

---

STATUTORY INSTRUMENTS

---

**1984 No. 265**

**CHILDREN AND YOUNG PERSONS**

**The Adoption Rules 1984**

<i>Made</i>	- - - -	17th February 1984
<i>Laid before Parliament</i>		9th March 1984
<i>Coming into Operation</i>		27th May 1984

The Lord Chancellor, in exercise of the powers conferred on him by section 9(3) of the Adoption Act 1958(a), as amended by paragraph 22 of Schedule 3 to the Children Act 1975(b), and section 12(1) of the Adoption Act 1968(c), as amended by Part III of Schedule 4 to the Children Act 1975, and all other powers enabling him in that behalf, hereby makes the following rules:—

PART I

INTRODUCTORY

*Citation and commencement*

1. These rules may be cited as the Adoption Rules 1984 and shall come into operation on 27th May 1984.

*Interpretation*

2.—(1) In these rules, unless the context otherwise requires—

“the 1958 Act” means the Adoption Act 1958;

“the 1968 Act” means the Adoption Act 1968;

“the 1975 Act” means the Children Act 1975;

“the 1980 Act” means the Child Care Act 1980(d);

“adoption agency” means a local authority or approved adoption society;

“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 proceedings” means proceedings in the High Court on an application for a Convention adoption order and proceedings in the High Court under the 1968 Act;

---

(a) 1958 c. 5.  
(b) 1975 c. 72.  
(c) 1968 c. 53.  
(d) 1980 c. 5.

“the court” means the High Court and any county court having authority by virtue of section 100(2) of the 1975 Act to hear the application;

“interim order” means an order under section 19 of the 1975 Act;

“order authorising a proposed foreign adoption” means an order under section 25 of the 1975 Act;

“process” means, in the High Court, a summons and, in a county court, an application;

“proper officer” means, in the High Court, a registrar of the Principal Registry of the Family Division and, in a county court, the person defined as “proper officer” by Order 1(3) of the County Court Rules 1981(a); and

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

(2) Expressions which are used in the 1975 Act have the same meaning as in that Act.

(3) In these rules a rule referred to by number means the rule so numbered in these rules, and a form referred to by number means the form so numbered in Schedule 1 to these rules, or a form substantially to the like effect, with such variations as the circumstances may require.

#### *Extent and application of other rules*

3.—(1) These rules shall apply to proceedings in the High Court and in a county court under the 1958 Act or Part I of the 1975 Act, and Part IV of these rules shall apply to Convention proceedings, commenced on or after 27th May 1984.

(2) Subject to the provisions of these rules and any enactment, the Rules of the Supreme Court (Revision) 1965(d) and the County Court Rules 1981 shall apply with the necessary modifications to proceedings in the High Court and a county court respectively under the 1958 Act, the 1968 Act or Part I of the 1975 Act.

(3) For the purposes of paragraph (2) any provision of these rules authorising or requiring anything to be done shall be treated as if it were a provision of the Rules of the Supreme Court 1965 or the County Court Rules 1981 as the case may be.

(4) Unless the contrary intention appears, any power which by these rules may be exercised by the court may be exercised by the proper officer.

---

(a) S.I. 1981/1687.

(b) 1955 c. 18.

(c) 1955 c. 19.

(d) S.I. 1965/1776.

## PART II

## FREEING FOR ADOPTION

*Commencement of proceedings*

4.—(1) Proceedings to free a child for adoption shall be commenced—

- (a) by originating summons in Form 1 issued out of the Principal Registry of the Family Division; or
- (b) by filing in the office of the appropriate county court an originating application in Form 1.

(2) The applicant shall be the adoption agency and the respondents shall be—

- (a) each parent or guardian of the child;
- (b) any local authority having the powers and duties of a parent or guardian of the child by virtue of section 10 of the 1980 Act;
- (c) any local authority in whom the parental rights and duties in respect of the child are vested, whether jointly or not, by virtue of section 3 of the 1980 Act;
- (d) any voluntary organisation in whom the parental rights and duties in respect of the child are vested, whether jointly or not, by virtue of section 64 of the 1980 Act;
- (e) any local authority or voluntary organisation in whose care the child is under section 2 of the 1980 Act or under or within the meaning of any other enactment;
- (f) any person liable by virtue of any order or agreement to contribute to the maintenance of the child; and
- (g) in the High Court, the child.

(3) The court may at any time direct that any other person or body, save in a county court the child, be made a respondent to the process.

(4) On filing the originating process the applicant shall pay the appropriate fee and supply three copies of:—

- (a) Form 1, together with any other documents required to be supplied, and
- (b) a report in writing covering all the relevant matters specified in Schedule 2 to these rules.

*Appointment and duties of reporting officer*

5.—(1) As soon as practicable after the originating process has been filed or at any stage thereafter, if it appears that a parent or guardian of the child is willing to agree to the making of an adoption order and is in England or Wales, the proper officer shall appoint a reporting officer in respect of that parent or guardian, and shall send to him a copy of the originating process and any documents attached thereto and of the report supplied by the applicant.

(2) The same person may be appointed as reporting officer in respect of two or more parents or guardians of the child.

(3) The reporting officer shall be appointed from a panel established by the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983(a) but 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.

(4) The reporting officer 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 section 14(7) of the 1975 Act that he prefers not to be involved in future questions concerning the adoption of the child;
- (c) witness the signature by the parent or guardian of the written agreement to the making of an adoption order;
- (d) investigate all the circumstances relevant to that agreement and any such declaration;
- (e) where it is proposed to free an illegitimate child for adoption and his father is not his guardian, interview any person claiming to be the father in order to be able to advise the court on the matters listed in section 14(8) of the 1975 Act; but if more than one reporting officer has been appointed, the proper officer shall nominate one of them to conduct the interview; and
- (f) 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.

(5) With a view to obtaining the directions of the court on any matter, the reporting officer may at any time make such interim report to the court as appears to him to be necessary and, in particular, the reporting officer shall make a report if a parent or guardian of the child is unwilling to agree to the making of an adoption order, and in such a case the proper officer shall notify the applicant.

(6) The court may, at any time before the final determination of the application, require the reporting officer to perform such further duties as the court considers necessary.

(7) The reporting officer shall attend any hearing of the application if so required by the court.

(8) Any report made to the court under this rule shall be confidential.

*Appointment and duties of guardian ad litem*

6.—(1) As soon as practicable after the originating process has been filed, or

---

(a) S.I. 1983/1908.

after receipt of the statement of facts supplied under rule 7, if it appears that a parent or guardian of the child is unwilling to agree to the making of an adoption order, the proper officer shall appoint a guardian ad litem of the child and shall send to him a copy of the originating process, together with any documents attached thereto, the statement of facts and the report supplied by the applicant.

(2) Where there are special circumstances and it appears to the court that the welfare of the child requires it, the court may at any time appoint a guardian ad litem of the child, and where such an appointment is made the court shall indicate any particular matters which it requires the guardian ad litem to investigate, and the proper officer shall send the guardian ad litem a copy of the originating process together with any documents attached thereto and the report supplied by the applicant.

(3) The same person may be appointed as reporting officer under rule 5(1) in respect of a parent or guardian who appears to be willing to agree to the making of an adoption order, and as guardian ad litem of the child under this rule, and, whether or not so appointed as reporting officer, the guardian ad litem may be appointed as reporting officer in respect of a parent or guardian of the child who originally was unwilling to agree to the making of an adoption order but who later signifies his or her agreement.

(4) In the High Court, unless the applicant desires some other person to act as guardian ad litem, the Official Solicitor shall, if he consents, be appointed as the guardian ad litem of the child.

(5) In a county court and where, in the High Court, the Official Solicitor does not consent to act as guardian ad litem, or the applicant desires some other person so to act, the guardian ad litem shall be appointed from a panel established by the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983 but 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.

