\_) for a direction under Article 40(3A) of the Adoption (Northern Ireland) Order 1987 in respect of the adoption which was authorised on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_, by which \_\_\_\_\_ (and \_\_\_\_\_) was (or were) authorised to adopt the said \_\_\_\_\_.

AND WHEREAS the Court is satisfied that: –

1. The adoption of the said \_\_\_\_\_ was effected as a Convention adoption on the \_\_\_\_\_ day of \_\_\_\_\_ [19\_\_\_\_] [20\_\_\_\_] in \_\_\_\_\_; and
2. Under the law of that country the adoption was not effected as a full adoption; and
3. (The consents referred to in Articles 4(c) and (d) of the Convention have not been given for a full adoption) (the United Kingdom is not the Receiving State (within the meaning of Article 2 of the Convention)\*; and
4. In all the circumstances, it would be more favourable for the said \_\_\_\_\_ for a direction to be given under Article 40(3A) of the Adoption (Northern Ireland) Order 1987.

IT IS DIRECTED that –

1. (Article 40(2) of the Adoption (Northern Ireland) Order 1987 shall not apply to the said \_\_\_\_\_).
2. (Article 40(2) of the Adoption (Northern Ireland) Order 1987 shall apply to the said \_\_\_\_\_ with the following modifications):

(AND AS REGARDS COSTS it is ordered that \_\_\_\_\_).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\*Delete as appropriate

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**FORM A27(Convention) Adoption Order/Order Authorising a Proposed Foreign Adoption(Heading as in Form A1)**

Rule 4C.6

WHEREAS an application has been made by \_\_\_\_\_ of \_\_\_\_\_ whose occupation is \_\_\_\_\_ (and \_\_\_\_\_ whose occupation is \_\_\_\_\_) for an adoption order/an order authorising a proposed foreign adoption/a Convention adoption order in respect of \_\_\_\_\_, a child of the \_\_\_\_\_ sex, the child/adopted child of \_\_\_\_\_ (and \_\_\_\_\_);

IT IS ORDERED that (the applicant(s) do adopt the child)(or the applicant(s) be authorised to remove the child from Northern Ireland for the purpose of adopting him/her under the law of or within the country in which the applicant is/applicants are domiciled, and that parental responsibility for the child be vested in the applicant(s).

(AND AS REGARDS COSTS, it is ordered that \_\_\_\_\_;)

(AND IT IS RECORDED that the \_\_\_\_\_, being an adoption agency, placed the child for adoption with the applicant(s)/the \_\_\_\_\_ Board was notified of the applicant(s) intention to adopt the child;)

(AND WHEREAS the child was freed for adoption by the court on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_;)

(AND WHEREAS the precise date of the child's birth has not been proved to the satisfaction of the court, but the court has determined the probable date of his/her birth to be the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_;)

(AND WHEREAS it has been proved to the satisfaction of the court that the child was born in (country);)

(AND WHEREAS the place of birth of the child has not been proved to the satisfaction of the court (but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, the child is treated as having been born in the registration district of \_\_\_\_\_ in the county of \_\_\_\_\_);)

(AND WHEREAS it has been proved to the satisfaction of the court that the child was born on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_, (and is identical with \_\_\_\_\_ to whom the entry numbered \_\_\_\_\_ made on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_, in the Register of Births for the registration district of \_\_\_\_\_ in the county of \_\_\_\_\_ relates) (or with \_\_\_\_\_ to whom the entry numbered \_\_\_\_\_ and dated the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_, in the Adopted Children Register relates);)

(AND WHEREAS the name or names and surname stated in the application as those by which the child is to be known are \_\_\_\_\_;)

IT IS DIRECTED that the Registrar General shall make in the Adopted Children Register an entry in accordance with Article 51 of the 1987 Order recording the particulars set out in this order);

(AND IT IS FURTHER DIRECTED that the aforesaid entry in the Register of Births/Adopted Children Register be marked with the words "adopted"/"re-adopted"/"proposed foreign adoption"/"proposed foreign re-adoption"/"proposed Convention adoption".)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

## SCHEDULE 3

Rule 6

## APPENDIX 4

### PART I

#### **matters to be covered in reports supplied under rules 4a.3(4), 4a.4(7), 4a.22(1) or 4a.22(2)**

So far as is practicable, the report supplied by the adoption agency or, in the case of a report supplied under rule 4A.20(2), the Board shall include all the following particulars: –

