

1989 No. 343

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

**The Rules of the Supreme Court (Northern Ireland)
(Amendment No. 6) 1989**

Made 26th July 1989

Coming into operation 1st October 1989

To be laid before Parliament

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers as follows:

Citation and commencement

1. These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 6) 1989 and shall come into operation on 1st October 1989.

Adoption

2. The Rules of the Supreme Court (Northern Ireland) 1980(b) shall be amended by inserting the Order and Appendices set out in the Schedule, in the places appropriate to their number and letter.

Revocation

3. Part II of Order 73 and Forms 31 to 40 in Appendix L of the Rules of the Supreme Court (Northern Ireland) 1936(c) are hereby revoked.

Dated: 14th June 1989

*Brian Hutton
John MacDermott
Donald Murray
J. P. Higgins
Hugh P. Kennedy
Brian Kerr
Owen Catchpole*

I concur

Mackay of Clashfern, C.

Dated: 26th July 1989

(a) 1978 c. 23

(b) S.R. 1980 No. 346

(c) S.R. & O. 1936 No. 70 as amended by S.R. & O. 1969 No. 288

SCHEDULE

Rule 2

ORDER 84

Adoption

PART I

INTRODUCTORY

Interpretation

1. In this Order, unless the context otherwise requires—
 - “the 1967 Act” means the Adoption Act (Northern Ireland) 1967(a);
 - “the 1968 Act” means the Children and Young Persons Act (Northern Ireland) 1968(b);
 - “the 1969 Act” means the Adoption (Hague Convention) Act (Northern Ireland) 1969(c);
 - “the 1987 Order” means the Adoption (Northern Ireland) Order 1987 and reference to an Article by number means the Article as numbered in that Order(d);reference to a Form by number is a reference to the Form as numbered in Appendix F;
 - “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;
 - “a child freed for adoption” has the same meaning as in Article 16(1)(a);
 - “Convention proceedings” means proceedings on an application for a Convention adoption order and proceedings under the 1969 Act;
 - “interim order” means an order under Article 26;
 - “order authorising a proposed foreign adoption” means an order under Article 57;
 - “regular armed forces of the Crown” means the Royal Navy, the Regular Armed Forces as defined by section 225 of the Army Act 1955(e), the Regular Air Force as defined by section 223 of the Air Force Act 1955(f), the Queen Alexandra’s Royal Naval Nursing Service and the Women’s Royal Naval Service;
 - “the Office” means the Office of Care and Protection and “the Master” means the Master (Care and Protection);
- expressions which are defined in the 1987 Order have the same meaning as in that Order.

Proceedings

2. Any hearing of an application under the 1987 Order shall be dealt with in chambers unless the court otherwise directs.

(a) 1967 c. 35 (N.I.)
(b) 1968 c. 34 (N.I.)
(c) 1969 c. 22 (N.I.)
(d) S.I. 1987/2203 (N.I. 22)
(e) 1955 c. 18
(f) 1955 c. 19

PART II

FREEING FOR ADOPTION

Commencement of proceedings under Article 17

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

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

- (a) any Board having the powers and duties of a parent or guardian of the child by virtue of an order made under the 1968 Act committing him to its care as a fit person;
- (b) any Board in whom the parental rights and duties in respect of the child are vested by virtue of an order made under section 104 of the 1968 Act;
- (c) any Board in whose care the child is under section 103 of the 1968 Act or under or within the meaning of any other enactment;
- (d) any person (not being an applicant) liable by virtue of any order or agreement to contribute to the maintenance of the child; and
- (e) the child.

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

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

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

Commencement of proceedings under Article 18

4.—(1) An application under Article 18 (Freeing child for adoption without parental agreement) for an order freeing a child for adoption shall be made by originating summons in Form 2 issued out of the Office.

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

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

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

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

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

(7) On filing the originating summons the petitioner shall pay the appropriate fee and supply three copies of:—

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

Appointment of guardian ad litem

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

(2) The guardian ad litem shall be an officer of a Board or a person employed by another organisation approved by the Department provided that there shall not be appointed under this Rule—

- (a) any person who has been involved in the making of arrangements for the adoption of the child; or
- (b) any person employed by an organisation, not being a Board, which was so involved.

Duties of guardian ad litem

6.—(1) The guardian ad litem shall:—

- (a) ensure so far as is reasonably practicable that any agreement to the making of an adoption order is given freely and unconditionally and with full understanding of what is involved;
- (b) confirm that the parent or guardian has been given an opportunity of making a declaration under Article 17(5), that he prefers not to be involved in future questions concerning the adoption of the child;
- (c) investigate all the circumstances relevant to any such agreement or declaration;
- (d) where it is proposed to free an illegitimate child for adoption and his father is not his guardian, take all reasonable steps to identify the father in order to serve the notice required by Article 17(6);
- (e) on completing his investigations make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application, and shall notify the applicant that he has done so.

(2) With a view to safeguarding the interests of the child before the court, the guardian ad litem shall, so far as is reasonably practicable—

- (a) investigate—
 - (i) the matters alleged in the originating summons, the report supplied by the applicant and, where appropriate, the statement of facts supplied under rule 4, and
 - (ii) any other matters which appear to him to be relevant to the making of an order freeing the child for adoption;
- (b) advise whether, in his opinion, the child should be present at the hearing of the application; and
- (c) perform such other duties as appear to him to be necessary or as the court may direct.

(3) With a view to obtaining the directions of the court on any matter, the guardian ad litem may at any time make such interim report to the court as appears to him to be necessary and in such a case the Master shall notify the applicant.

(4) The court may, at any time before the final determination of the application, require the guardian ad litem to perform such further duties as the court considers necessary.

(5) The guardian ad litem shall attend any hearing of the application if so required by the court.

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

Agreement

7.—(1) Any document signifying the agreement of a person to the making of an adoption order shall be in Form 3, and, shall, if executed in Northern Ireland, be witnessed by a Justice of the Peace.