(6) 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) so far as he considers necessary, the matters alleged in the originating process, the report supplied by the applicant and, where appropriate, the statement of facts supplied under rule 7, 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 process; and

(c) perform such other duties as appear to him to be necessary or as the court may direct.

(7) On completing his investigations the guardian ad litem shall 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.

(8) 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.

(9) 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.

(10) The guardian ad litem shall attend any hearing of the application unless the court otherwise orders.

(11) Any report made to the court under this rule shall be confidential.

*Statement of facts in dispensation cases*

7.—(1) Where the adoption agency applying for an order freeing a child for adoption 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 section 12(2) of the 1975 Act, the request shall, unless otherwise directed, be made in the originating process, or, if made subsequently, by notice to the proper officer and there shall be attached to the originating process or notice three copies of the statement of facts on which the applicant intends to rely.

(2) 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 (1) shall be framed in such a way as not to disclose the identity of that person.

(3) Where a statement of facts has been supplied under paragraph (1), the proper officer shall, where and as soon as practicable, inform the parent or guardian of the request to dispense with his agreement and shall send to him a copy of the statement supplied under paragraph (1).

(4) The proper officer shall also send a copy of the statement supplied under paragraph (1) to the guardian ad litem and to the reporting officer if a different person.

*Agreement*

8.—(1) Any document signifying the agreement of a person to the making of an adoption order may be in Form 2, and, if executed by a person outside England and Wales before the commencement of the proceedings, shall be filed with the originating process.

(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 Northern Ireland 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.

*Notice of hearing*

**9.**—(1) As soon as practicable after receipt of the originating process, the proper officer shall list the case for hearing by a judge, and shall serve notice of the hearing on all the parties, the reporting officer and the guardian ad litem (if appointed) in Form 3.

(2) The reporting officer and the guardian ad litem (if appointed), but no other person, shall be served with a copy of the originating process and the report supplied by the applicant, and that report shall be confidential.

(3) If, at any stage before the hearing of the process, it appears to the court that directions for the hearing are required, the court may give such directions as it considers necessary and, in any event, the court shall, not less than four weeks before the date fixed for the hearing under paragraph (1), consider the documents relating to the process with a view to giving such further directions for the hearing as appear to the court to be necessary.

*The hearing*

**10.**—(1) On the hearing of the process, any person upon whom notice is required to be served under rule 9 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 party which is a local authority, adoption agency or other body 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) Subject to paragraph (5), the judge shall not make an order freeing the child for adoption except after the personal attendance before him of a representative of the applicant duly authorised in that behalf and of the child.

(5) If there are special circumstances which, having regard to the report of the guardian ad litem (if any), 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 necessary, the court may direct that that party shall attend.

*Proof of identity of child, etc*

11.—(1) Where the child who is the subject of the proceedings is identified in the originating process by reference to a birth certificate which is the same, or relates to the same entry in the Registers 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 Registers 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 and sub-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*

12.—(1) An application by a former parent for an order revoking an order freeing the child for adoption shall be made in Form 4 in the proceedings commenced under rule 4.

(2) Notice of the proceedings shall be served on all parties and on any adoption agency in which the parental rights and duties relating to the child are vested by virtue of section 23 of the 1975 Act, save that notice shall not be served on a party to the proceedings who was joined as a party by virtue of rule 4(2) (b), (c), (d) or (e).

(3) As soon as practicable after receipt of the application, the proper officer shall list the case for hearing by a judge and shall appoint a guardian ad litem of the child in accordance with rule 6(4) or (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 6 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.

*Transfer of parental rights and duties between adoption agencies*

13.—(1) An application by two adoption agencies desiring the court to transfer the parental rights and duties relating to the child between themselves



under section 23 of the 1975 Act shall be made in Form 5 in the proceedings commenced under rule 4.

(2) Notice of any order made under section 23 of the 1975 Act shall be sent by the court to the court which made the order under section 14 of the 1975 Act (if a different court) and to any former parent (as defined in section 15(1) of the 1975 Act) of the child.

### PART III

#### ADOPTION ORDERS

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

14. If any person proposing to apply to the court for an adoption order wishes his identity to be kept confidential, he may, before commencing proceedings, apply to the proper officer for a serial number to be assigned to him for the purposes of identifying him in the proposed process and a number shall be assigned to him accordingly.

##### *Commencement of proceedings*

15.—(1) Proceedings for an adoption order shall be commenced—

- (a) by originating summons in Form 6 issued out of the Principal Registry of the Family Division; or
- (b) by filing in the office of the appropriate county court an originating application in Form 6.

(2) The applicant shall be the proposed adopter and 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 in whom the parental rights and duties relating to the child are vested by virtue of section 14 or 23 of the 1975 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 local authority to whom the applicant has given notice under section 18 of the 1975 Act of his intention to apply for an adoption order;
- (e) any local authority having the powers and duties of a parent or guardian of the child by virtue of section 10 of the 1980 Act;
- (f) any local authority in whom the parental rights and duties in respect of the child are vested, whether jointly or not, by virtue of section 3 of the 1980 Act;
- (g) any voluntary organisation in whom the parental rights and duties in respect of the child are vested, whether jointly or not, by virtue of section 64 of the 1980 Act;

- (h) any person liable by virtue of any order or agreement to contribute to the maintenance of the child;
- (i) any local authority or voluntary organisation in whose care the child is under section 2 of the 1980 Act or under or within the meaning of any other enactment;
- (j) where the applicant proposes to rely on section 11(1)(b)(ii) of the 1975 Act, the spouse of the applicant; and
- (k) in the High Court, the child.

(3) The court may at any time direct that any other person or body, save in a county court the child, be made a respondent to the process.

(4) On filing the originating process the applicant shall pay the appropriate fee and supply three copies of—

- (a) Form 6, together with any other documents required to be supplied, 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 registered medical practitioner made not more than three months earlier on the health of the child and of each applicant, covering the matters specified in Schedule 3 to these rules.

#### *Preliminary examination of application*

**16.** If it appears to the proper officer on receipt of the originating process for an adoption order that the court—

- (a) may be precluded, by virtue of section 22(4) of the 1975 Act, from proceeding to hear the application, or
- (b) may for any other reason appearing in the process have no jurisdiction to make an adoption order,

he shall refer the process to the judge for directions.

#### *Appointment and duties of reporting officer*

**17.—(1)** As soon as practicable after the originating process has been filed or at any stage thereafter, if the child is not free for adoption and if it appears that a parent or guardian of the child is willing to agree to the making of an adoption order and is in England and Wales, the proper officer shall appoint a reporting officer in respect of that parent or guardian, and shall send to him a copy of the originating process and any documents attached thereto.

(2) The same person may be appointed as reporting officer in respect of two or more parents or guardians of the child.

(3) The reporting officer shall be appointed from a panel established by the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983 but shall not be a member or employee of any respondent body (except where a local authority is made a respondent only under rule 15(2)(d)) nor have been involved in the making of any arrangements for the adoption of the child.

(4) The reporting officer 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) witness the signature by the parent or guardian of the written agreement to the making of the adoption order;
- (c) investigate all the circumstances relevant to that agreement; and
- (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.

(5) Paragraphs (5) to (8) of rule 5 shall apply to a reporting officer appointed under this rule as they apply to a reporting officer appointed under that rule.

*Appointment and duties of guardian ad litem*

**18.**—(1) As soon as practicable after the originating process has been filed, or after receipt of the statement of facts supplied under rule 19, if the child is not free for adoption and if it appears that a parent or guardian of the child is unwilling to agree to the making of the adoption order, the proper officer shall appoint a guardian ad litem of the child and shall send to him a copy of the originating process together with any documents attached thereto.

(2) Where there are special circumstances and it appears to the court that the welfare of the child requires it, the court may at any time appoint a guardian ad litem of the child and where such an appointment is made the court shall indicate any particular matters which it requires the guardian ad litem to investigate, and the proper officer shall send the guardian ad litem a copy of the originating process together with any documents attached thereto.

