
 STATUTORY INSTRUMENTS

1976 No. 1644 (L. 29)
CHILDREN AND YOUNG PERSONS
The Adoption (County Court) Rules 1976

Made - - - - - 4th October 1976

Laid before Parliament - - 13th October 1976

Coming into Operation in accordance with Rule 1

The Lord Chancellor, in exercise of the powers conferred on him by section 9(3) of the Adoption Act 1958(a), as amended by paragraph 22 of Schedule 3 to the Children Act 1975(b), and all other powers enabling him in that behalf, hereby makes the following Rules:--

INTRODUCTORY

Citation and commencement

1. These Rules may be cited as the Adoption (County Court) Rules 1976 and shall come into operation on the date appointed by the Secretary of State for the coming into force of section 8(1) of the Children Act 1975.

Interpretation

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

“the Act of 1958” means the Adoption Act 1958;

“the Act of 1975” means the Children Act 1975;

“the child” means the person whom the applicant for an adoption order proposes to adopt;

“regular armed forces of the Crown” means the Royal Navy, the regular forces as defined by section 225 of the Army Act 1955(c), the regular air force as defined by section 223 of the Air Force Act 1955(d), the Queen Alexandra’s Royal Naval Nursing Service and the Women’s Royal Naval Service;

expressions which are used in the Act of 1975 have the same meaning as in that Act;

any reference to an Order and rule prefixed by the letters C.C.R. is a reference to that Order and rule in the County Court Rules 1936(e);

any reference to any rule or enactment shall be construed as a reference to that rule or enactment as amended, extended or applied by any other rule or enactment.

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

(3) The Interpretation Act 1889(f) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(a) 7 & 8 Eliz. 2. c. 5.

(c) 1955 c. 18.

(e) S.R. & O. 1936/626 (1936 I, p. 282).

(b) 1975 c. 72.

(d) 1955 c. 19.

(f) 1889 c. 63.

Extent and application of other rules

3.—(1) These Rules shall apply to proceedings in a county court under the Act of 1958 or the Act of 1975.

(2) Subject to the provisions of these Rules and of any enactment, the County Court Rules 1936 shall apply with the necessary modifications to proceedings to which these Rules apply.

(3) For the purpose of paragraph (2) any provision of these Rules authorising or requiring anything to be done shall be treated as if it were a provision of the County Court Rules 1936.

COMMENCEMENT ETC., OF PROCEEDINGS

Originating application

4.—(1) An application for an adoption order shall be made by filing in the office of the county court, in whose district the child is at the date of the application, an originating application in Form 1.

(2) The proposed adopter shall be the applicant and the respondents shall be:-

- (a) each parent or guardian (not being an applicant) of the child;
- (b) any local authority having the powers and duties of a parent or guardian of the child by virtue of section 24 of the Children and Young Persons Act 1969(a);
- (c) any local authority in whom the parental rights and duties with respect to the child are vested, whether jointly or not, by virtue of section 2 of the Children Act 1948(b);
- (d) in the case of an application made after the coming into force of section 60 of the Act of 1975, any voluntary organisation in whom the parental rights and duties with respect to the child are vested, whether jointly or not, by virtue of that section;
- (e) any person liable by virtue of any order or agreement to contribute to the maintenance of the child;
- (f) any local authority to whom the applicant has given notice of his intention to apply for an adoption order under section 3(2) of the Act of 1958;
- (g) any local authority or adoption society named in the application, or in any form of agreement, as having taken part in the arrangements for the adoption of the child;
- (h) any local authority or voluntary organisation in whose care the child is under section 1 of the Children Act 1948 or under or within the meaning of any other enactment;
- (i) in a case where the applicant proposes to rely upon section 11(1)(b)(ii) of the Act of 1975, the spouse of the applicant.

(3) The court may at any time direct that any other person or body, not being the child, be made a respondent to the application.

(4) When making his application, the applicant must supply one copy of the application to which, subject to rule 7, there need not be attached any copies of the documents which are attached to the original application.

Application for a serial number

5. If any person who proposes to apply for an adoption order wishes his identity to be kept confidential, he may, before filing an originating application, apply to the registrar for a serial number to be assigned to him for the purposes of the proposed application and the registrar shall assign a number to him accordingly.

EVIDENCE

Agreement

6.—(1) Any document signifying the agreement of any person to the making of an adoption order for the purposes of section 6 of the Act of 1958 may be in Form 2 and, if executed before the commencement of the proceedings, shall be filed with the originating application.

(2) If the document is executed outside the United Kingdom it shall be sufficiently attested for the purposes of section 6(3) of the Act of 1958 if it is attested by any 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.

Statement of facts where court is asked to dispense with agreement

7.—(1) Where 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 section 12(2) of the Act of 1975, the request shall, unless otherwise directed, be made in the originating application or, if made subsequently, by notice to the registrar and there shall be attached to the originating application, or notice, three copies of a statement of the facts on which the applicant intends to rely.

(2) Where a serial number has been assigned to the applicant under rule 5, the statement of facts supplied under paragraph (1) shall be framed in such a way as not to disclose the identity of the applicant.

Health

8.—(1) Subject to paragraph (2), there shall be filed with every application for an adoption order—

- (a) a certificate of a fully registered medical practitioner as to the health of each applicant which may, if the applicant so desires, be in Form 3, and
- (b) a report by such a practitioner on the health of the child which may, if the applicant so desires, be in Form 4, and must be made, in the case of a child less than one year old on the date of the application, during the month preceding that date, or in any other case, during the period of six months preceding the date of the application.