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

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

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

(a) any person for the time being authorised by law in the place where the document is executed to administer an oath for any judicial or other legal purpose;

(b) a British consular officer;

(c) a notary public; or

(d) if the person executing the document is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of those forces.

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

Notice of hearing

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

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

(3) The Master shall inform the applicant and the guardian ad litem of the date and time fixed for the hearing and the applicant shall serve notice of the hearing on all the parties in Form 4.

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

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

Objections

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

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

The hearing

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

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

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

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

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

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

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

Proof of identity of child, etc

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

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

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

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

Application for revocation of order freeing a child for adoption

12.—(1) An application under Article 20(1) for an order revoking an order freeing the child for adoption shall be made in Form 5.

(2) Notice of the proceedings shall be served in Form 6 by the applicant on all parties and on any adoption agency in which the parental rights and duties relating to the child are vested by virtue of Articles 17, 18 or 21, sections 18(5) or 21 of the Adoption Act 1976(a) or sections 18(5) or 21 of the Adoption (Scotland) Act 1978(b) save that notice shall not be served on a party to the proceedings who was joined as a party by virtue of rule 3(2)(a), (b) or (c).

(3) As soon as practicable after receipt of the application, the Master shall list the case for hearing by a judge and shall appoint a guardian ad litem of the child in accordance with rule 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 5 but as if in that rule:—

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

Transfer of parental rights and duties between adoption agencies

13.—(1) An application under Article 21 shall be made in Form 7.

(2) Notice of any order made under Article 21 shall be sent by the court to the court which made the order under Articles 17, 18 or 21 (if a different court), or under sections 18(5) or 21 of the Adoption Act 1976 or under sections 18(5) or 21 of the Adoption (Scotland) Act 1978, and to any former parent of the child.

PART III

ADOPTION ORDERS

Application for a serial number

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

Commencement of proceedings

15.—(1) An application for an adoption order shall be made by originating summons in Form 8 issued out of the Office.

(2) The respondents shall be—

- (a) each parent or guardian (not being an applicant) of the child, unless the child is free for adoption;
- (b) any adoption agency in whom the parental rights and duties relating to the child are vested by virtue of Articles 17, 18 or 21, or under sections 18(5) or 21 of the Adoption Act 1976 or under sections 18(5) or 21 of the Adoption (Scotland) Act 1978;
- (c) any adoption agency named in the application or in any form of agreement to the making of the adoption order as having taken part in the arrangements for the adoption of the child;
- (d) any Board to whom the applicant has given notice under Article 22 of his intention to apply for an adoption order;

(a) 1976 c. 36

(b) 1978 c. 28

- (e) any Board having the powers and duties of a parent or guardian of the child by virtue of an order made under the 1968 Act committing him to its care as a fit person;
- (f) any Board in whom the parental rights and duties in respect of the child are vested, whether jointly or not, by virtue of an order made under section 104 of the 1968 Act;
- (g) any Board or a voluntary organisation in whose care the child is under section 103 of the 1968 Act or under or within the meaning of any other enactment;
- (h) any person (not being an applicant) liable by virtue of any order or agreement to contribute to the maintenance of the child;
- (i) where the applicant proposes to rely on Article 15(1)(b)(ii), the spouse of the applicant; and
- (j) the child.

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

(4) Notice to the Board for the purposes of Article 22(1) may be given in Form 9.

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

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

Statement of facts in dispensation cases

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

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

Appointment of guardian ad litem

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

(2) The guardian ad litem shall be an officer of a Board or a person employed by another organisation approved by the Department provided that there shall not be appointed under this Rule—

- (a) any person who has been involved in the making of arrangements for the adoption of the child; or
- (b) any person employed by an organisation, not being a Board, which was so involved.

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

Duties of guardian ad litem

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

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

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

Agreement

19.—(1) Any document signifying the agreement of a person to the making of the adoption order shall be in Form 10 and shall, if executed in Northern Ireland, be witnessed by a Justice of the Peace.

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

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

Notice of hearing

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

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

(3) The Master shall inform the applicant and the guardian ad litem of the date and time fixed for hearing and the applicant shall, unless he desires his identity to be kept confidential, serve notice of the hearing on all the parties in Form 11.

(4) Where the applicant desires that his identity be kept confidential he shall in lieu of serving a notice in Form 11 serve upon the parties a Notice of presentation in Form 12.

(5) If the applicant has no solicitor acting for him the notice in Form 11 or Form 12 shall be signed by the Master.

(6) Any one wishing to object to the making of an adoption order, shall within 14 days of the date of service on him, of the Notice of Hearing or as the case may be the Notice of Presentation give the Master written notice of his intention to object in Form 11A or Form 12A as the case may be, quoting the serial number of the petition.

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

Objections

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

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

Reports by adoption agency or Board

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 20, three copies of a report in writing covering the matters specified in Part I of Appendix G.

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

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

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

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

The hearing

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

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

(3) If a serial number has been assigned to the applicant under rule 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, appear to the court to make the attendance of the child unnecessary, the court may direct that the child need not attend.

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

(7) In the case of an application under Article 14, the judge may in special circumstances make an adoption order or an interim order after the personal attendance of one only of the applicants, if the originating summons 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 7(4).

Proof of identity of child, etc

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

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

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

(4) Subject to paragraph (5), where the place of birth of the child cannot be proved to the satisfaction of the court but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, he may be treated as having been born in the registration district in which the court sits, and in any other case (where the country of birth is not 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 Article 17 or 18 or under section 18 of the Adoption Act 1976 or section 18 of the Adoption (Scotland) Act 1978 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.—(1) Where an interim order is made under Article 26 and the application is postponed without a date being fixed for a further hearing, the applicant shall, at least 2 months before the expiration of the period specified in the interim order, obtain a date for the further hearing of the application from the Master, and if he fails to do so, the guardian ad litem shall obtain such a date.