(3) The same person may be appointed as reporting officer under rule 17(1) in respect of a parent or guardian who appears to be willing to agree to the making of the adoption order, and as guardian ad litem of the child under this rule, and, whether or not so appointed as reporting officer, the guardian ad litem may be appointed as reporting officer in respect of a parent or guardian of the child who originally was unwilling to agree to the making of an adoption order but who later signifies his or her agreement.

(4) In the High Court, unless the applicant desires some other person to act as guardian ad litem, the Official Solicitor shall, if he consents, be appointed as the guardian ad litem of the child.

(5) In a county court and where, in the High Court, the Official Solicitor does not consent to act as guardian ad litem, or the applicant desires some other person so to act, the guardian ad litem shall be appointed from a panel established by the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983 but shall not be a member or employee of any respondent body (except where a local authority is made a respondent only under rule 15(2)(d)) nor have been involved in the making of any arrangements for the adoption of the child.

(6) 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) so far as he considers necessary, the matters alleged in the

originating process, any report supplied under rule 22(1) or (2) and, where appropriate, the statement of facts supplied under rule 19;

- (ii) any other matters which appear to him to be relevant to the making of an adoption order;
- (b) advise whether, in his opinion, the child should be present at the hearing of the process; and
- (c) perform such other duties as appear to him to be necessary or as the court may direct.

(7) Paragraphs (7) to (11) of rule 6 shall apply to a guardian ad litem appointed under this rule as they apply to a guardian ad litem appointed under that rule.

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

**19.**—(1) Where the child is not free for adoption and the applicant for the adoption order 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 section 12(2) of the 1975 Act, the request shall, unless otherwise directed, be made in the originating process or, if made subsequently, by notice to the proper officer and there shall be attached to the originating process or notice three copies of the statement of facts on which the applicant intends to rely.

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

(3) Where a statement of facts has been supplied under paragraph (1), the proper officer shall, where and as soon as practicable, inform the parent or guardian of the request to dispense with his agreement and shall send to him a copy of the statement supplied under paragraph (1).

(4) The proper officer shall also send a copy of the statement supplied under paragraph (1) to the guardian ad litem and to the reporting officer if a different person.

#### *Agreement*

**20.**—(1) Any document signifying the agreement of a person to the making of the adoption order may be in Form 7, and, if executed by a person outside England and Wales before the commencement of the proceedings, shall be filed with the originating process.

(2) If the document is executed outside England and Wales it shall be witnessed by one of the persons specified in rule 8(2), (3) or (4), according to the country in which it is executed.

#### *Notice of hearing*

**21.**—(1) Subject to paragraph (4), the proper officer shall list the case for hearing by a judge as soon as practicable after the originating process has been

filed, and shall serve notice of the hearing on all the parties, the reporting officer and the guardian ad litem (if appointed) in Form 8.

(2) In a case where section 18 of the 1975 Act applies, the proper officer shall send a copy of the originating process and, where appropriate, of the report supplied under rule 15(4), to the local authority to whom notice under that section was given.

(3) No person other than the reporting officer, the guardian ad litem (if appointed) and, in cases where section 18 of the 1975 Act applies, the local authority to whom notice under that section was given, shall be served with a copy of the originating process.

(4) Where section 18 of the 1975 Act applies, the proper officer shall list the case for hearing on a date not less than three months from the date of the notice given to the local authority under that section.

(5) If, at any stage before the hearing of the process, it appears to the court that directions for the hearing are required, the court may give such directions as it considers necessary and, in any event, the court shall, not less than four weeks before the date fixed for the hearing under paragraph (1), consider the documents relating to the process with a view to giving such further directions for the hearing as appear to the court to be necessary.

*Reports by adoption agency or local authority*

**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 21, three copies of a report in writing covering the matters specified in Schedule 2 to these rules.

(2) Where the child was not placed for adoption with the applicant by an adoption agency, the local authority to whom the notice under section 18 of the 1975 Act was given shall supply, within six weeks of receipt of the notice of hearing under rule 21, three copies of a report in writing covering the matters specified in Schedule 2 to these rules.

(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 proper officer shall send a copy of any report supplied under paragraph (1) or (2) to the reporting officer and to the guardian ad litem (if appointed).

(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*

**23.—**(1) On the hearing of the process, any person upon whom notice is required to be served under rule 21 may attend and be heard on the question whether an adoption order should be made.

(2) Any member or employee of a party which is a local authority, adoption

agency or other body 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 14, the proceedings shall be conducted with a view to securing that he is not seen by or made known to any respondent who is not already aware of the applicant's 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 (if any), 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 necessary, the court may direct that that party shall attend.

(7) In the case of an application under section 10 of the 1975 Act, 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 originating process 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 8(4).

*Proof of identity of child, etc*

24.—(1) Where the child who is the subject of the proceedings is identified in the originating process by reference to a birth certificate which is the same, or relates to the same entry in the Registers 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 Registers 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 and sub-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 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 section

14 of the 1975 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*

25. Where the court has made an interim order, the proper officer shall list the case for further hearing by a judge on a date before the order expires and shall send notice in Form 8 of the date of the hearing to all the parties and to the guardian ad litem (if appointed) not less than one month before that date.

*Committal of child to care on refusal of adoption order*

26.—(1) This rule applies where the court refuses to make an adoption order in relation to a child and proposes to make an order under section 17(1)(b) of the 1975 Act committing the child to the care of a local authority.

(2) Where the local authority in whose area the child is, is a party to the proceedings and is represented before the court when the adoption order is refused, the court may proceed forthwith to hear any representations from the local authority as to the making of an order under section 17(1)(b) or 17(2) of the 1975 Act.

(3) Where the local authority in whose area the child is—

- (a) is not a party to the proceedings, or
- (b) is not represented before the court when the adoption order is refused, or
- (c) makes representations as to the making of an order under section 17(2) of the 1975 Act,

the court shall adjourn the hearing and the proper officer shall list the case for further hearing by a judge and shall, not less than 14 days before the date of that hearing, send notice thereof in Form 8 to the authority, to the applicant for the adoption order, to each parent and to the guardian ad litem (if appointed) and shall send to a local authority which is not a party to the proceedings a copy of any notice served on the respondents under rule 21 or 25.

## PART IV

### CONVENTION PROCEEDINGS

*Introductory*

27.—(1) This Part of these rules shall apply to Convention proceedings and, subject to the provisions of this Part of these rules, Parts I, III and V of these rules shall apply, with the necessary modifications, to Convention proceedings as they apply to proceedings in the High Court under the 1958 Act or Part I of the 1975 Act.

(2) Any reference in this Part of these rules to the nationality of a person who is not solely a United Kingdom national means that person's nationality as determined in accordance with section 9 of the 1968 Act.

*Originating process*

**28.**—(1) An applicant for a Convention adoption order shall state in his originating process that he is applying for a Convention adoption order.

(2) The originating process—

- (a) need not contain paragraphs corresponding to paragraphs 2, 24 or 25 of Form 6 but
- (b) shall contain the additional information required by Schedule 4 to these rules.

*Evidence as to nationality*

**29.**—(1) Any document (or copy of a document) which is to be used for the purposes of satisfying the court as to the nationality of the applicant or of the child shall be attached to the originating process.

(2) Where the applicant claims that for the purposes of section 24(2)(a), (4)(a) or (5)(a) of the 1975 Act he or the child is a national of a Convention country, he shall attach to the originating process a statement by an expert as to the law of that country relating to nationality applicable to that person.

*Statement at hearing*

**30.** The requirement that the conditions in section 24(2), (3) and (4) or (5) of the 1975 Act are satisfied immediately before the order is made may be established by—

- (a) oral evidence at the hearing of an application for a Convention adoption order, or
- (b) a document executed by the applicant containing a statement to that effect attested in accordance with rule 44 and such a statement shall be admissible in evidence without further proof of the signature of the applicant.