(2) Paragraph (1) does not apply if the applicant or one of them is the mother or father of the child, or if the child has reached the upper limit of the compulsory school age.

JURISDICTION

Preliminary examination of jurisdiction

9. If it appears that the court—

- (a) may be required to dismiss the application pursuant to section 10(3) or 11(4) of the Act of 1975, or
- (b) may be precluded, by virtue of section 22(4) of the Act of 1975, from proceeding to hear the application, or
- (c) may for any other reason appearing in the application have no jurisdiction to make an adoption order,

the registrar shall bring the matter to the attention of the judge, and the application shall not be proceeded with unless the judge gives directions as to the further conduct of the application.

THE GUARDIAN AD LITEM

Appointment of a guardian ad litem

10.—(1) As soon as practicable after the making of the application, the registrar shall appoint a guardian *ad litem* of the child and shall serve on him a copy of the originating application together with the documents attached thereto.

(2) The person to be appointed guardian *ad litem* shall be:—

- (a) if the local authority concerned consents, the director of social services of a local authority or an officer or servant of that authority who assists the director of social services in the exercise of his functions,
- (b) a probation officer, or
- (c) if in any particular case the registrar considers that it is not reasonably practicable or that it would be undesirable to appoint one of the aforesaid persons, some other person who appears to the registrar to be suitably qualified.

(3) No person shall be appointed to be a guardian *ad litem* if he is a respondent or is a member, officer or servant of a respondent body, other than a body which is made a respondent by virtue of rule 4(2)(f) only.

(4) Where the director of social services of a local authority is appointed guardian *ad litem*, he may carry out his duties and appear before the court personally or by any other officer or servant of that authority who assists him in the exercise of his functions.

(5) This rule shall have effect subject to the provisions of rule 9.

Report of guardian ad litem

11.—(1) 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 all circumstances relevant to the proposed adoption, including the matters alleged in the originating application and those specified in Schedule 2 to these Rules; and
- (b) perform such other duties as are specified in that Schedule or as the court may direct.

(2) On completing his investigations the guardian *ad litem* shall make a report in writing to the court.

(3) With a view to obtaining the directions of the court on any particular matter, the guardian *ad litem* may at any time make such interim report to the court as appears to him to be necessary.

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

NOTICE OF HEARING, ETC.

Notices

12.—(1) At the time of appointing the guardian *ad litem*, the registrar shall fix a time for the hearing of the application and shall serve notice on all the parties.

(2) The notice to be served on every respondent shall be in Form 5, and a copy shall be served on the guardian *ad litem*.

(3) No person other than the guardian *ad litem* shall be served with a copy of the application.

(4) A note of service or non-service shall be indorsed on a copy of Form 5.

Extra information where court is to be asked to dispense with agreement

13.—(1) Where a request has been made to the court under rule 7, the registrar shall, where practicable, inform the parent or guardian of the request to dispense with his agreement and shall send him a copy of the statement referred to in that rule.

(2) Where a serial number has been assigned to the applicant under rule 5, the information given under paragraph (1) shall be framed by the court in such a way as not to disclose the identity of the applicant.

(3) If the request is made by notice under rule 7, the registrar shall also send a copy of the notice and of the statement attached to it to the guardian *ad litem*.

Notice in respect of child

14. If the guardian *ad litem* reports to the court that in his opinion the child is of sufficient age and understanding to understand the nature of an adoption order, the registrar shall serve on the applicant a notice in Form 6.

THE HEARING

Attendance of applicant

15.—(1) Subject to paragraph (2), the judge shall not make an adoption order or an interim order except after the personal attendance of the applicant before him.

(2) In the case of an application under section 10 of the Act of 1975, the judge may make an adoption order or an interim order after the personal attendance of one only of the applicants if the originating application is verified by an affidavit sworn by the other applicant in accordance with section 87 of the County Courts Act 1959(a) or, if he is outside the United Kingdom, by a declaration made by him and attested by a person specified in rule 6(2).

Attendance of child

16. Where the applicant has been served with a notice in Form 6, the judge shall not make an adoption order or an interim order unless—

- (a) the judge is satisfied that the child has been informed of the nature and effect of the order, if made, and has been given an opportunity of expressing his wishes and feelings regarding the decision, and
- (b) the child has attended personally before the judge, or it appears to the judge that there are special circumstances making the child's attendance unnecessary.

Right of audience

17. Any officer or servant of a respondent which is a local authority or other body may address the court if he is duly authorised in that behalf.

Conduct of proceedings in serial number cases

18. If a serial number has been assigned to the applicant under rule 5, 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 his identity except with his consent.

Proof of identity of child, etc.

19.—(1) Where the child whom the applicant wishes to adopt is identified in the originating application by reference to a birth certificate which is the same, or relates to the same entry in the Registers of Births, as a birth certificate exhibited to a form of agreement, the child so identified shall be deemed, unless the contrary appears, to be identical with the child to whom the form of agreement refers.

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

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

(4) Where the registration district and sub-district, or the country, of birth of the child are not or is not proved to the satisfaction of the court, then, if it is proved that he was born in England or Wales, or it appears probable that he was born within the United Kingdom, the Channel Islands or the Isle of Man, he may be treated as having been born in the registration district and sub-district in which the court sits, and in any other case the particulars of the country of birth may be omitted from the adoption order.