(2) When the date for a further hearing is fixed the applicant shall, unless the Master otherwise directs, serve a notice in Form 11 or Form 12 of the hearing on the parties and to the guardian ad litem not less than one month before that date.

Committal of child to care on refusal of adoption order

26.—(1) Where the Board to which the court proposes to commit the care of a child, 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 Board as to the making of an order under Article 27(1)(b) or 27(2).

(2) Where the Board to which the court proposes to commit the care of child—

(a) is not a party to the proceedings, or

- (b) is not represented before the court when the application for an adoption order is refused, or
- (c) makes representations as to the making of an order under Article 27(2), the court shall adjourn the hearing and the Master 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 11 or Form 12 to the Board, to the applicant for the adoption order, to each parent and to the guardian ad litem and shall unless the Board has been a party to the proceedings, send a copy of any notice served on the respondent under rule 20 or 25.

PART IV

CONVENTION PROCEEDINGS

Introductory

27.—(1) This Part of this Order shall apply to Convention proceedings and, subject to the provisions of this Part, Parts I, III and V of this Order shall apply, with the necessary modifications, to Convention proceedings as they apply to proceedings in the High Court under the 1967 Act or the 1987 Order.

(2) Any reference in this Part of this Order 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 1969 Act.

Originating summons

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

(2) The originating summons—

- (a) need not contain paragraphs corresponding to paragraph 2, of Form 8 but
- (b) shall contain the additional information required by Part III of Appendix F.

Evidence as to nationality

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

(2) Where the applicant claims that for the purposes of section 1(2)(a), 4(a) or 5(a) of the 1969 Act he or the child is a national of a Convention country, he shall attach to the originating summons 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 1(2), (3) and (4) or (5) of the 1969 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 Master shall by notice to the Registrar General request him to send a copy of the adoption order 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 34 to 37

32. Rules 34 to 37 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 this Order, other than rule 19 (agreement to adoption), and
- (b) paragraphs 9 to 14 of Form 8

shall apply with the necessary modifications to take account of section 1(6)(a) of the 1969 Act.

Evidence as to foreign law relating to consents and consultations

33. The applicant shall file, with his originating summons, 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), if executed before the date of the applicant's originating summons referred to in rule 28(2), shall be attached to that summons.

Notice of hearing

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

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

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

Master to receive opinions on adoptions

36. For the purposes of these rules and of section 1(7)(a) of the 1969 Act, the Master 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 1969 Act*Application to annul or revoke adoption*

37.—(1) An application for an order under section 6(1) or (2) of the 1969 Act shall be made by originating summons issued out of the office in Form 13; and the person filing the summons 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 1969 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 1969 Act shall be made by originating summons issued out of the Office in Form 14; and the person filing the summons 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 1969 Act shall be given by means of an affidavit in Form 15 which shall be filed within 14 days after the issue of the originating summons.

(2) Where the application is made under section 6(1) or (3) of the 1969 Act there shall be exhibited to the affidavit a statement of the grounds upon which the applicant intends to rely and, subject to rule 45, there shall be filed with the affidavit expert evidence of any provision of foreign law relating to adoption on which the applicant intends to rely.

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

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 1969 Act is made, rules 17 and 18 shall apply to the application as they apply to an application for an adoption order.

Notice of order made under Section 6 etc

41.—(1) Where under section 6 of the 1969 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 Northern Ireland, the Master 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 a copy of the adoption order 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 Article 55(1) the court has ordered that a Convention adoption order be revoked, the notice to the Registrar General under Article 55(4) shall request

the Registrar General to send a copy of the adoption order 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 17(8) of the Adoption Act 1976 (a 'specified provision'), or

- (ii) under section 54(4) of the Adoption Act 1976 (a 'notified provision').

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

(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 1(8) of the 1969 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.

Witness 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 Northern Ireland, the guardian ad litem, a justice of the peace, any officer of the Supreme Court appointed by the Lord Chief Justice in accordance with section 112 of the Judicature (Northern Ireland) Act 1978,

- (b) if it is executed elsewhere, any person specified in rule 7(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 this Order 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 leave of the court etc

47.—(1) An application under—

- (a) Article 20(2);
- (b) Article 28(1) or (2);
- (c) Article 29(1) or (2);
- (d) Article 30(1);
- (e) Article 30(2);
- (f) Article 31(2).

shall be made in accordance with paragraph (2).

- (2) An application pursuant to paragraph (1) shall be made—
 - (a) if an application for an adoption order or an order under Article 17, 18 or 20 is pending, by sending a notice of application in Form 16 to the Master; or
 - (b) if no such application is pending, by sending a notice of application in Form 17 to the Master.
- (3) Subject to paragraph (5), the Master shall serve a copy of the notice of application, together with a notice of the date of hearing—
 - (a) where the proceedings specified in paragraph 2(a) were pending at the time of receipt of the application or where such proceedings were commenced subsequently, on the parties to those proceedings and on the guardian ad litem;
 - (b) in any other case, on any person against whom an order is sought in the application and on the Board to whom the prospective adopter has given notice under Article 22; and
 - (c) in any case, on such other person or body, not being the child, as the court thinks fit.
- (4) Anyone who wishes to object to the application shall, within 14 days of the service of the application on him, send written notice of his objection to the Master.
- (5) The Master shall serve a copy of the written notice of objection on each person served with a copy of the application.
- (6) If in any application under this rule a serial number has been assigned to a person who has applied or who proposes to apply for an adoption order, or such a person applies to the Master in that behalf before filing the petition and a serial number is assigned accordingly—
 - (a) the Master shall ensure that the documents served under paragraph (3) or (5) do not disclose the identity of that person to any other party to the application under this rule who is not already aware of that person's identity, and
 - (b) the proceedings on the application under this rule shall be conducted with a view to securing that he is not seen by or made known to any party who is not already aware of his identity except with his consent.
- (7) Unless otherwise directed, any prospective adopter who is served with a copy of an application under this rule and who wishes to oppose the application shall file his application for an adoption order within 14 days or before or at the time of the hearing of the application under this rule, whichever is the earliest.
- (8) The court may at any time give directions as to the appointment of a guardian ad litem of the child.