*Orders*

**31.** Within 7 days after a Convention adoption order has been drawn up, the proper officer shall by notice to the Registrar General request him to send the information to the designated authorities of any Convention country—

- (a) of which the child is a national;
- (b) in which the child was born;
- (c) in which the applicant habitually resides; or
- (d) of which the applicant is a national.



## ADDITIONAL PROVISIONS FOR CASES WHERE CHILD IS NOT A UNITED KINGDOM NATIONAL

*Scope of Rules 33 to 36*

32. Rules 33 to 36 shall apply to any case where the child is not a United Kingdom national, and in such a case—

- (a) the provisions in Part III of these rules, other than rules 17 and 20 (agreement to adoption), and
- (b) paragraphs 9 to 14 of Form 6,

shall apply with the necessary modifications to take account of section 24(6)(a) of the 1975 Act.

*Evidence as to foreign law relating to consents and consultations*

33. The applicant shall file, with his originating process, a statement by an expert as to the provisions relating to consents and consultations of the internal law relating to adoption of the Convention country of which the child is a national.

*Form of consent etc*

34.—(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 originating process referred to in rule 28(2), be attached to that process.

*Notice of hearing*

35.—(1) When serving notice of the hearing on the persons specified in rule 21, the proper officer 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 21.

*Proper officer to receive opinions on adoption*

**36.** For the purposes of this rule and of section 24(7)(a) of the 1975 Act, the Senior Registrar of the Principal Registry of the Family Division is the proper officer of the court to whom any person whose consent is required under or who is consulted in pursuance of the internal law relating to adoption of the Convention country of which the child is a national may communicate his consent or other opinion on the adoption.

PROCEEDINGS UNDER SECTION 6 OF THE 1968 ACT

*Application to annul or revoke adoption*

**37.—(1)** An application for an order under section 6(1) or (2) of the 1968 Act shall be made by originating process issued out of the Principal Registry of the Family Division in Form 9; and the person filing the process shall be described as the applicant and the adopted person and any adopter, not being the applicant, shall be described as a respondent.

(2) An application under section 6(1) of the 1968 Act shall not, except with the leave of the court, be made later than 2 years after the date of the adoption to which it relates.

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

**38.** An application for an order or decision under section 6(3) of the 1968 Act shall be made by originating process issued out of the Principal Registry of the Family Division in Form 10; and the person filing the process shall be described as the applicant and the adopted person and any adopter, not being the applicant, shall be described as a respondent.

*Evidence in support of application*

**39.—(1)** Evidence in support of an application under section 6 of the 1968 Act shall be given by means of an affidavit in Form 11 which shall be filed within 14 days after the issue of the originating process.

(2) Where the application is made under section 6(1) or (3) of the 1968 Act there shall be exhibited to the affidavit a statement of the facts and, subject to rule 42, 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 facts stated in, or exhibited to, his affidavit.

*Guardian ad litem*

**40.** Where the adopted person is under the age of 18 on the date on which an application under section 6 of the 1968 Act is made, rule 18(2) and (4) to (7) shall apply to the application as it applies to an application for an adoption order as if the references in rule 18 to the making of an adoption order were references to the granting of an application under section 6 of the 1968 Act.

*Notice of order made under section 6 etc*

41.—(1) Where under section 6 of the 1968 Act the court has ordered that an adoption be annulled or revoked or that an adoption or a determination shall cease to be valid in Great Britain, the proper officer shall serve notice of the order on the Registrar General, 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 39.

(2) A notice under paragraph (1) in respect of the annulment or revocation of an adoption shall request the Registrar General to send the information to the designated authorities of any Convention country—

- (a) in which the adoption was granted;
- (b) of which the adopted person is a national; or
- (c) in which the adopted person was born.

(3) Where under section 26(1) of the 1958 Act the court has ordered that a Convention adoption order be revoked, the notice to the Registrar General under section 26(2) of that Act shall request the Registrar General to send the information to the designated authorities of any Convention country—

- (a) of which the adopted person is a national; or
- (b) in which the adopted person was born.

## SUPPLEMENTARY

*Evidence as to specified or notified provisions*

42.—(1) Where the applicant seeks to satisfy the court as to any question which has arisen or is likely to arise concerning a provision:—

- (a) of the internal law of the Convention country of which the applicant or any other person is or was a national,
- (b) which has been specified in an order—
  - (i) under section 24(8) of the 1975 Act (a “specified provision”), or
  - (ii) under section 7(4) of the 1968 Act (a “notified provision”),

expert evidence of the specified or notified provision shall, where practicable, be attached to the originating process.

(2) Paragraph (1) shall apply, in the case of a person who is or was a United Kingdom national, for the purposes of a notified provision in respect of a specified country as it applies for the purposes of a notified provision in respect of a Convention country of which a person is or was a national.

*Interim order*

43. Where the applicant is a national or both applicants are nationals of a Convention country, the court shall take account of any specified provision (as defined in section 24(8) of the 1975 Act) of the internal law of that country

before any decision is made to postpone the determination of the application and to make an interim order.

*Witnessing of documents*

**44.** 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 England and Wales, the reporting officer, a Justice of the Peace, an officer of a county court appointed for the purposes of section 87 of the County Courts Act 1959(a) or a justices' clerk within the meaning of section 70 of the Justices of Peace Act 1979(b); or
- (b) if it is executed elsewhere, any person specified in rule 8(2), (3) or (4), according to the country in which it is executed.

*Service of documents*

**45.—**(1) Any document to be served for the purposes of this Part of these rules may be served out of the jurisdiction without the leave of the court.

(2) 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*

**46.** 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 V

MISCELLANEOUS

*Application for removal, return etc. of child*

**47.—**(1) An application—

- (a) under section 34(1) or (2) or 34A(1) or (2) of the 1958 Act to remove a child from the actual custody of the person with whom the child has his home, or
- (b) under section 30(1) of the 1975 Act for an order for the return of a child who has been removed, in breach of section 34 or 34A of the 1958 Act, from the actual custody of such a person, or
- (c) under section 30(2) of the 1975 Act for an order directing a person not to remove a child from the actual custody of such a person, or
- (d) under section 35(2) of the 1958 Act for leave to give notice under section 35(1)(b) of that Act, or

---

(a) 1959 c. 22.

(b) 1979 c. 55.

(e) under section 16(2) of the 1975 Act for leave to place a child for adoption,

shall be made in accordance with paragraph (2).

(2) The application under paragraph (1) shall be made—

(a) if an application for an adoption order or an order under sections 14 or 16 of the 1975 Act is pending, by process on notice in those proceedings; or

(b) if no such application is pending, by filing an originating process in the appropriate court.

(3) The appropriate court for the purposes of paragraph (2)(b) shall be the High Court, the county court within whose district the applicant lives or, in the case of an application made under section 34A(2) of the 1958 Act, the court within whose district the child is.

(4) Any respondent to the originating process made under paragraph (2)(b) who wishes to claim relief shall do so by means of an answer to the process which shall be made within 7 days of the service of the copy of the process on the respondent.

(5) Subject to paragraph (6), the proper officer shall serve a copy of the process, and of any answer thereto, and a notice of the date of the hearing—

(a) in a case where proceedings for an adoption order or an order under sections 14 or 16 of the 1975 Act are pending (or where such proceedings have subsequently been commenced), on all the parties to those proceedings and on the reporting officer and guardian ad litem, if any;

(b) in any other case, on any person against whom an order is sought in the application and on the local authority to whom the prospective adopter has given notice under section 18 of the 1975 Act; and

(c) in any case, on such other person or body, not being the child, as the court thinks fit.

(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 proper officer in that behalf before filing the originating process and a serial number is assigned accordingly—

(a) the proper officer shall ensure that the documents served under paragraph (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 process 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 sooner.

(8) The court may at any time give directions, and if giving directions under paragraph (7) shall give further directions, as to the conduct of any application under this rule and in particular as to the appointment of a guardian ad litem of the child.