Committal of child to care on refusal of adoption order

20.—(1) This rule applies where the court refuses to make an adoption order in relation to a child under the age of 16 and proposes to make an order under section 17(1)(b) of the Act of 1975 committing the child to the care of a local authority.

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

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

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

the registrar shall fix a time for hearing any representations from the authority and from each parent of the child and shall, not less than 14 days before the date so fixed, send notice thereof to the authority, to the applicant for the adoption order, to each parent and to the guardian *ad litem* together with, in the case of an authority which is not a party to the proceedings, a copy of the notice served on the respondents under rule 12(2).

CUSTODY OF CHILDREN AWAITING ADOPTION

*Applications for removal, return etc., of child***21.—(1) An application—****(a) under—****(i) section 34(1) or 34A(1), or****(ii) section 34A(2),**

of the Act of 1958 for leave to remove a child from the custody of a person who has applied for an adoption order, or a prospective adopter (as the case may be), or

(b) under section 30(1) of the Act of 1975 for an order for the return of a child who has been removed, in breach of—**(i) section 34 or 34A(1), or****(ii) section 34A(2),**

of the Act of 1958, from the custody of any such person, or

(c) under section 30(2) of the Act of 1975 for an order directing a person not to remove the child from the custody of any such person, or**(d) under section 35(2) of the Act of 1958 for leave to give notice under section 35(1)(b) of the Act of 1958,**

shall be made in accordance with paragraphs (2) and (3).

(2) Subject to paragraph (3), the application under paragraph (1) shall be made—**(a) if an application for an adoption order is pending, in those proceedings by application on notice to the registrar under C.C.R. Order 13, rule 1;****(b) in any other case, by filing an originating application, under C.C.R. Order 6, rule 1, in the office of the court within whose district the applicant lives, or, in the case of an application made under paragraph (1)(a)(ii), in the office of that court or of the court within whose district the child is.**

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

(4) Subject to paragraph (5), the registrar shall serve a copy of the application, and of any answer to the application, and a notice of the time of the hearing—**(a) in the case of an application made under paragraph (1)(a), (b), (c) or (d) in pending proceedings, on all other parties to those proceedings and on the guardian *ad litem*;****(b) in the case of an originating application under paragraph (1)(a)(ii), on the prospective adopter and on the local authority to whom he has given notice;****(c) in the case of an originating application under paragraph (1)(b)(ii) or (c), on the person against whom the order is sought and on the local authority to whom the prospective adopter has given notice;****(d) in the case of an answer, on all the other parties to the application under this rule, and on the guardian *ad litem*, if any;****(e) in any case, on such other person or body, not being the child, as the court thinks fit.**

(5) If in the case of any application under this rule, a serial number has been assigned to any person who proposes to apply for an adoption order, or such a person applies to the registrar in that behalf before filing an originating application, and a serial number is assigned to him accordingly:—

(a) the registrar shall ensure that the documents to be served under paragraph (4) do not disclose the identity of that person to any other party to the application who is not already aware of that person's identity, and

(b) the proceedings on the application shall be conducted with a view to securing that that person is not seen by or made known to any other party to the application who is not already aware of his identity, except with his consent.

(6) 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 when he is heard on the application under this rule, whichever is the sooner.

(7) The court may at any time give directions, and if giving directions under paragraph (6) shall give further directions, as to the conduct of any application under this rule and in particular as to the appointment of a guardian *ad litem* of the child.

(8) An application made under paragraph (1)(a) or (d) shall be heard and determined in chambers unless the court otherwise directs.

(9) Where—

(a) in the case of an application under paragraph (1)(a) or (d) leave is granted, or

(b) in the case of an application under paragraph (1)(b) or (c), the order applied for is refused,

the judge may thereupon treat the hearing of the application as the hearing of the application for an adoption order and refuse an adoption order accordingly.

(10) Subject to paragraph (9), where an application under this rule is determined:—

(a) rule 23 shall apply as if the application were an application for an adoption order, and

(b) the registrar shall serve notice of the effect of the determination on all parties.

(11) Paragraphs (5) to (10) shall apply to an answer made under this rule as they apply to an originating application made under this rule as if the answer were an application.

MISCELLANEOUS

Application for provisional adoption order

22.—(1) An application for an order under section 53 of the Act of 1958 shall be made by filing in the office of the county court, in whose district the child is at the date of the application, an originating application in Form 7.

(2) Subject to the following provisions of this rule, these Rules, except rule 4(1), shall apply to an application for a provisional adoption order as they apply to an application for an adoption order as if a provisional adoption order were an adoption order.

(3) An applicant for a provisional adoption order shall provide evidence of the law of adoption in the country in which he is domiciled and an affidavit as to that law sworn by such a person as is mentioned in section 4(1) of the Civil Evidence Act 1972(a) (that is to say a person who is suitably qualified on account of his knowledge or experience to give evidence as to that law) shall be admissible in evidence without any such notice as is required by C.C.R. Order 20, rule 5.

(4) An application for a provisional adoption order shall be heard and determined in chambers, unless the court otherwise directs.