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

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

Proposed foreign adoption proceedings

48.—(1) An adoption under Article 57(1) shall be commenced by originating summons in Form 8 issued out of the Office.

(2) Subject to paragraph (3), Part III of this Order except rule 15(1) and Part V except rule 52(1)(e) shall apply to an application for an order authorising a proposed foreign adoption as if such an order were an adoption order.

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

Amendment and revocation of orders

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

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

Service of documents

50. Subject to rule 45 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 guardian ad litem,
- (b) the expenses incurred by any respondent in attending the hearing, or such part of those expenses as the judge thinks proper.

Notice and copies of orders etc

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

<i>Description or order</i>	<i>Form</i>
(a) Order under Article 17	18
(b) Order under Article 18	19

(c) Order under Article 20	20
(d) Interim order	21
(e) Adoption order	22
(f) Convention adoption order	22 (with the word 'Convention' inserted where appropriate)
(g) Order authorising a proposed foreign adoption	22 (with the words 'order authorising a proposed foreign adoption' substituted for the words 'adoption order' wherever they appear).

(2) Within 7 days of the making of an order to which paragraph (1)(d), (e) or (f) applies, the Master shall send a copy of the order to the Registrar General and, in the case of a Convention adoption order, shall comply with rule 31.

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

(4) Where, on the refusal of an adoption order, any order under Article 27 (care etc. of child on refusal of adoption order) is made, the notice under paragraph (3) shall include particulars of that order.

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

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

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

(8) 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 1967 Act, the 1969 Act or the 1987 Order (or under any previous enactments relating to adoption) shall, while they are in the custody of the court, be kept in a place of special security.

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

(a) not part of one or any of the reports shall be revealed to that party, or

(b) the part of one or any of the reports referring to that party shall be revealed only to that party's legal advisers, or

(c) the whole or any other part or any of the reports shall be revealed to that party.

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

(a) the disclosure is necessary for the proper exercise of his duties, or

(b) the information is requested—

(i) by a court or public authority (whether in Northern Ireland or not) having power to determine adoptions and related matters, for the purpose of the discharge of its duties in that behalf, or

(ii) by the Registrar General, or a person authorised in writing by him, where the information requested relates only to the identity of any adoption agency which made the arrangements for placing the child for adoption in

the actual custody of the applicants, and of any Board which was notified of the applicant's intention to apply for an adoption order in respect of the child, or

- (iii) by a person who is authorised in writing by the Department to obtain the information for the purposes of research.

(4) Save as required or authorised by a provision of any enactment or of this Order or with the leave of the court, no document or order held by or lodged with the court in proceedings under the 1967 Act, the 1969 Act or the 1987 Order (or under any previous enactment relating to adoption) shall be open to inspection by any person, and no copy of any such document or order, or of an extract from any such document or order, shall be taken by or issued to any person.

Transfer to county court

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

APPENDIX F

Adoption Forms

FORM 1

Rule 3(1)

Originating Summons for an Order freeing a Child for adoption (with Parental Consent)

In the High Court of Justice in Northern Ireland Family Division

No. of 19

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

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

Let _____ of _____ attend at the Royal Courts of Justice, Belfast, on a date to be fixed for the hearing of the application of _____ of _____ for an order:—

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

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

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

Particulars of the child

1. Identity etc. The child is of the _____ sex and is not and has not been married. He/she was born on the _____ day of _____ 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.
2. Parentage etc. The child is the child of _____ whose last known address was _____ (or deceased) and _____ whose last known address was _____ (or deceased).
- (3. The guardian(s) of the child (other than the mother or father of the child) is/are _____ of _____ (and _____ of _____).)
4. 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).)
- (5. The child is in 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).)

- (6. 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.)
- (7. I attach hereto signed by the mother/father/guardian of the child a declaration
 that he/she prefers not to be involved in future questions concerning the
 adoption of the child.)
- (8. The child is illegitimate and of who is/claims to
 be the father does/does not intend to apply for the custody of the child.)
- (9. No proceedings relating in whole or in part to the child have been completed
 or commenced in any court in Northern Ireland or elsewhere (except
).)

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

Signatures:

on behalf of the
Adoption Agency)
parent(s)/guardian(s)
of the child

Dated this day of 19 .

Notes

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

Paragraph 2: If the child has previously been adopted, give the names of his adoptive parents and not those of his natural parents. If the child 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 9.

Paragraph 3: Enter particulars of any person appointed by deed or will in accordance with the provisions of the Tenures Abolition Act (Ireland) 1662, the Guardianship of Infants Act 1886, 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.

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

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

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

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

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

Originating Summons for an Order freeing a child for Adoption (without Parental Consent)

In the High Court of Justice in Northern Ireland Family Division

No. of 19

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

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

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

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

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

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

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

Particulars of the child

- 2. Identity etc. The child is of the sex and is not and has not been married. He/she was born on the day of 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. I request the judge to dispense with the agreement of (and) on the grounds that and attach hereto three copies of the statement of facts on which I intend to rely.
- 6. 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).)

- (7. The child is in 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).)
- (8. 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.)
- (9. 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.)
- (10. No proceedings relating in whole or in part to the child have been completed or commenced in any court in Northern Ireland or elsewhere (except _____).)

Signature:

Dated this _____ day of _____ 19____.

Notes

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

Paragraph 3: If the child has previously been adopted, give the names of his adoptive parents and not those of his natural parents. If the child 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 10.

Paragraph 4: Enter particulars of any person appointed by deed or will in accordance with the provisions of the Tenures Abolition Act (Ireland) 1662, the Guardianship of Infants Act 1886, 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.