#### 1. *The Child*

- (a) Name, sex, date and place of birth and address;
- (b) whether the child's parents were married to each other at the time of his birth and, if not, whether he was subsequently legitimated;
- (c) nationality;
- (d) physical description;
- (e) personality and social development;
- (f) religion, including details of baptism, confirmation or equivalent ceremonies;
- (g) details of any wardship proceedings and of any court orders relating to parental responsibility for the child or to maintenance and residence.
- (h) details of any brothers and sisters, including dates of birth, arrangements concerning with whom they are to live and whether any brother or sister is the subject of a parallel application.
- (i) extent of contact with members of the child's natural family and, if the child's parents were not married to each other at the time of his birth, his father, and in each case the nature of the relationship enjoyed;
- (j) if the child has been in the care of a Board or voluntary organisation, or is in such care, or is being or has been looked after by such an authority or organisation, details (including dates) of any placements with foster parents, or other arrangements in respect of the care of the child, including particulars of the persons with whom the child has had his home and observations on the care provided;
- (k) date and circumstances of placement with prospective adopter and, where a Convention adoption is proposed, details of the arrangements which were made for the transfer of the child to the UK and that they are in accordance with regulation 10(8) of the Hague Convention Regulations;
- (l) names, addresses and types of schools attended, with dates, and educational attainments;
- (m) any special needs in relation to the child's health (whether physical or mental) and his emotional and behavioural development and whether he is subject to a statement under the Education and Libraries (Northern Ireland) Order 1986<sup>(18)</sup>;
- (n) what, if any, rights to or interest in property or any claim to damages, under the Fatal Accidents (Northern Ireland) Order 1977<sup>(19)</sup> or otherwise, the child stands to retain or lose if adopted;

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<sup>(18)</sup> S.I. 1986/594 (N.I. 3)

<sup>(19)</sup> S.I. 1977/1251 (N.I. 18)

- (o) wishes and feelings in relation to adoption and the application, including any wishes in respect of religious and cultural upbringing; and
- (p) any other relevant information which might assist the court.

2. *Each Natural parent*

- (a) Name, date and place of birth and address;
- (b) marital status and date and place of marriage (if any);
- (c) past and present relationship (if any) with the other natural parent, including comments on its stability;
- (d) physical description;
- (e) personality;
- (f) religion;
- (g) educational attainments;
- (h) past and present occupations and interests;
- (i) so far as available, names and brief details of the personal circumstances of the parents and any brothers and sisters of the natural parent, with their ages or ages at death;
- (j) wishes and feelings in relation to adoption and the application, including any wishes in respect of the child's religious and cultural upbringing.
- (k) reasons why any of the above information is unavailable; and
- (l) any other relevant information which might assist the court.

3. *Guardian(s)*

Give the details required under paragraph 2(a), (f), (j) and (l).

4. *Prospective Adopter(s)*

- (a) name, date and place of birth and address;
- (b) domicile;
- (c) relationship (if any) to the child;
- (d) marital status, date and place of marriage (if any) and comments on stability of relationship;
- (e) details of any previous marriage;
- (f) if a parent and step-parent are applying, the reasons why they prefer adoption to a residence order;
- (g) if a natural parent is applying alone, the reasons for the exclusion of the other parent;
- (h) if a married person is applying alone, the reasons for this;
- (i) physical description;
- (j) personality;
- (k) religion, and whether willing to follow any wishes of the child or his parents or guardian in respect of the child's religious and cultural upbringing;
- (l) educational attainments;
- (m) past and present occupations and interests;
- (n) particulars of the home and living conditions (and particulars of any home where the prospective adopter proposes to live with the child, if different);
- (o) details of income and comments on the living standards of the household;

- (p) details of other members of the household (including any children of the prospective adopter even if not resident in the household);
- (q) details of the parents and any brothers or sisters of the prospective adopter, with their ages or ages at death;
- (r) attitudes to the proposed adoption of such other members of the prospective adopter's household and family as the adoption agency or, as the case may be, the Board considers appropriate;
- (s) previous experience of caring for children as step-parent, foster parent, child-minder or prospective adopter and assessment of ability in this respect, together, where appropriate, with assessment of ability in bringing up the prospective adopter's own children;
- (t) reasons for wishing to adopt the child and extent of understanding of the nature and effect of adoption;
- (u) any hopes and expectations for the child's future;
- (v) assessment of ability to bring up the child throughout his childhood;
- (w) details of any adoption allowance payable;
- (x) confirmation that any referees have been interviewed, with a report of their views and opinion of the weight to be placed thereon; and
- (y) any other relevant information which might assist the court.