Costs

23. On the determination of any application for an adoption order or on the making of an interim order, the judge may make such order as to costs as he thinks just and, in particular, may order the applicant to pay—

- (a) the out of pocket 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 of order

24.—(1) Where an adoption order is made or refused or an interim order is made, the registrar shall serve notice to that effect on every respondent.

(2) Where, on the refusal of an adoption order, any order under section 17 of the Act of 1975 is made, the notice under paragraph (1) shall include particulars of the order.

(3) The registrar shall serve notice of adoption order on any court in Great Britain which appears to him to have made any such order as is referred to in section 8(3) of the Act of 1975.

Orders and abridged copies

25.—(1) Subject to rule 26, an adoption order shall be drawn up in Form 8, and within seven days after the making of the order the registrar shall send a copy to the Registrar General.

(2) Subject to rule 26, within seven days after the making of an adoption order the registrar shall deliver or send an abridged copy of the order in Form 9 to the applicant.

Orders made in Welsh courts

26.—(1) Where an adoption order is made by a court sitting in Wales in respect of a child who was born in Wales (or who is treated under rule 19(4) as having been born in the registration district and sub-district in which that court sits) and the adopter so requests before the order is drawn up—

- (a) the order shall contain a Schedule in Form 10 in place of the Schedule contained in Form 8, and
- (b) the abridged copy of the order shall contain a Schedule in Form 10 in place of the Schedule contained in Form 9.

(2) Where under this rule the Schedule in Form 10 is used, the adoption order and abridged copy shall each specify in both English and Welsh the particulars to be entered under the headings in entries 2 to 6 of that Schedule and, in the case of any discrepancy between the English and Welsh text of any such particulars, the English text shall prevail.

Interim orders

27. An interim order shall be drawn up in Form 11, and within seven days after the making of the order the registrar shall deliver or send an abridged copy of the order in Form 12 to the applicant.

Amendment and revocation of orders

28.—(1) An application under section 24 of the Act of 1958 for the amendment of an adoption order or the revocation of a direction to the Registrar General, or under section 26 of the Act of 1958 (or section 1(1) of the Adoption Act 1960(a)) for the revocation of an adoption order, may be made *ex parte* in the first instance, but the judge may require notice of the application to be served on such persons as he thinks fit.

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

Further proceedings after interim order

29.—(1) Where the court has made an interim order, the registrar shall, not less than one month before the expiration of the period specified in the order, fix a time, if no time has previously been fixed, for the further hearing of the application for an adoption order.

(2) When the time for the further hearing of an application is fixed, the registrar shall serve notice of the hearing on all parties and on the guardian *ad litem*.

(3) The notice to be served on every respondent shall be in Form 5.

Keeping of documents and information

30.—(1) All documents relating to proceedings under the Act of 1958 or under the Act of 1975 or under any previous enactment relating to adoption shall, while they are in the custody of the court, be kept in a place of special security.

(2) Any information obtained by any person in the course of, and relating to, any proceedings mentioned in paragraph (1) shall be treated as confidential and shall be disclosed if, but only 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 within Great Britain or not) having power to authorise an adoption, for the purpose of the discharge of its duties in that behalf, or
 - (ii) by the Registrar General, or by a person authorised in writing by him, where the information requested relates only to the identity of any local authority or adoption society which took part in

the arrangements for placing the infant or child in the care and possession or actual custody of the applicants with a view to adoption, and of any local authority which was notified of the applicant's intention to apply for an adoption order in respect of an infant or a child, or, as the case may be, is to the effect that no such body took part in such arrangements or was so notified, or

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

Supply of copies of orders

31.—(1) The registrar shall not supply a copy or abridged copy of any order made under the Act of 1958 or under the Act of 1975 or under any previous enactment relating to adoption except in accordance with rules 25, 26, 27 and 30 and this rule.

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

(3) Subject to paragraph (5), a copy of any order may be supplied to the applicant or to one of the applicants.

(4) Subject to paragraph (5), a copy of any order may be supplied to any other person with the leave of a judge.

(5) Any copy which is supplied under paragraph (3) or (4) above of an adoption order which was made after the coming into operation of these Rules shall consist of the body of the order and of the Schedule to the order, and shall not include the Appendix to the order.

Copies of documents

32. Without prejudice to rule 4(4), any person who files in the court office any notice or other document copies of which are to be served by the registrar, shall at the same time lodge a sufficient number of copies of the document for service on the other parties and on the guardian *ad litem*.

Service of documents

33. Unless otherwise directed, any document under these Rules may be served—

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

Respondent under disability

34. Unless otherwise directed, the minority of a respondent to an adoption application shall not of itself render necessary the appointment of a guardian *ad litem* for him.

Revocation of rules and transitional provisions

35. The Adoption (County Court) Rules 1959(a), the Adoption (County Court) (Amendment) Rules 1965(b) and the Adoption (County Court) (Amendment) Rules 1973(c) are hereby revoked except to such extent as may be necessary for giving effect to the transitional provisions and savings in the Act of 1975 or in any order made under section 108(2) of the Act of 1975 or, subject thereto, if and in so far as the more convenient disposal of an application pending on the date of commencement of these Rules so requires.

Dated 4th October 1976.

Elwyn-Jones, C.

(a) S.I. 1959/480 (1959 I, p. 611).
(c) S.I. 1973/1541 (1973 III, p. 4823).

(b) S.I. 1965/2070 (1965 III, p. 6090).