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

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

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

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

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

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
(Insert the name of the adoption agency applying for the order)
 for any order freeing _____, *(Insert the first name(s)*
and surname of the child as known to the person giving agreement) a child, for
 adoption:

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

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

I, the undersigned _____ 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] [on condition that the religious persuasion in which the child is proposed to be brought up is _____] to the making of an adoption order.
- (6) (I have been given an opportunity of making a declaration that I prefer not to be involved in future questions concerning the adoption of the child. I understand that if I make such a declaration I will not be told when the child has been adopted or whether he has been placed for adoption. I further

understand that I will not be able to apply for a revocation of the order freeing the child for adoption if I make such a declaration. I hereby freely declare, with full understanding of what is involved, that I do not wish to be involved in future questions concerning the adoption of the child.)

- (7) (I have been given an opportunity of making a declaration that I prefer not to be involved in future questions concerning the adoption of the child, and the effect of making such a declaration has been explained to me. I do not wish to make such a declaration.)
- (8) (I have not received or given any payment or reward for, or in consideration of, the adoption order or consent to the making of an application for an order freeing the child for adoption, for placing the child for adoption with any person or making any arrangements for the adoption of the child (other than a payment to an adoption agency for their expenses incurred in connection with the adoption.)

Signature:

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

Signature:

Address

Description

Notes

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

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

Witness of Statement: In Northern Ireland, the document should be witnessed by a Justice of the Peace. In Scotland, it should be witnessed by a Justice of the Peace or a Sheriff, and in England and Wales, 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.

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____, was made by _____ of _____

AND WHEREAS _____ was appointed guardian ad litem of the child;

TAKE NOTICE:—

1. That the said application will be heard before the judge at _____ on the _____ day of _____ 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.

If you wish to object you must within 14 days complete the attached Form and return to the Master (Care and Protection), High Court.

Dated the _____ day of _____ 19____.

Signed
Solicitor for the Applicant

Notice of objection to the making of an Order freeing a child for Adoption

To the Master (Care and Protection), High Court,

I have received notice of the hearing of an application for an order freeing
a child of the sex born on the day of 19 , for
adoption.

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

(Date)

Signature
Address

Notice of hearing of an Application for Revocation of an Order freeing a child for Adoption

To
of

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

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

TAKE NOTICE:—

1. That the said application will be heard before the judge at on the
day of 19 , at o'clock and that you may then appear
and be heard on the question whether the order freeing the child for adoption
should be revoked.
2. That you are not obliged to attend the hearing unless you wish to do so or the
court notified you that your attendance is necessary.
3. It would assist the court if you would complete the attached form and return it to
The Master (Care and Protection).

Dated the day of 19 .

Solicitor for the Applicant

FORM 6A

To the Master (Care and Protection), High 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)

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 _____, *(Enter the name of the child shown in the order referred to in paragraph 1)* a child, from _____ to _____ hereby give the following further particulars in support of our application.

1. On the _____ day of _____ 19____, the court made an order freeing the child for adoption under Article (17) (18). (Section 18 of the Adoption Act 1976) (Section 18 of the Adoption (Scotland) Act 1978).
2. On the _____ day of _____ 19____, the court made an order under Article 21 (section 21 of the Adoption Act 1976) (section 21 of the Adoption (Scotland) Act 1978) transferring the parental rights to _____
3. A copy of that order is attached.
4. The transfer would be in the best interests of the child because _____
5. The administrative reasons why the transfer is desirable are _____
- (6. The former parent(s), _____ of _____ (and _____ of _____) has/have been informed of the making of this application.)

Dated _____

(Signatures)

(Addresses)

Notes

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

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

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

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

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

**Originating Summons for an Adoption Order/Order under Article 57
authorising a proposed Foreign Adoption**

(Heading as in Form 1)

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

PART I

PARTICULARS OF THE APPLICANT(S)

1. Name and address etc

Name of (first) applicant in full

Address

Occupation

Date of Birth

Relationship (if any) to the child

Name of (second) applicant in full

Address

Occupation

Date of Birth

Relationship (if any) to the child

2. **Domicile**

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

3. **Status**

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

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

(5. **Health**

A report on my/our health by a medical practitioner on the _____ day of _____ 19____, is attached.)

Notes— PART I

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

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

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

PART II

PARTICULARS OF THE CHILD

6. Identity etc.

The child is of the _____ sex and is not and has not been married. He/she was born on the _____ day of _____ 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 medical practitioner on the day of _____ 19____, is attached).

(8. The child is free for adoption pursuant to Article (17) (18), (section 18 of the Adoption Act 1976) (section 18 of the Adoption (Scotland) Act 1978) and I/we attach hereto the order of the court, dated _____, to that effect. The parental rights and duties relating to the child were thereby vested in _____ (and were transferred to _____ by order of the _____ court under Article 21, (Section 21 of the Adoption Act 1976) (section 21 of the Adoption (Scotland) Act 1978) on _____ 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— PART II

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

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

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

Paragraph 9: This paragraph and paragraphs 10 to 14 only apply if the child is not free for adoption. If the child has previously been adopted, give the names of his adoptive parents and not those of his natural parents. If the child 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 Tenures Abolition Act (Ireland) 1662, the Guardianship of Infants Act 1886 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 Article 16(2).

Paragraph 13: This paragraph should be completed where the child is in the care of a Board or a voluntary organisation.

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

PART III

GENERAL

16. The child has lived with me/us continuously since the day of 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 Board 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 Northern Ireland or elsewhere (except .)
20. I/we have not received or given any payment or reward for, or in consideration of, the adoption of the child, for any agreement to the making of an adoption order, the transfer of the 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 body(ies) who have taken part in the arrangements for the child's adoption are
- (22. For the purpose of this application reference may be made to of .)
- (23. I/we desire that my/our identity should be kept confidential, and the serial number assigned to me/us is .)
- (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 summons.
- (25. I/we desire to remove the child from the British Isles for the purpose of adoption.)