(9) Where an application under paragraph (1)(a) or (d) is granted or an application under paragraph (1)(b) or (c) is refused, the judge may thereupon, if process for an adoption order has been filed, treat the hearing of the application as the hearing of the process for an adoption order and refuse an adoption order accordingly.

(10) Where an application under this rule is determined the proper officer shall serve notice of the effect of the determination on all the parties.

(11) Paragraphs (6) to (10) shall apply to an answer made under this rule as they apply to an originating process made under this rule as if the answer were the originating process.

*Proposed foreign adoption proceedings*

**48.**—(1) Proceedings for an order authorising a proposed foreign adoption shall be commenced—

- (a) by originating summons in Form 6 issued out of the Principal Registry of the Family Division; or
- (b) by filing in the office of the county court within whose district the child is an originating application in Form 6.

(2) Subject to paragraph (3), Part III of these rules except rule 15(1) and Part V except rule 52(1)(d) 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 4(1) of the Civil Evidence Act 1972(a) (that is to say a person who is suitably qualified on 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*

**49.**—(1) An application under section 24 of the 1958 Act for the amendment of an adoption order or the revocation of a direction to the Registrar General, or under section 26 of the 1958 Act (or section 1(1) of the Adoption Act 1960)(b) 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 proper officer 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.

---

(a) 1972 c. 30.  
(b) 1960 c. 59.

*Service of documents*

**50.**—(1) Subject to rule 45 and unless otherwise directed, any document under these rules may be served—

- (a) on a corporation or body of persons, by delivering it at, or sending it by post to, the registered or principal office of the corporation or body;
- (b) on any other person, by delivering it to him, or by sending it by post to him at his usual or last known address.

(2) The person effecting service of any document under 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*

**51.** On the determination of proceedings to which 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 reporting officer and the guardian ad litem (if appointed),
- (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*

**52.**—(1) In proceedings to which these rules apply orders shall be made in the form indicated in this paragraph—

<i>Description of order</i>	<i>Form</i>
(a) Order under section 14 of the 1975 Act	12
(b) Order under section 16 of the 1975 Act	13
(c) Interim order	14
(d) Adoption order	15
(e) Convention adoption order	15 (with the word “Convention” inserted where appropriate)
(f) Order authorising a proposed foreign adoption	15 (with the words “order authorising a proposed foreign adoption” substituted for the words “adoption order” wherever they appear).

(2) Where an adoption order is made by a court sitting in Wales in respect of a child who was born in Wales (or is treated under rule 24(4) as having been born in the registration district and sub-district in which that court sits) and the adopter so requests before the order is drawn up, the proper officer shall obtain a translation into Welsh of the particulars set out in the order.

(3) Within 7 days of the making of an order in proceedings to which these rules apply, the proper officer shall send a copy of the order (and of any translation into Welsh obtained under paragraph (2)) to the applicant.

(4) Within 7 days of the making of an order to which paragraph (1)(d), (e) or (f) applies, the proper officer shall send a copy of the order (and of any translation into Welsh obtained under paragraph (2)) to the Registrar General and, in the case of a Convention adoption order, shall comply with rule 31; where a translation into Welsh under paragraph (2) has been obtained, the English text shall prevail.

(5) Where an order to which paragraph (1)(a), (b), (d), (e) or (f) applies is made or refused or an order to which paragraph (1)(c) applies is made, the proper officer shall serve notice to that effect on every respondent.

(6) Where, on the refusal of an adoption order, any order under section 17 of the 1975 Act (care etc. of child on refusal of adoption order) is made, the notice under paragraph (5) shall include particulars of that order.

(7) The proper officer shall serve notice of the making of an order to which paragraph (1)(a), (b), (d), (e) or (f) applies on any court in Great Britain which appears to him to have made any such order as is referred to in section 8(3) of the 1975 Act (orders relating to the parental rights and duties and the maintenance of the child).

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

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

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

*Custody, inspection and disclosure of documents and information*

53.—(1) All documents relating to proceedings under the 1958 Act, the 1968 Act or Part I of the 1975 Act (or under any previous enactment 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 local authority, a reporting officer 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 of one 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 Great Britain 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 actual custody of the applicants, and of any local authority 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 Secretary of State 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 1958 Act, the 1968 Act or Part I of the 1975 Act (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.

#### *Revocations*

54. Except to the extent that they continue to apply for the purposes of the determination of an application for an adoption order, a Convention adoption order or a provisional adoption order made before the commencement date of these rules in the High Court or a county court, as the case may be, the following rules are hereby revoked:—

- (i) The Adoption (High Court) Rules 1976(a),
- (ii) The Adoption (County Court) Rules 1976(b),
- (iii) The Convention Adoption Rules 1978(c),
- (iv) The Adoption (County Court) (Amendment) Rules 1978(d),
- (v) The Adoption (High Court) (Amendment) Rules 1978(e),
- (vi) The Adoption (County Court) (Amendment) Rules 1979(f),
- (vii) The Adoption (High Court) (Amendment) Rules 1982(g) and
- (viii) The Adoption (County Court) (Amendment) Rules 1982(h).

Date 17th February 1984.

*Hailsham of St. Marylebone, C.*

- 
- (a) S.I. 1976/1645.
  - (b) S.I. 1976/1644.
  - (c) S.I. 1978/417.
  - (d) S.I. 1978/1518.
  - (e) S.I. 1978/1519.
  - (f) S.I. 1979/978.
  - (g) S.I. 1982/3.
  - (h) S.I. 1982/4.

SCHEDULE 1  
GENERAL FORMS

Rule 2(3)

## Form 1

## Originating Process for an Order Freeing a Child for Adoption

(Heading—High Court)

In the High Court of Justice  
Family Division

No.            of 19

In the matter of the Adoption Act 1958 and  
In the matter of the Children Act 1975 and  
In the matter of                            a child

Let                            of                            attend at the Royal Courts of Justice,  
Strand, London WC2, 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:—

(Continue as in body of the county court originating process below, from the words  
“I, an authorised officer . . .”)

(Heading—County Court)

In the  
Number of matter

County Court

In the matter of the Adoption Act 1958 and  
In the matter of the Children Act 1975 and  
In the matter of                            a child

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/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                            19                            and is the  
person to whom the attached birth/adoption certificate relates (*or*, was born on or about  
the                            day of                            19                            , 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. Parental agreement. I understand that the said (and ) is/are willing to agree to the making of an adoption order.)
- (6. I request the judge to dispense with the agreement of on the ground(s) that (and ) and there are attached hereto three copies of a statement of the facts on which I intend to rely.)
7. Care, etc. The child is currently living with of and has been living there since the day of 19 . (The child has been placed with them for adoption (and they wish their identity to remain confidential).)
- (8. The child is in the care of (who have the powers and duties of a parent or guardian of the child) (or the parental rights and duties in respect of the child).)
- (9. Maintenance. of is liable by virtue of an order made by the court at on the day of 19 , (or by an agreement dated the day of 19 ) to contribute to the maintenance of the child.)
- (10. 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.)
- (11. The child is illegitimate and of who is/claims to be the father does/does not intend to apply for the custody of the child.)
- (12. No proceedings relating in whole or in part to the child have been completed or commenced in any court in England and Wales or elsewhere (except ).)

I accordingly apply on behalf of for an order freeing the child for adoption.

Dated this day of 19

#### Notes

(Heading). 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.

If the application is made to a county court, either the child or his parent or guardian must be within the district of the county court to which the application is made.

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 Registers 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 is illegitimate and the putative

---

father has legal custody of the child by virtue of a court order, give details of that order under paragraph 12.

Paragraph 4. Enter particulars of any person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts 1886 and 1925, or the Guardianship of Minors Act 1971, or by a court of competent jurisdiction to be a guardian. Do not include any person who has the custody of the child only. Delete this paragraph if the child has no guardian.