SCHEDULE 1

Rule 4(1)

Form 1

ORIGINATING APPLICATION FOR AN ADOPTION ORDER

In the County Court.

No.

IN THE MATTER OF The Adoption Act 1958

AND

IN THE MATTER OF The Children Act 1975

AND

IN THE MATTER OF (1).....a child.

I/We, the undersigned,.....
[and] wishing to adopt
.....(1) a child, who
is within the district of this county court(2), under the Adoption Act
1958 and the Children Act 1975, hereby give the following further parti-
culars in support of my/our application.

(1) Enter the first name[s]
and surname as shown in
any certificate referred to in
entry No. 6; otherwise
enter the first name[s] and
surname by which the
child was known before
being placed for adoption.

(2) The child must be within
the district of the county
court to which the applica-
tion is made.

PART I

Particulars of the applicant[s]

1. Name and address, etc. Name of (first) applicant in full.....

Address(3)

Occupation.....

Date of birth.....

Relationship (if any) to the child.....

[Name of second applicant in full.....

Address(3)

Occupation.....

Date of Birth.....

Relationship (if any) to the child.....]

2. Domicile. I am/We are/One of us (namely.....)
is domiciled in England and Wales/Scotland/Northern Ireland/the Channel
Islands/the Isle of Man.

3. Status. I am unmarried/a widow/widower/divorced [or We are
married to each other and our marriage certificate (or other evidence of
marriage) is attached] [or I am applying alone as a married person and
can satisfy the court that](4).

(3) Insert the address where
the applicant has his home
and the place (if different)
where documents may be
served on him.

(4) A married applicant can
apply alone only 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 his or her
spouse is incapable of
making an application for
an adoption order. Any
documentary evidence (in-
cluding death certificate
where relevant) on which
the applicant proposes to
rely should be attached to
the application. The name
and address (if known) of
the other spouse should
be supplied.

(5) Enter the reason to be relied upon (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.

[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).

(6) A separate medical certificate is required in respect of each applicant. There is an official form (Form 3) which may be used for this purpose. No certificate, however, need be supplied if the child is the child of the applicant or either of them, or has reached the upper limit of the compulsory school age.

[5. *Health.* A certificate as to my/our health, signed by a fully registered medical practitioner, is attached](6).

PART II

Particulars of the child

(7) If a child has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Registers of Births.

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(7) relates [or was born on or about the.....day of..... 19....., in.....](8).

(8) Where a certificate is not attached, enter the place including the country of birth if known.

[7. *Health.* A report on the health of the child, made by a fully registered medical practitioner on the.....day of..... 19....., is attached](9), (10).

(9) There is an official form (Form 4) which may be used for this purpose. No certificate need be supplied if the child is the child of the applicants or one of them, or has reached the upper limit of the compulsory school age.

8. *Parentage, etc.* The child is the child(11) of.....(12) whose last known address was..... [or deceased] and(13)..... whose last

(10) If the child is less than one year old on the date of the application, the report should have been made during the month preceding that date. If the child is one year old or more on that date, the report should have been made during the period of six months before that date.

..... whose last known address was..... [or deceased].

(11) If the child has previously been adopted, give the names of his adoptive parents and not those of his natural parents.

(12) Enter mother's name.

(13) Enter name of father, if known.

[9. The guardian[s] of the child (other than the mother or father of the child) is/are.....
of
[and
of
.....]](14).

(14)
Enter particulars of any person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts 1386 and 1925, or the Guardianship of Minors Act 1971, or by a court of competent jurisdiction to be a guardian. Do not include any person who has custody of the child only: under section 57(1) of the Act of 1958 (as amended by paragraph 39(d) of Schedule 3 to the Act of 1975), a father of an illegitimate child who has custody of the child under section 9 of the Guardianship of Minors Act 1971 (or section 2 of the Illegitimate Children (Scotland) Act 1930) is a guardian, so that his agreement to the adoption is required unless dispensed with, but his identity should be given at entry No. 8 above.

[10. Parental agreement. I/We attach a document/documents signifying the agreement of the said:
[and](15) to the making of an adoption order in pursuance of my/our application].

[11. I/We request the judge to dispense with the agreement of:
on the ground[s] that
[and]
.....] (15)(16)
and there are attached hereto three copies of a statement of the facts on which I/we intend to rely].

(15)
Enter either in paragraph 10 or 11 the names of the persons mentioned in entries Nos. 8 and 9, 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 an order under section 9 of the Guardianship of Minors Act 1971 or under section 2 of the Illegitimate Children (Scotland) Act 1930.

[12. Care, etc. The..... Council [or.....] of
has/have the powers and duties of a parent or guardian of the child [or the parental rights and duties with respect to the child]](17).

(16)
Enter one or more of the grounds set out in section 12(2) of the Act of 1975.

[13. 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](18).

(17)
This entry should be completed where some person or body has the powers and duties of a parent or guardian of the child by virtue of section 24 of the Children and Young Persons Act 1969 or has vested in him or it the parental rights and duties with respect to the child under section 2 of the Children Act 1948 or section 60 of the Act of 1975.

14. 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.....

(18)
This entry should be completed where some person or body is liable to contribute to the maintenance of the child under a court order or an agreement.