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

Dated this day of 19 .

Signature(s)

Notes — PART III

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

- (a) for at least 13 weeks if the applicant or one of them is a parent, step-parent or relative of the child or if the child was placed with the applicant by an adoption agency or in pursuance of an order of the High Court;
- (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 Article 25(1) 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 Article 45 (orders for custody etc. in matrimonial proceedings) of the Matrimonial Causes (Northern Ireland) Order 1978.

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 Article 2(2), 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.

**Notice to Health and Social Services Board under Article 22(1) of the
Adoption (Northern Ireland) Order 1987**

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

AND

IN THE MATTER OF _____, an infant

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

This _____ day of _____ 19 _____

(Signed)

NOTE: IMPORTANT:

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

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

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

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. _____) *(Insert either the name(s) of the applicants or the serial number assigned to the applicant(s) for the purposes of the application)* for an adoption order or order authorising a proposed foreign adoption in respect of

(Enter the first name(s) and surname of the child as known to the person giving agreement) a child;

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

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

I, the undersigned _____ of _____ being a parent/guardian of the child hereby state as follows:—

- (1) I understand that the effect of an adoption order/an order authorising a proposed foreign adoption 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) (on condition that the religious persuasion in which the child is proposed to be brought up is _____) to the making of an adoption order/an order authorising the proposed foreign adoption of the child 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

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

Where two or more forms of agreement are supplied to the court at the same time they may both or all refer to a certificate attached to one of the forms of agreement. The father of 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 section 6 of the Tenures Abolition Act (Ireland) 1662, the Guardianship of Infants Act 1886 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 of statement: In Northern Ireland the document should be witnessed by a Justice of the Peace. In Scotland, it should be witnessed by a Justice of the Peace or a Sheriff, and in England and Wales 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.

Notice of Hearing of an Application for an Adoption Order/an Order under Article 57 authorising a proposed Foreign Adoption
(Heading as in Form 1)

To _____ of _____

WHEREAS an application for an adoption order/an order under Article 57 authorising a proposed foreign adoption in respect of _____, *(Enter the name(s) and surname of the child as shown in the originating summons)* a child of the sex _____ born on the _____ day of _____ 19____, has been made (by _____ (and _____) of _____) *(Enter the name(s) of the applicants)*.

AND WHEREAS _____ was appointed guardian ad litem of the child;

TAKE NOTICE:—

- (1. That the said application will be heard before the judge at _____ on the day of _____ 19____, at _____ o'clock and that you may then appear and be heard on the question whether an adoption order/an order under Article 57 authorising a proposed foreign adoption should be made.)
- 2. That you are not obliged to attend the hearing unless you wish to do so or the court notifies you that your attendance is necessary.
- 3. That while the application is pending, a parent or guardian of the child who has agreed to the making of an order must not, except with the leave of the court, remove the child from the actual custody of the applicant.
- 4. That the application states that the child has had his home with the applicant for the five years preceding the application and accordingly, if that is correct, no person is entitled, against the will of the applicant, to remove the child from the applicant's actual custody except with the leave of the court or under authority conferred by an enactment or on the arrest of the child.
- (5. That the court has been requested to dispense with your agreement to the making of an order on the ground(s) that _____ and a statement of the facts on which the applicant intends to rely is attached.)

If you wish to object to the making of the order you should within 14 days complete the attached Form and return it to the Master (Care and Protection), High Court.

Dated the _____ day of _____ 19____

Signed _____
Solicitor for the Applicant

.....



Notice of objection to the making of an Adoption Order/an Order under Article 57 authorising a proposed Foreign Adoption

To the Master (Care and Protection), High Court,

I received the Notice of the Hearing of an application for an adoption order/order under Article 57 authorising a proposed foreign adoption in respect of a child of the sex born on the day of 19 .

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

(Date)

Signature
Address

Notes

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.

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

Paragraph 5: Unless deleted, this paragraph should contain the grounds specified in the originating summons.

Notice of Presentation of an Application for an Adoption Order/an Order under Article 57 authorising a proposed Foreign Adoption

Serial No.

To

of

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

TAKE NOTICE that under Rule 20(6) of Order 84 of the Rules of the Supreme Court (Northern Ireland) 1980 (S.R. 1980 No. 346) if you wish to object to the grant of an adoption order you must within 14 days of service on you of this notice give to the Master (Care and Protection) written notice in Form 12A of your intention to object, quoting the above serial number.

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

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

Dated this day of 19

Signed
Solicitor for the Applicant

**Notice of objection to the making of an Adoption Order/Order under
Article 57 authorising a proposed Foreign Adoption**

Serial No.:

To the Master (Care and Protection), High Court,

I have received notice of the presentation of an application for an adoption order/order under Article 57 authorising a proposed foreign adoption in respect of a child of the sex born on the day of 19 .

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

(Date)

Signature

Address

Notes

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.

Heading: Enter the serial number assigned to the applicant under rule 14.

Preamble: Enter the name(s) and surname of the child as shown in the originating summons.

Originating Summons for the Annulment or Revocation of an Adoption
IN THE HIGH COURT

No. of 19

IN THE MATTER OF

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

and

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

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

for an order:—

1. That the adoption which was authorised on the day of 19 , at
, by which (and) was (or were)
authorised to adopt the said be annulled (or revoked).
- (2. That the leave of the court be granted for the purpose of making this application
out of time.)
3. That the costs of this application be provided for.

Dated this day of 19

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

Notes

This form is for use when the adoption is to be annulled or revoked under section 6(1) or (2) of the Adoption (Hague Convention) Act (Northern Ireland) 1969. An application may not be made unless either the adopter or both adopters, as the case may be, or the adopted person habitually resides in Northern Ireland immediately before the application is made.