Paragraphs 5 and 6. Enter either in paragraph 5 or 6 the names of the persons mentioned in paragraphs 3 and 4, except that in the case of an illegitimate child the father of the child should be entered only if he has custody of the child by virtue of a court order. Where it is sought to dispense with parental agreement, enter in paragraph 6 one or more of the grounds set out in section 12(2) of the 1975 Act.

Paragraph 7. Enter the name and address of the person with whom the child has his home.

Paragraph 8. This paragraph should be completed where the child is in the care of a local authority or a voluntary organisation.

Paragraph 9. 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 12. State the nature of the proceedings and the date and effect of any orders made.

## Form 2

## Agreement to an Adoption Order (Freeing Cases)

(Heading as in Form 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 \_\_\_\_\_ for an order freeing \_\_\_\_\_, 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 the parental rights and duties relating to the child and to vest them 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 the parental duties in relation to 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 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 of the child, for any agreement to the making of an 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.)

Signature:

This form, duly completed, was signed by the said \_\_\_\_\_ before me  
at \_\_\_\_\_ on the \_\_\_\_\_ day of 19 \_\_\_\_\_ .

Signature:

Address

Description

*NOTES*  
(*Heading*)

- (a) Insert the name of the adoption agency applying for the order.
- (b) Insert the first name(s) and surname of the child as known to the person giving agreement.
- (c) 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 Registers of Births.
- (d) 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 England and Wales, the document should be witnessed by the reporting officer. In Scotland, it should be witnessed by a Justice of the Peace or a Sheriff, and in Northern Ireland, by a Justice of the Peace. 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 3

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

*(Heading as in Form 1)*To  
of

Whereas an application for an order freeing for adoption \_\_\_\_\_, a child of the \_\_\_\_\_ sex born on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, has been made by \_\_\_\_\_ of \_\_\_\_\_

And whereas \_\_\_\_\_ (and \_\_\_\_\_) was/were appointed reporting officer(s) (and \_\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_, 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 in the care of 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 actual custody 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.)

It would assist the court if you would complete the attached form and return it to me.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

—Registrar

-----  
To the Senior Registrar of the Family Division/Registrar of the County Court.

Number \_\_\_\_\_ of 19\_\_\_\_.

I received notice of the hearing of the application on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

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)

*Notes*

*Preamble*

Enter the first name(s) and the surname of the child as shown in the originating process. Enter the name of the applicant agency and the name(s) of the reporting officer(s) (and of the guardian ad litem, if appointed).



## Form 4

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

*(Heading as in Form 1)*

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ 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 the parental rights and duties because

signed

dated

*Notes*

- (a) 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.
- (b) A parent or guardian of the child who has made a declaration (referred to in section 14(7) of the Children Act 1975) 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.
- (c) State the reasons relied upon for the revocation of the order.

## Form 5

## Application for Transfer of Parental Rights and Duties Between Adoption Agencies

*(Heading as in Form 1)*

I, an authorised officer of the \_\_\_\_\_ of \_\_\_\_\_,  
 and I, an authorised officer of the \_\_\_\_\_ of \_\_\_\_\_,  
 both being adoption agencies, wishing to transfer the parental rights and duties in  
 respect of \_\_\_\_\_, a child, from \_\_\_\_\_ to \_\_\_\_\_  
 hereby give the following further particulars in support of our  
 application.

1. On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the court made an order freeing the  
 child for adoption under section 14 of the Children Act 1975. A copy of that order is  
 attached.

2. The transfer would be in the best interests of the child because

3. The administrative reasons why the transfer is desirable are

(4. The former parents(s), \_\_\_\_\_ of \_\_\_\_\_ (and  
 of \_\_\_\_\_), has/have been informed of the  
 making of this application.)

Dated etc.

(signatures)

(addresses)

*Notes*

*Preamble*

Enter the names of the two agencies concerned and enter the name of the child as  
 shown in the order referred to in paragraph 1.

*Paragraphs 2 and 3*

State concisely the reasons it is desired to transfer the child between the agencies.

*Paragraph 4*

A former parent is a person as defined in section 15(1) of the Children Act 1975. This  
 paragraph should be deleted only if there are no former parents.

## Form 6

## Originating Process for an Adoption Order/Order Authorising a Proposed Foreign Adoption

*(Heading as in Form 1)*

I/We, the undersigned, \_\_\_\_\_ (and \_\_\_\_\_,) wishing to adopt \_\_\_\_\_, a child, hereby give the following further particulars in support of my/our application.

## PART 1

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 England and Wales/Scotland/Northern Ireland/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, made by a registered medical practitioner on the day of \_\_\_\_\_ 19\_\_\_\_, is attached.)

*Notes**Heading*

Enter the first name(s) and surname of the child as shown in any certificate referred to in paragraph 6 below; otherwise enter the first name(s) and surname by which the child was known before being placed for adoption.

If the application is made to the county court, either the child must be within the district of the county court to which the application is made or it must be the divorce county court in which a declaration has been made under section 41 of the Matrimonial Causes Act 1973.

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 authorising a proposed foreign adoption.

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.

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 applicant by an adoption agency, or if he is the child of the applicant or either of them.

## PART 2

## 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 \_\_\_\_\_ 19\_\_\_\_ and is the person to whom the attached birth/adoption certificate relates (*or* was born on or about the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, in \_\_\_\_\_). He/she is a \_\_\_\_\_ national.

(7. *Health*

A report on the health of the child, made by a registered medical practitioner on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, is attached.)

(8. The child is free for adoption pursuant to section 14 of the Children Act 1975, and I/we attach hereto the order of the \_\_\_\_\_ court, dated \_\_\_\_\_, to that effect. The parental rights and duties relating to the child were thereby vested in \_\_\_\_\_ (and were transferred to \_\_\_\_\_ by order of the \_\_\_\_\_ court under section 23 of the Children Act 1975 on \_\_\_\_\_ 19\_\_\_\_).)

(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. *Care etc.*)

The child is in the care of \_\_\_\_\_ (who have the powers and duties of a parent or guardian of the child) (or the parental rights and duties in respect of the child).)

(14. *Maintenance*)

\_\_\_\_\_ of \_\_\_\_\_ is liable by virtue of an order made by the \_\_\_\_\_ court at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, (or by an agreement dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_) 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*

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 Registers 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.

Paragraph 8—The order made by the court freeing the child for adoption and any order made under section 23 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 is illegitimate, and the putative father has legal custody of the child by virtue of a court order, give details of that order under paragraph 19.

Paragraph 10—Enter particulars of any person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts 1886 and 1925, or the Guardianship of Minors Act 1971 or by a court of competent jurisdiction to be a guardian. Do not include any person who has the custody of the child only. 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 an illegitimate child the father of the child should be entered only if he has custody of the child by virtue of a court order. Where it is sought to dispense with parental agreement, enter in paragraph 12 one or more of the grounds set out in section 12(2) of the 1975 Act.

Paragraph 13—This paragraph should be completed where the child is in the care of a local authority 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 3

#### *General*

16. The child has lived with me/us continuously since the day of 19 (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 19 by , an adoption agency) (or received into my/our actual custody in the following circumstances: ).

(18. I/we notified the Council on the day of 19 , 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 England and Wales 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 actual custody 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 of this application is .)

(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 authorising a proposed foreign adoption in respect of the child.

Dated this                      day of                      19                      .

Signature(s)

*Notes*

Paragraphs 16 and 17—Under section 9 of the 1975 Act, 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;
- (b) 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 section 22(4) of the 1975 Act is satisfied. The court must dismiss the application if it considers that, where the application is made by a married couple of whom one is a parent and the other a step-parent of the child, or by a step-parent of the child alone, the matter would be better dealt with under section 42 (orders for custody etc. in matrimonial proceedings) of the Matrimonial Causes Act 1973.

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 actual custody of the applicant.