(19)

Under section 3(1) of the Act of 1958, an adoption order cannot be made unless the child has been continuously in the actual custody of the applicant during the three months before the order is made; this is modified by section 12(3) in the case of a married couple where both are or one is living outside Great Britain (so that a continuous period of at least three months' actual custody with one applicant which includes a period of one month with the other will suffice). In this case the relevant facts shall be stated.

(20)

Notice does not have to be given if the applicant or one of the applicants is a parent of the child or if at the time of the hearing the child will have reached the upper limit of the compulsory school age.

(21)

The court cannot proceed with the application if a previous application made by the same person in relation to the child was refused unless one of the conditions in section 22(4) of the Act of 1975 is satisfied.

(22)

Where the application is made by a married couple, of whom one is a parent and the other is a step-parent of the child, or by a step-parent of the child alone the court must, under section 10(3) or 11(4) of the Act of 1975, dismiss the application if it considers that the matter would be better dealt with under section 42 (orders for custody etc., in matrimonial proceedings) of the Matrimonial Causes Act 1973.

(23)

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

(24)

Any such payment or reward is illegal except payment to an adoption society or local authority in respect of their expenses incurred in connection with the adoption.

(25)

Enter the name of the local authority, adoption society or individual who has taken part in the arrangements for placing the child in the actual custody of the applicant with a view to his adoption.

PART III

General

15. The child was received into my/our actual custody on the..... day of.....19....., and has been continuously in my/our actual custody since that date (or as appropriate)(19).

16. The child has/had not had his home with me/us for the five years preceding the date of this application.

[17. I/We/One of us (namely.....) notified the..... Council on the.....day of..... 19....., of my/our intention to apply for an adoption order in respect of the child](20).

18. No proceedings relating in whole or in part to the child have been completed or commenced in any court in England or Wales or elsewhere [except.....](21), (22), (23).

19. I/We have not received or given any reward or payment for, or in consideration of, the adoption of the child or for any agreement to the making of the adoption order [except as follows:—](24).

20. As far as I/we know no person or body has taken part in the arrangements for placing the child in my/our actual custody [except](25).

[21. For the purpose of this application reference may be made to of](26).

(26) Where the applicant or one of the applicants is a parent of the child, or a relative as defined by section 57(1) of the Act of 1975, no referee need be named.

[22. I/We desire that my/our identity should be kept confidential, and the serial number of this application is](27).

(27) If the applicant wishes his identity to be kept confidential the serial number obtained under rule 5 of the Adoption (County Court) Rules 1976, should be given.

I/We accordingly apply for an adoption order in respect of the child.

Dated this day of 19

Signature[s]

Note: This Form must be filed in duplicate, but duplicates of the attached documents need not be filed. Every paragraph must be completed or deleted, as the case may be.

Rule 6

Form 2

(1) Insert either the name(s) of the applicant(s) or the serial no. assigned to the applicant(s) for the purpose of the application.

AGREEMENT TO AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER
[Heading as in Form 1]

Whereas an application is to be/has been made by...../
and..... [or under the serial number.....](1)
for an adoption order/a provisional adoption order in respect of.....
.....(2) a child:

(2) Insert the name(s) and surname as known to the person giving agreement.

[And whereas the child is the person to whom the birth certificate(3) now produced and shown to me marked "A" relates:](4)

And whereas the child is not less than six weeks old:

I, the undersigned.....
of.....
being a parent/guardian(5) of the child hereby state as follows:—

(3) If the child has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Registers of Births.

(4) 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.

1. I understand that the effect of an adoption order/a provisional adoption order 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.

(5) 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 an order under section 9 of the Guardianship of Minors Act 1971 or under section 2 of the Illegitimate Children (Scotland) Act 1930; "guardian" also means a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts 1886 and 1925, or the Guardianship of Minors Act 1971, or by a court of competent jurisdiction, to be the guardian of the child.

2. I further understand that the court cannot make an adoption order/a provisional adoption order without the agreement of each parent or guardian of the child unless the court dispenses with an agreement on the ground that the person concerned—

(a) cannot be found or is incapable of giving agreement, or
(b) is withholding his agreement unreasonably, or
(c) has persistently failed without reasonable cause to discharge 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.

(6) Notice will be given of the making of the application and of the court by which it is to be heard. After the making of the application the parent or guardian who has agreed cannot remove the child from the custody of the applicant(s) except with the leave of the court.

3. I further understand that, when the application for an adoption order/a provisional adoption order is heard, this document may be used as evidence of my agreement to the making of the order unless I inform the court that I no longer agree(6).

4. I hereby freely, and with full understanding of what is involved, agree unconditionally to the making of an adoption order/a provisional adoption order in pursuance of the application.

(7) Enter the name of any local authority, adoption society or person who is known to have arranged, or to have taken part in the arrangements, for the child to be placed in the actual custody of the applicant(s).

5. As far as I know, no other person or body has taken part in the arrangements for placing the child in the actual custody of the applicant(s) [except.....]
of.....](7).

(Signature).....

This form, duly completed, was signed by the said.....
 before me(8)
 at..... in the.....
 day of..... 19.....
 (Signature).....
 (Address).....

 (Description).....

(8) In England or Wales the document should be signed before a justice of the peace, a duly authorised county court officer or a justices' clerk and in Scotland before a justice of the peace or a sheriff. In Northern Ireland it should be signed before a justice of the peace. Outside the United Kingdom it should be signed before a person authorised by law in the place where the document is executed 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.