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

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

**Originating Summons for an Order that a Foreign Adoption or a
determination cease to be valid or that a determination has been affected
by a subsequent determination**

(Heading as in Form 13)

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

- (1. An order that a foreign adoption which was authorised on the _____ day of _____ 19____, at _____, by which _____ (and _____) was (were) authorised to adopt the said _____ do cease to be valid in Northern Ireland;)
- (2. An order that a determination made by an authority of a Convention country (or any British Territory other than Northern Ireland) to authorise (or review the authorisation of) a Convention adoption (or an adoption order made under any enactment in force in any British Territory other than Northern Ireland and corresponding to Article 12 and Section 1 of the Adoption (Hague Convention) Act (Northern Ireland) 1969 do cease to be valid in Northern Ireland;)
- (3. An order that a determination made by an authority of a Convention country (or any British Territory other than Northern Ireland) to give (or review) a decision revoking (or annulling) a Convention adoption (or an adoption order made under any enactment in force in any British Territory other than Northern Ireland and corresponding to Article 12 and section 1 of the Adoption (Hague Convention) Act (Northern Ireland) 1969) (or an order made under Article 12 as a Convention adoption order) do cease to be valid in Northern Ireland;)
- (4. A decision as to the extent, if any, to which a determination mentioned in paragraph 2 (or 3) above has been affected by a subsequent determination;)
- (5. An order that the costs of this application be provided for.)

Dated this _____ day of _____ 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: A foreign adoption is defined in section 4(3) of the Adoption (Hague Convention) Act (Northern Ireland) 1969 as one specified in an order made under section 72(2) of the Adoption Act 1976; a Convention adoption is an 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 is defined in section 12 of the Adoption (Hague Convention) Act (Northern Ireland) 1969 as any country outside British Territory, being a country for the time being designated by an order made under

section 72(1) of the Adoption Act 1976 as a country in which the Convention is in force.

British Territory means Northern Ireland, Great Britain, the Channel Islands, the Isle of Man and a colony, which is British Territory for the purposes of any corresponding provision of the Adoption Act 1976.

**Affidavit in support of Application under section 6 of the Adoption
(Hague Convention) Act (Northern Ireland) 1969**
(Heading as in Form 13)

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

1. Name of (first) adopter in full
Address .
 - (2. Name of second adopter in full
Address
 3. Name of adopted person in full
 - (4. The said _____ (and the said _____)
habitually reside(s) in Northern Ireland.)
 5. The adopted person is of the _____ sex, is a national _____ of
and was born at _____ on the _____ day of
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 application details of the marriage or, as appropriate, of the
determination or determination should be given and any necessary documentary
evidence relating thereto supplied.)
 - (8. A statement of the grounds upon which the applicant intends to reply 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 1969 Act. Where this paragraph is required, no application may be made to the court unless the adopter or, as the case may be, both adopters or the adopted person habitually reside in Northern Ireland immediately before the application is made. Therefore, the name(s) of either the adopter(s) or the adopted person should be entered.

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

Paragraph 7: This paragraph should be completed where the application is made under section 6(1) of the 1969 Act. 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 1969 Act. 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.

**Application for leave of Court where Application for Adoption
Order/Freeing Order/Revocation of Freeing Order is pending**

(Heading as in Form 1)

WHEREAS a petition for (an adoption order) (an order under Article 17 — Freeing for adoption — consent cases) (an order under Article 18 — Freeing for adoption — dispensation with consent cases) (an order under Article 20 — revocation of an freeing order) in respect of _____, a child of the _____ sex born on the day of _____ 19____, has been made by _____ (and _____) of _____;

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

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

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

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

Signed

Dated

Notes

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

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

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

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

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

**Application for Leave of Court where no Application under Article 17, 18
or 20 is pending**
(Heading as in Form 1)

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

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

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

Signed

Dated

Notes

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

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

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

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

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

Order Freeing a Child for Adoption (Consent Cases)
(Heading as in Form 1)

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

IT IS ORDERED that the child be freed for adoption and that the parental rights
and duties relating to the child be vested in:

(AND AS REGARDS COSTS it is ordered that _____);

(AND WHEREAS the precise date of the child's birth has not been proved to the
satisfaction of the court but the court has determined the probable date of his/her birth
to be the _____ day of _____ 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 _____ 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
_____ 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 Article 17(5) that
he/she prefers not to be involved in future questions concerning the adoption of the
child.

Dated this _____ day of _____ 19 _____.

Order Freeing a Child for Adoption (Dispensation with Parental Consent)

(Heading as in Form 1)

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

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

AND IT IS ORDERED that the child be freed for adoption and that the parental rights and duties relating to the child be vested in _____

(AND AS REGARDS COSTS it is ordered that _____);

(AND WHEREAS the precise date of the child's birth has not been proved to the satisfaction of the court but the court has determined the probable date of his/her birth to be the _____ day of _____ 19 .;)

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

AND WHEREAS it has been proved to the satisfaction of the court that the child is identical with _____ to whom the entry numbered _____ made on the _____ day of _____ 19 , in the Register of Births for the registration district of _____ in the county of _____ relates (or with _____ to whom the entry numbered _____ and dated the _____ day of _____ 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.

Dated this _____ day of _____ 19 .

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 _____ of _____) for an order revoking an order freeing for adoption _____, a child of the _____ sex, the child of _____ (and _____), such order having been made by the _____ court on the _____ day of _____ 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 Article 20);

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

(AND AS REGARDS COSTS it is ordered that _____);

Dated this _____ day of _____ 19 _____.

FORM 21

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 _____.

Dated this _____ day of _____ 19 _____.

FORM 22

(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 Northern Ireland for the purpose 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 _____ Board was notified of the
applicant(s) intention to adopt the child;)

(AND WHEREAS the child was freed for adoption by the court on the _____ day
of _____ 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 _____ 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 _____ 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 accordance with Article 51 of the 1987 Order recording the
particulars set out in this order (and that the entry shall be marked with the words
'Convention order');

1938

Supreme Court

No. 343

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

Dated this day of 19 .