Paragraph 22—Where the applicant or one of the applicants is a parent of the child, or a relative as defined by section 57(1) of the Adoption Act 1958 (as amended) or the child was placed with the applicant by an adoption agency, no referee need be named.

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

## Form 7

## Agreement to an Adoption Order/Proposed Foreign Adoption

(Heading as in Form 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. \_\_\_\_\_) for an adoption order or  
order authorising a proposed foreign adoption in respect of \_\_\_\_\_ 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 will be to deprive me permanently of the parental rights and duties relating to the child and to vest them 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 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 the parental duties in relation to 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 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 to the making of an adoption order/an order authorising the proposed foreign adoption of the child in pursuance of the application.

(5) As far as I know, the only person(s) or body(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, for 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 \_\_\_\_\_ 19 \_\_\_\_\_ .

Signature:

Address:

Description:

#### *Notes*

*Preamble.* Insert either the name(s) of the applicant(s) or the serial No. assigned to the applicant(s) for the purposes of the application.

Insert the first name(s) and surname of the child as known to the person giving agreement.

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 Registers 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 an illegitimate child is not a parent for this purpose, but is a guardian if he has custody of the child by virtue of a court order; "guardian" also means a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts 1886 and 1925 or the Guardianship of Minors Act 1971, or by a court of competent jurisdiction 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 actual custody 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 actual custody of the applicant(s).

*Witness statement.* In England and Wales the document should be witnessed by the reporting officer. In Scotland, it should be witnessed by a Justice of the Peace or a Sheriff, and in Northern Ireland by a Justice of the Peace. 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 8

Notice of Hearing of an Application for an Adoption Order/an Order Authorising a Proposed Foreign Adoption.

(Heading as in Form 1)

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

Whereas an application for an adoption order/an order authorising a proposed foreign adoption in respect of \_\_\_\_\_, a child of the \_\_\_\_\_ sex born on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_, has been made (by \_\_\_\_\_ (and \_\_\_\_\_) of \_\_\_\_\_) (or under the serial number \_\_\_\_\_) and whereas \_\_\_\_\_ (and \_\_\_\_\_) was/were appointed reporting officer(s) (and \_\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_\_, at \_\_\_\_\_ o'clock and that you may then appear and be heard on the question whether an adoption order/an order authorising a proposed foreign adoption should be made.)

(2. That if you wish to appear and be heard on the question whether an adoption order/an order authorising a proposed foreign adoption should be made, you should give notice to the court on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_, in order that a time may be fixed for your appearance.)

3. 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.

4. 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 actual custody of the applicant.

(5. 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 actual custody except with the leave of the court or under authority conferred by an enactment or on the arrest of the child.)

(6. 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.)

It would assist the court if you would complete the attached form and return it to me.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

Registrar

-----  
To the Senior Registrar of the Principal Registry of the Family Division/Registrar of the \_\_\_\_\_ county court.

No. \_\_\_\_\_

I received the notice of the hearing of the application on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

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)

*Notes:* Paragraph numbers in these notes refer to the appropriate paragraph in the form.

When this form is used under rule 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.

*Preamble.* Enter the name(s) and surname of the child as shown in the originating process. Enter the name of the applicant(s) unless the applicant has obtained a serial number, in which case the second part in brackets should be completed.

*Paragraphs 1 and 2.* Paragraph 1 should be completed and paragraph 2 struck out where the notice is addressed to any respondent where the applicant does not wish his identity to be kept confidential. When a serial number has been assigned to the applicant and the notice is addressed to an individual respondent other than the spouse of the applicant, paragraph 1 should be struck out and paragraph 2 completed.

*Paragraph 5.* This paragraph should be deleted except where it appears from the originating process that the child has had his home with the applicant for five years.

*Paragraph 6.* Unless deleted, this paragraph should contain the grounds specified in the originating application.



## Form 10

Originating Process 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 9)

Let \_\_\_\_\_ of \_\_\_\_\_  
attend at the Royal Courts of Justice, Strand, London WC2A 2LL 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 \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_, by which \_\_\_\_\_ (and \_\_\_\_\_)  
was (or were) authorised to adopt the said \_\_\_\_\_ do cease to be valid  
in Great Britain;)

(2. An order that a determination made by an authority of a Convention country (or  
a specified country) to authorise (or review the authorisation of) a Convention adoption  
(or an adoption order made under any enactment in force in a specified country and  
corresponding to sections 8(1) and 24 of the Children Act 1975) do cease to be valid in  
Great Britain;)

(3. An order that a determination made by an authority of a Convention country (or  
a specified country) to give (or review) a decision revoking (or annulling) a Convention  
adoption (or an adoption order made under any enactment in force in a specified  
country and corresponding to sections 8(1) and 24 of the Children Act 1975) (or an order  
made under section 8 of the Children Act 1975 as a Convention adoption order) do  
cease to be valid in Great Britain;)

(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 \_\_\_\_\_ 19\_\_\_\_ .

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 is one specified in an order made under section  
4(3) of the Adoption Act 1968; a Convention adoption is an overseas adoption of a  
description designated in such an order as that of an adoption regulated by the Hague  
Convention on the Adoption of Children 1965.

*Paragraphs 2 and 3.* A Convention country means a country designated by an order of  
the Secretary of State as a country in which the Hague Convention on the Adoption of  
Children 1965 is in force (section 107(1) of the 1975 Act). A specified country means  
Northern Ireland, the Channel Islands, the Isle of Man or a colony, unless this meaning  
is modified by an order of the Secretary of State (section 11(1) of the 1968 Act).

## Form 11

Affidavit in Support of Application under Section 6 of the Adoption Act 1968

(Heading as in Form 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 Great Britain.)

5. The adopted person is of the \_\_\_\_\_ sex, is a national of \_\_\_\_\_  
and was born at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

6. On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ 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 facts 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 section 6(3)  
of the Adoption Act 1968. 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 Great Britain 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 section 6(1) of the Adoption Act 1968. Enter the name of the first adopter and of the second adopter, if applicable.

*Paragraph 8.* A statement of facts is not required for an application to revoke a convention adoption under section 6(2) of the Adoption Act 1968. 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 12  
Order Freeing a Child for Adoption

*(Heading as in form 1)*

Whereas an application has been made 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 the child be freed for adoption and that the parental rights and duties relating to the child be vested in the applicant;

(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 \_\_\_\_\_ 19 \_\_\_\_\_);

(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 \_\_\_\_\_ and sub-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 \_\_\_\_\_ 19 \_\_\_\_\_, in the Register of Births for the registration district of \_\_\_\_\_ and sub-district of \_\_\_\_\_ in the county of \_\_\_\_\_ relates (or with \_\_\_\_\_ to whom the entry numbered \_\_\_\_\_ and dated the  
\_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, 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 section 14(7) of the 1975 Act that he/she prefers not to be involved in future questions concerning the adoption of the child.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.



## Form 13

## 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 1)*

Whereas an application has been made by \_\_\_\_\_ of \_\_\_\_\_  
 (and \_\_\_\_\_) 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 \_\_\_\_\_ 19;

It is ordered that the said order be revoked and that the parental rights and duties relating to the child be vested in \_\_\_\_\_ (and \_\_\_\_\_);

(and it is ordered that \_\_\_\_\_ of \_\_\_\_\_ do make periodical payments to the child in the sum of £ \_\_\_\_\_ payable \_\_\_\_\_);

(It is ordered that the application be dismissed (and that the applicant(s) shall not make further application under section 16 of the Children Act 1975);)

(and it is ordered that \_\_\_\_\_, the adoption agency which obtained the order under section 14 of the Children Act 1975, is released from the duty of complying further with section 15(3) of that Act as respects the applicant(s).)