WARNING: It is an offence to receive or give any reward or payment for, or in consideration of, the adoption of the child or for giving agreement to the making of an adoption order or provisional adoption order, other than a payment to a local authority or adoption society for their expenses incurred in connection with the adoption.

Rule 8(1)(a)

Form 3

MEDICAL CERTIFICATE AS TO THE HEALTH OF APPLICANT

I examined.....

on....., 19....., and have formed the opinion that
he is physically, mentally and emotionally suitable to adopt a child.

Signature..... *Date*.....

Qualifications.....

Address.....

Rule 8(1)(b)

Form 4

MEDICAL REPORT ON HEALTH OF CHILD

This form is for a medical report on a child who may be adopted. The report is for the benefit of the adopters and the court. In order that the adopters may benefit fully from the report, it is important that the certifying doctor should explain to the adopters the nature and extent of any disability or abnormality disclosed by the examination which might affect their decision whether or not to adopt the child.

Child's name..... Date of Birth.....

Sex..... Weight..... Height.....

A General condition

Skin
 Eyes (including vision)
 Ears (including hearing)
 Nose and throat
 Speech
 Cardio-vascular system
 Respiratory system
 Alimentary system
 Genito-urinary system (including examination of urine for sugar)
 Skeletal and articular system (including examination for congenital dislocation of hip)
 Nervous system (including fits)
 Lymphatic system
 Any other comments
 Is the child physically normal having regard to his age?

B Are there any items in the child's history or examination which suggest that he may be mentally abnormal having regard to his age?**C Particulars of any illnesses from which the child has suffered****D If known—**

Weight at birth (if child is under one year of age)
 Details of birth, including result of mother's serological tests for syphilis
 Particulars, with dates, of vaccination or immunization against:—
 Tuberculosis (state result of Mantoux test or whether child has been successfully vaccinated with B.C.G. vaccine)
 Smallpox
 Diphtheria
 Whooping cough
 Poliomyelitis
 Tetanus (active)
 Any other disease

E(i) (Result of serological test for syphilis of the child's blood or the mother's blood carried out six weeks or later after the child's birth: either test (a) or tests (b) (i) and (ii) may be carried out when the child is at least six weeks old. If test (b) (i) or (ii) is positive, test (a) must also be carried out)

- (a) Result of suitable serological tests of the child's blood for syphilis (please specify test)
 (b) Result of suitable serological tests of the mother's blood for syphilis—
 (i) Reagin (please specify test)
 (ii) Verification (please specify test)

(ii) *(To be completed in the case of a child over six complete days (excluding the day of his birth) and under two years old at the time of the test).*

Result of test of the child's blood for the purpose of estimating the level of phenylalanine therein

F I examined the child on the..... day of.....
19..... and I have informed the adopters of the state of health of the child
disclosed by the examination.

Signature..... *Date*.....

Qualifications

Address.....

Form 5

Rule 12(2)

NOTICE OF AN APPLICATION FOR AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

[Heading as in Form 1]

To..... of.....

General note Where this form is used under rule 29(3) 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.

WHEREAS an application for an adoption order/a provisional adoption order in respect of.....

.....(1), a child of the.....sex born on the.....19....., has been made [by..... and.....] [or under the serial number.....](2)

(1) Enter the name(s) and surname of the child as shown in the heading of the originating application.

(2) The name of the applicant(s) must not be given where a serial number is specified in the originating application and the notice is addressed to an individual, other than the spouse of the applicant. In that case complete the second entry in square brackets.

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

TAKE NOTICE:

A.(3) [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/a provisional adoption order should be made].

(3) Paragraph A should be completed and paragraph B struck out where the notice is addressed to a local authority, an adoption society, any other body of persons or the spouse of the applicant or where the applicant does not desire his identity to be kept confidential. Where a serial number is specified in the originating application and the notice is addressed to an individual respondent, other than the spouse of the applicant, paragraph A must be struck out and paragraph B completed.

B.(3) [That if you wish to appear and be heard on the question whether an adoption order/a provisional adoption order should be made, you should give notice to the court on or before the.....day of..... 19....., in order that a time may be fixed for your appearance].

C. 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 custody of the applicant.

[D. 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 custody except with the leave of the court or under authority conferred by any enactment or on the arrest of the child](4).

(4) Paragraph D should be deleted except where it appears from the originating application that the child has had his home with the applicant for five years.

(5) Unless deleted, this paragraph should contain the grounds specified in the originating application.

[E. 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](5).

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

Dated the.....day of.....19.....

.....Registrar.

To the Registrar of the.....County Court

..... No.....

I answer the following questions as follows:

On what date did you receive notice of the hearing of the application for an adoption order/a provisional adoption order in respect of..... a child?.....19.....

Do you wish to oppose the application? (Answer Yes or No).....

Do you wish to appear and be heard on the question whether an adoption order/a provisional adoption order should be made? (Answer Yes or No).....

..... (Signature)

..... (Address)

..... (Date)

Rule 14

Form 6

NOTICE TO THE APPLICANT THAT THE CHILD'S PRESENCE IS REQUIRED AT THE HEARING

[Heading as in Form 1]

To of.....

WHEREAS an application has been made by you for an adoption order/ a provisional adoption order in respect of the above-named child;

AND WHEREAS the said application will be heard at..... County Court at..... 19....., at..... o'clock:

TAKE NOTICE that no adoption order/provisional adoption order can be made unless the child is present at the hearing(1), and the court is satisfied that he has been informed of the nature of the order and that he has been given an opportunity of expressing his wishes and feelings regarding the decision.

