

SCHEDULE 1

PART IVA

FREEING FOR ADOPTION AND ADOPTION ORDERS

Freeing for Adoption

Duties of the guardian ad litem

- 4A.6.—(1) The guardian ad litem shall: –
- (a) ensure, so far as is reasonably practicable, that any agreement to the making of an adoption order is given freely and unconditionally and with full understanding of what is involved;
 - (b) confirm that the parent or guardian has been given an opportunity of making a declaration under Article 17(5), that he prefers not to be involved in future questions concerning the adoption of the child;
 - (c) investigate all the circumstances relevant to any such agreement or declaration;
 - (d) where it is proposed to free for adoption a child whose parents were not married to each other at the time of his birth and whose father is not his guardian, take all reasonable steps to identify any person claiming to be the father in order to be able to advise the court –
 - (i) of that person's views;
 - (ii) of whether that person intends to apply for an order under Article 7(1) or 10 of the Order of 1995;
 - (iii) of any matter relevant to the determination of an application under the Order of 1995.
 - (e) on completing his investigations make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application, and shall notify the applicant that he has done so.
- (2) With a view to safeguarding the interests of the child before the court, the guardian ad litem shall, so far as is reasonably practicable –
- (a) investigate –
 - (i) the matters alleged in the application, the report supplied by the applicant and, where appropriate, the statement of facts supplied under rule 4A.4; and
 - (ii) any other matters which appear to him to be relevant to the making of an order freeing the child for adoption;
 - (b) advise whether, in his opinion, the child should be present at the hearing of the application; and
 - (c) perform such other duties as appear to him to be necessary or as the court may direct.
- (3) With a view to obtaining the directions of the court on any matter, the guardian ad litem may at any time make such interim report to the court as appears to him to be necessary and in such a case the Master shall notify the applicant.
- (4) The court may, at any time before the final determination of the application, require the guardian ad litem to perform such further duties as the court considers necessary.
- (5) The guardian ad litem shall attend any hearing of the application if so required by the court.
- (6) Any report made to the court under this rule shall be confidential.