5. *Actions of the adoption agency or Board supplying the report*

- (a) Reports under rules 4A.3(4), 4A.4(7), or 4A.22(1): –
  - (i) brief account of the agency's actions in the case, with particulars and dates of all written information and notices given to the child, his natural parents and the prospective adopter;
  - (ii) details of alternatives to adoption considered;
  - (iii) reasons for considering that adoption would be in the child's best interest (with date of relevant decision); and
  - (iv) reasons for considering that the prospective adopter would be suitable to be an adoptive parent and that he would be suitable for this child (with dates of relevant decisions) or, if the child has not yet been placed for adoption, reasons for considering that he is likely to be so placed; or
- (b) Reports under rule 4A.22(2): –
  - (i) confirmation that notice was given under Article 22 with the date of that notice;
  - (ii) brief account of the Board's actions in the case; and
  - (iii) account of investigations whether child was placed in contravention of Article 11.

6. *Generally*

- (a) Whether any respondent appears to be under the age of majority or under a mental disability; and
- (b) whether, in the opinion of the body supplying the report, any other person should be made a respondent (for example, a person claiming to be the father of a child whose parents were not married to each other at the time of his birth, a spouse or ex-spouse of a natural parent, a relative of a deceased parent, or a person with parental responsibility).

7. Further information to be provided in proceedings relating to a Convention adoption/foreign adoption–

- (a) where the UK is the State of origin confirmation that an order has been made under section 18(1) of the Adoption Act 1976<sup>(20)</sup>, section 18 of the Adoption (Scotland) Act 1978<sup>(21)</sup> or Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987<sup>(22)</sup>;
- (b) where the UK is the State of origin confirmation that, after possibilities for placement of the child within the UK have been given due consideration, an intercountry adoption is in the child's best interests;
- (c) confirmation that the requirements of regulations made under Article 10(1) or 58ZA of the Adoption (Northern Ireland) Order 1987 have been complied with and, in the case of a Convention adoption, that the requirements of the Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003<sup>(23)</sup> have been complied with;
- (d) for a Convention adoption where the United Kingdom is either the State of origin or the receiving State confirmation that the Central Authorities of both States have agreed that the adoption may proceed. The documents supplied by the CA of the State of origin should be attached to the report together with a translation, if necessary.

#### 8. Conclusions

(This part of the report should contain more than a simple synopsis of the information above. As far as possible, the court should be given a fuller picture of the child, his natural parents and, where appropriate, the prospective adopter) –

- (a) except where the applicant or one of them is a parent of the child, a summary by the medical adviser to the body supplying the report, of the health, history and state of health of the child, his natural parents and, if appropriate, the prospective adopter, with comments on the implications for the order sought and on how any special health needs of the child might be met;
- (b) opinion on whether making the order sought would be in the child's best long-term interests, and on how any special emotional, behavioural and educational needs of the child might be met;
- (c) opinion on the effect of the child's natural parents of making the order sought;
- (d) if the child has been placed for adoption, opinion on the likelihood of full integration of the child into the household, family and community of the prospective adopter, and on whether the proposed adoption would be in the best long-term interests of the prospective adopter;
- (e) opinion, if appropriate, on the relative merits of adoption and custody; and
- (f) final conclusions and recommendations whether the order sought should be made (and, if not, alternative proposals).

## PART II

### reports on the health of the child and of the prospective adopter(s)

#### *Rule 4A.15(5)(b)*

This information is required for reports on the health of a child and of his prospective adopter(s). Its purpose is to build up a full picture of their health history and current state of health, including strengths and weaknesses. This will enable the Board's medical adviser to base his advice to the court on the fullest possible information, when commenting on the health implications of the proposed

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<sup>(20)</sup> 1976 c. 36

<sup>(21)</sup> 1978 c. 28

<sup>(22)</sup> S.I.1987/2203 (N.I. 22)

<sup>(23)</sup> S.R. 2003 No. 16

adoption. The reports made by the examining doctor should cover, as far as practicable, the following matters.

### 1. The Child

Name, date of birth, sex, weight and height.