APPENDIX G

PART I

MATTERS TO BE COVERED IN REPORTS SUPPLIED UNDER RULES 3(4), 4(7),
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 20(2), the Board shall include all the following particulars:—

1. *The Child*

- (a) Name, sex, date and place of birth and address;
- (b) whether 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 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 Board 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 and Libraries (Northern Ireland) Order 1986;
- (n) what, if any, rights to or interest in property or any claim to damages, under the Fatal Accidents (Northern Ireland) Order 1977 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.

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) parental description;
- (e) personality;
- (f) religion;
- (g) educational attainments;
- (h) past and present occupations and interests;
- (i) so far as available, names and brief details of the personal circumstances of the parents and any brothers and sisters of the natural parent, with their ages or ages at death;
- (j) wishes and feelings in relation to adoption and the application, including any wishes in respect of the child's religious and cultural upbringing;
- (k) reasons why any of the above information is unavailable; and
- (l) any other relevant information which might assist the court.

3. *Guardian(s)*

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

4. *Prospective Adopter(s)*

- (a) Name, date and place of birth and address;
- (b) Domicile;
- (c) relationship (if any) to the child;
- (d) marital status, date and place of marriage (if any) and comments on stability of relationship;
- (e) details of any previous marriage;
- (f) if a parent and step-parent are applying, the reasons why they prefer adoption to an order relating to the custody of the child;
- (g) if a natural parent is applying alone, the reasons for the exclusion of the other parent;
- (h) if a married person is applying alone, the reasons for this;
- (i) physical description;
- (j) personality;
- (k) religion, and whether willing to follow any wishes of the child or his parents or guardian in respect of the child's religious and cultural upbringing;
- (l) educational attainments;
- (m) past and present occupations and interests;
- (n) particulars of the home and living conditions (and particulars of any home where the prospective adopter proposes to live with the child, if different);
- (o) details of income and comments on the living standards of the household;
- (p) details of other members of the household (including any children of the prospective adopter even if not resident in the household);
- (q) details of the parents and any brothers or sisters of the prospective adopter, with their ages or ages at death;
- (r) attitudes to the proposed adoption of such other members of the prospective adopter's household and family as the adoption agency or, as the case may be, the Board considers appropriate;

- (s) previous experience of caring for children as step-parent, foster parent, child-minder or prospective adopter and assessment of ability in this respect, together where appropriate with assessment of ability in bringing up the prospective adopter's own children;
 - (t) reasons for wishing to adopt the child and extent of understanding of the nature and effect of adoption;
 - (u) any hopes and expectations for the child's future;
 - (v) assessment of ability to bring up the child throughout his childhood;
 - (w) details of any adoption allowance payable;
 - (x) confirmation that any referees have been interviewed, with a report of their views and opinion of the weight to be placed thereon; and
 - (y) any other relevant information which might assist the court.
5. *Actions of the adoption agency or Board supplying the report*
- (a) Reports under rules 3(4), 4(7), 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 the rule 22(2):—
 - (i) confirmation that notice was given under Article 22 with the date of that notice;
 - (ii) brief account of the Board's actions in the case; and
 - (iii) account of investigations whether child was placed in contravention of Article 11.
6. *Generally*
- (a) Whether any respondent appears to be under the age of majority or under a mental disability; and
 - (b) whether, in the opinion of the body supplying the report, any other person should be made a respondent (for example, a person claiming to be the father of 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 of the child's natural parents of making the order sought;
- (d) if the child has been placed for adoption, opinion on the likelihood of full integration of the child into the household, family and community of the prospective adopter, and on whether the proposed adoption would be in the best long-term interests of the prospective adopter;
- (e) opinion, if appropriate, on the relative merits of adoption and custody; and
- (f) final conclusions and recommendations whether the order sought should be made (and, if not, alternative proposals).

PART II

REPORTS ON THE HEALTH OF THE CHILD AND OF THE PROSPECTIVE ADOPTER(S) *Rule 15(5)(b)*

This information is required for reports on the health of a child and of his prospective adopter(s). Its purpose is to build up a full picture of their health history and current state of health, including strengths and weaknesses. This will enable the Board's medical adviser to base his advice to the court on the fullest possible information, when commenting on the health implications of the proposed adoption. The reports made by the examining doctor should cover, as far as practicable, the following matters.

1. *The Child*

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

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

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

2. *The Applicant*

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

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

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

PART III

MODIFICATION TO FORM 7 FOR THE PURPOSES OF CONVENTION PROCEEDINGS

Rule 28(2)(b)

PART IV

ADDITIONAL INFORMATION REQUIRED FOR A CONVENTION ADOPTION APPLICATION

26. *The Child*

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

27. *The Applicants*

We are applying together, in reliance on section 1(4)(a) of the 1969 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 Northern Ireland.

(or

27. *The Applicants*

We are applying together in reliance on section 1(4)(b) of the 1969 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 1(5)(a) of the 1969 Act, and am a United Kingdom national (or a national of _____ which is a Convention country) and habitually reside at _____ which is in Northern Ireland.)

(or

27. *The Applicant*

I am applying alone in reliance on section 1(5)(b) of the 1969 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 12 of the 1969 Act.

Paragraph 28: 'Specified provision' is defined in section 1(8) of the 1969 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 amend the Rules of the Supreme Court (Northern Ireland) 1980 to introduce as Order 84 and Appendix E and Appendix F new procedures relating to the adoption of children in consequence of the Adoption (Northern Ireland) Order 1987, and procedures under the Adoption (Hague Convention) Act (Northern Ireland) 1969.

These rules also revoke Part II of Order 73 and Forms 31 to 40 in Appendix L of the Rules of the Supreme Court (Northern Ireland) 1936.