(And as regards costs is ordered that \_\_\_\_\_.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Form 14  
Interim Order

*(Heading as in Form 1)*

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 the legal custody of the child until the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, by way of a probationary period (*or* that the determination of the application be postponed to the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and that the applicant(s) do have the legal custody of 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 \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

## Form 15

## (Convention) Adoption Order/Order Authorising a Proposed Foreign Adoption

*(Heading as in Form 1)*

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 Great Britain 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 the parental rights and duties relating to the child (including the legal custody of 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 \_\_\_\_\_ Council 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 \_\_\_\_\_ 19 \_\_\_\_\_);

(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 \_\_\_\_\_ 19 \_\_\_\_\_);

(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 \_\_\_\_\_ and sub-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 \_\_\_\_\_ 19 \_\_\_\_\_ (and is identical with \_\_\_\_\_ to whom the entry numbered \_\_\_\_\_ made on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, in the Register of Births for the registration district of \_\_\_\_\_ and sub-district of \_\_\_\_\_ in the county of \_\_\_\_\_ relates) (*or* with \_\_\_\_\_ to whom the entry numbered \_\_\_\_\_ and dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, 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 the form specified by regulations made by him recording the particulars set out in this order (and that the entry shall be marked with the words "Convention order");

(And it is further directed that the aforesaid entry in the Register of Births/Adopted Children Register be marked with the words "adopted"/"readopted"/"proposed foreign adoption"/"proposed foreign readoption").

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

## SCHEDULE 2

## Rule 4(4)

## MATTERS TO BE COVERED IN REPORTS SUPPLIED UNDER RULES 4(4), 22(1) OR 22(2)

So far as is practicable, the report supplied by the adoption agency or, in the case of a report supplied under rule 22(2), the local authority shall include all the following particulars:—

1. *The Child*

- (a) Name, sex, date and place of birth and address;
- (b) whether legitimate or illegitimate at birth and, if illegitimate, whether 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 or local authority resolutions relating to the parental rights and duties in respect of the child or to his custody and maintenance;
- (h) details of any brothers and sisters, including dates of birth, arrangements in respect of care and custody and whether any brother or sister is the subject of a parallel application;
- (i) extent of access to members of the child's natural family and, if the child is illegitimate, his father, and in each case the nature of the relationship enjoyed;
- (j) if the child has been in the care of a local authority or voluntary 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;
- (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 Act 1981(a);
- (n) what, if any, rights to or interest in property or any claim to damages, under the Fatal Accidents Act 1976(b) or otherwise, the child stands to retain or lose if adopted;
- (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.

---

(a) 1981 c. 60.

(b) 1976 c. 30.

2. *Each Natural Parent, including where appropriate the father of an illegitimate child*

- (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) relationship (if any) to the child;
- (c) marital status, date and place of marriage (if any) and comments on stability of relationship;
- (d) details of any previous marriage;
- (e) if a parent and step-parent are applying, the reasons why they prefer adoption to an order relating to the custody of the child;
- (f) if a natural parent is applying alone, the reasons for the exclusion of the other parent;
- (g) if a married person is applying alone, the reasons for this;
- (h) physical description;
- (i) personality;
- (j) 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;
- (k) educational attainments;
- (l) past and present occupations and interests;
- (m) particulars of the home and living conditions (and particulars of any home where the prospective adopter proposes to live with the child, if different);
- (n) details of income and comments on the living standards of the household;

- (o) details of other members of the household (including any children of the prospective adopter even if not resident in the household);
- (p) details of the parents and any brothers or sisters of the prospective adopter, with their ages or ages at death;
- (q) 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 local authority considers appropriate;
- (r) 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;
- (s) reasons for wishing to adopt the child and extent of understanding of the nature and effect of adoption;
- (t) any hopes and expectations for the child's future;
- (u) assessment of ability to bring up the child throughout his childhood;
- (v) details of any adoption allowance payable;
- (w) confirmation that any referees have been interviewed, with a report of their views and opinion of the weight to be placed thereon; and
- (x) any other relevant information which might assist the court.

5. *Actions of the adoption agency or local authority supplying the report*

- (a) Reports under rules 4(4) or 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 interests (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 22(2):—
  - (i) confirmation that notice was given under section 18 of the 1975 Act, with the date of that notice;
  - (ii) brief account of the local authority's actions in the case; and
  - (iii) account of investigations whether child was placed in contravention of section 29 of the 1958 Act.

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 an illegitimate child, a spouse or ex-spouse of a natural parent, a relative of a deceased parent, or a person with any of the parental rights and duties).

### 7. *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 on 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).

### Rule 15(4)

### SCHEDULE 3

#### REPORTS ON THE HEALTH OF THE CHILD AND OF THE APPLICANT(S)

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 local authority's medical adviser to base his advice to the court on the fullest possible information, when commenting on the health implications of the proposed 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 registered 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 registered medical practitioner who prepared the report, and the date of the report and of the examinations carried out.

## Rule 28(2)(b)

## SCHEDULE 4

## MODIFICATION TO FORM 6 FOR THE PURPOSES OF CONVENTION PROCEEDINGS

Form 6 shall contain the following additional paragraphs after paragraph 25:—

## “Part IV

*Additional Information Required for a Convention Adoption Application*26. *The Child.*

The child—

- (a) is a United Kingdom national (or a national of which is a Convention country) and which
- (b) habitually resides at which is in British territory (or a Convention country).

27. *The Applicants*

We are applying together, in reliance on section 24(4)(a) of the 1975 Act, and the first applicant is a United Kingdom national (or a national of which is a Convention country) and the second applicant is a United Kingdom national (or a national of which is a Convention country) and we habitually reside at which is in Great Britain.

(or

27. *The Applicants*

We are applying together in reliance on section 24(4)(b) of the 1975 Act, and are both United Kingdom nationals, and we are habitually resident at which is in British territory (or a Convention country).)

(or

27. *The Applicant.*

I am applying alone in reliance on section 24(5)(a) of the 1975 Act, and am a United Kingdom national (or a national of which is a Convention country) and habitually reside at which is in Great Britain.)

(or

27. *The Applicant*

I am applying alone in reliance on section 24(5)(b) of the 1975 Act, and am a United Kingdom national and habitually reside at which is in British territory (or a Convention country).)

28. *Specified Provisions*

We are both (or I am), accordingly, nationals of the same (or a national of a) Convention country, namely and there are no specified provisions in respect of that country (or there are no relevant specified provisions in respect of that country because ).)

*Notes*

Paragraphs 26 and 27. Documentary evidence of nationality should be exhibited. Where a child or an applicant is a national of a Convention country, evidence as to the law of the country relating to nationality applicable to that person should be supplied. Where the child is not a United Kingdom national, evidence as to the provisions relating to consents and consultations of the internal law relating to adoption of the Convention country of which the child is a national should be supplied. Any affidavit on foreign law 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. British territory is defined in section 107(1) of the 1975 Act.

Paragraph 28. "specified provision" is defined in section 24(8) of the 1975 Act. Expert evidence as to specified provisions may be necessary; if so any affidavit on foreign law 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.

## EXPLANATORY NOTE

*(This Note is not part of the Rules)*

These Rules lay down the procedure to be followed in the High Court and county courts in all proceedings under the Adoption Act 1958, the Adoption Act 1968 and Part I of the Children Act 1975 for or relating to the adoption or freeing for adoption of children.

They consolidate, with amendments, the Adoption (High Court) Rules 1976 (S.I. 1976/1645), the Adoption (County Court) Rules 1976 (S.I. 1976/1644) and the Convention Adoption Rules 1978 (S.I. 1978/417), which are revoked by this instrument (rule 54). They include new Rules, in Part II, to regulate the procedure upon applications in relation to freeing a child for adoption under sections 14 to 16 of the Children Act 1975, which come into force simultaneously with these Rules. They also make changes to the duties of the guardian ad litem (rules 6 and 18), provision for the appointment and duties of reporting officers (rules 5 and 17) and make provision for the reports to be made by adoption agencies and local authorities to be submitted to the court under sections 22 and 18 of the Children Act 1975 (rules 4 and 22).

SI 1984/265  
ISBN 0-11-046265-3



780110 462653