A A health history of each natural parent, so far as is possible, including: –

- (i) name, date of birth, sex, weight and height;
- (ii) a family health history, covering the parents, the brothers and sisters and the other children of the natural parent, with details of any serious physical or mental illness and inherited and congenital disease;
- (iii) past health history, including details of any serious physical or mental illness, disability, accident, hospital admission or attendance at an out-patient department, and, in each case, any treatment given;
- (iv) a full obstetric history of the mother, including any problems in the ante-natal, labour and post-natal periods, with the results of any tests carried out during or immediately after pregnancy;
- (v) details of any present illness, including treatment and prognosis;
- (vi) any other relevant information which might assist the medical adviser; and
- (vii) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.

B A neo-natal report on the child, including –

- (i) details of the birth, and any complications;
- (ii) results of a physical examination and screening tests;
- (iii) details of any treatment given;
- (iv) details of any problem in management and feeding;
- (v) any other relevant information which might assist the medical adviser; and
- (vi) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.

C A full health history and examination of the child, including: –

- (i) details of any serious illness, disability, accident, hospital admission or attendance at an out-patient department, and, in each case, any treatment given;
- (ii) details and dates of immunisations;
- (iii) a physical and developmental assessment according to age, including an assessment of vision and hearing and of neurological, speech and language development and any evidence of emotional disorder;
- (iv) for a child over five years of age, the school health history (if available);
- (v) any other relevant information which might assist the medical adviser; and
- (vi) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.

D The signature, name, address and qualifications of the medical practitioner who prepared the report, and the date of the report and of the examinations carried out.

### 2. The Applicant

(If there is more than one applicant, a report on each applicant should be supplied covering all the matters listed below.)

A (i) name, date of birth, sex, weight and height;

- (ii) a family health history, covering the parents, the brothers and sisters and the children of the applicant, with details of any serious physical or mental illness and inherited and congenital disease;
- (iii) marital history, including (if applicable) reasons for inability to have children;
- (iv) past health history, including details of any serious physical or mental illness, disability, accident, hospital admission or attendance at an out-patient department, and in each case any treatment given;
- (v) obstetric history (if applicable);
- (vi) details of any present illness, including treatment and prognosis;
- (vii) a full medical examination;
- (viii) details of any daily consumption of alcohol, tobacco and habit-forming drugs;
- (ix) any other relevant information which might assist the medical adviser; and
- (x) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.

B The signature, name, address and qualifications of the medical practitioner who prepared the report, and the date of the report and of the examination carried out.

## PART III

### modification to form a9 for the purposes of convention proceedings

*Rule 4B.2(2)(b)*

## PART IV

### additional information required for a convention adoption application

26. Where the United Kingdom is the receiving State –

The Child

- (i) to be adopted has not attained the age of 18 years at the date of the application; and
- (ii) was habitually resident in            which is a Convention country outside the British Islands on the date on which the agreement under Article 17(c) of the Convention was made.

The Applicants

- (iii) both spouses (in the case of an application by a married couple) or the applicant (in the case of an application by one person) have attained the age of 21 years and have been habitually resident in the British Islands for a period of not less than one year ending with the date of the application;



- (iv) [both spouses (in the case of an application by a married couple) or the applicant (in the case of an application by one person) are British citizens by virtue of the British Nationality Act 1981 (24)].

[Whereas, (insert name of applicant(s)) is/are not a British citizen by virtue of section 1 of the British Nationality Act 1981, the Home Office has confirmed that the child is authorised to enter and reside permanently in the United Kingdom].

27. Where the United Kingdom is the State of origin –

The Child

- (i) to be adopted has not attained the age of 18 years at the date of the application;
- (ii) is free for adoption by virtue of an order made under section 18 of the Adoption Act 1976, section 18 of the Adoption (Scotland) Act 1978, or Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987; and
- (iii) is habitually resident in which is part of the British Islands on the date of the application.

The Applicants

Both spouses (in the case of an application by a married couple) or the applicant (in the case of an application by one person) have attained the age of 21 years and are habitually resident in which is a Convention country outside the British Islands on the date of the application.

#### Notes

**Paragraph 26:** The report on the child prepared by the CA of the State of origin should be exhibited. In sub-paragraph (iv) delete the words in square brackets which do not apply. Where one of the applicants is not a British citizen by virtue of the British Nationality Act 1981, notice of confirmation from the Home Office that the child is authorised to enter and reside permanently in the United Kingdom should be exhibited.

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### EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These Rules amend the Family Proceedings Rules (Northern Ireland) 1996 so as to introduce rules and forms relating to the adoption of children in consequence of the Adoption (Northern Ireland) Order 1987, as amended by the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001.