(1) The judge may be prepared to waive this requirement if there are special circumstances making the child's attendance unnecessary.

AND TAKE NOTICE that if the hearing is adjourned or an interim order is made no adoption order/provisional adoption order can be made at a subsequent hearing unless the child is present at the subsequent hearing(1) and the court is satisfied as aforesaid.

Dated.....

.....Registrar.

Rule 22(1)

Form 7

ORIGINATING APPLICATION FOR A PROVISIONAL ADOPTION ORDER

[Heading as in Form 1]

I/We, the undersigned.....

(1) Enter the first name(s) and surname as shown in any certificate referred to in entry No. 6; otherwise enter the first name(s) and surname by which the child was known before being placed for adoption. [and] wishing to obtain a provisional adoption order under section 53 of the Adoption Act 1958 in respect of..... (1) a child who is within the district of this county court(2), hereby give the following particulars in support of my/our application.

(2) The child must be within the district of the county court to which the application is made.

PART I

[Heading as in Form 1]

1. [As in Form 1]

2. *Domicile.* I am/We are not domiciled in England and Wales or Scotland.

3. [As in Form 1]

[4. I am applying on my own for a provisional adoption order in respect of my own child, and can satisfy the court that the other natural parent

(5) Enter the reason to be relied on (that the other natural parent is dead, or cannot be found, or that there is some other reason, which shall be specified, justifying his or her exclusion). Documentary evidence, e.g., a death certificate should be supplied where appropriate.

.....](5).

[5. [As in Form 1]]

PART II

[Heading as in Form 1]

6. [As in Form 1]

[7. [As in Form 1]]

8. [As in Form 1]

[9. [As in Form 1]]

(15) [As in side note 15 in Form 1].

[10. *Parental agreement.* I/We attach a document/documents signifying the agreement of the said..... [and.....] (15) to the making of a provisional adoption order in pursuance of my/our application]

[11. [As in Form 1]]

[12. [As in Form 1]]

[13. [As in Form 1]]

14. *Proposed names.* If a provisional adoption order is made in pursuance of this application, the child is, until adopted under the law of or within the country of my/our domicile, to be known by the following names:—

Surname.....

Other names.....

PART III

[Heading as in Form 1]

15. [As in Form 1]

16. [As in Form 1]

(20) Notice does not have to be given if the applicant or one of the applicants is a parent of the child, or if at the time of the hearing the child will have reached the upper limit of the compulsory school age.

[17. I/We/One of us (namely.....) notified the..... Council on the..... day of..... 19....., of my/our intention to apply for a provisional adoption order in respect of the child](20).

18. [As in Form 1]

19. I/We have not received or given any reward or payment for, or in consideration of, the adoption of the child, or for any agreement to the making of the provisional adoption order [except as follows—

(24) Any such payment or reward is illegal except payment to an adoption society or local authority in respect of their expenses incurred in connection with the adoption.

.....](24).

20. [As in Form 1]

[21. [As in Form 1]]

[22. [As in Form 1]]

23. I/We intend to adopt the child under the law of or within....., which is the country of my/our domicile, and I/we attach an affidavit as to the law of adoption in that country(28).

(28) The affidavit 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.

24. I/We desire to remove the child from Great Britain for the purpose of adoption.

I/We accordingly apply for a provisional adoption order in respect of the child.

Dated this..... day of..... 19.....

Signature(s).....

.....

Note: This form must be filed in duplicate, but duplicates of the attached documents need not be filed. Every paragraph must be completed or deleted, as the case may be.

Rule 25(1)

Form 8

ADOPTION ORDER OR PROVISIONAL ADOPTION ORDER

[Heading as in Form 1]

WHEREAS an application has been made by.....

of.....

whose occupation is..... [and.....

..... his wife] (hereinafter called the applicant(s))

(1) As in the heading to the form. for an adoption order/a provisional adoption order in respect of..... (1),

a child of the..... sex, the child of.....

[and.....];

AND WHEREAS the court is satisfied that the applicant is/applicants are qualified in accordance with the provisions of the Adoption Act 1958 and the Children Act 1975, to be granted an adoption order/a provisional adoption order in respect of the child and that all conditions precedent to the making of such an order have been fulfilled:

It is ordered that [the applicant(s) do adopt the child;] [*or* that the applicant(s) be authorised to remove the child from Great Britain for the purpose of adopting him/her under the law of or within the country in which the applicant is/applicants are domiciled, and that the parental rights and duties relating to the child (including the legal custody of the child) be vested in the applicant(s), pending the adoption of the child as aforesaid;]

[And the following payment or reward is authorised.....

.....];

[And as regards costs it is ordered that.....

.....];

(2) Enter the particulars of any local authority or adoption society supplied at paragraph 20 of Form 1. [And it is recorded that the..... Council was notified of the applicant's/applicants' intention to apply for an adoption order/a provisional adoption order in respect of the child and that the..... (2) took part in the arrangements for placing the child in the actual custody of the applicants with a view to adoption;]

[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 country of birth of the child has not been proved to the satisfaction of the court [but it appears probable that the child was born within the United Kingdom, the Channel Islands or the Isle of Man];]

[AND WHEREAS the child was born in England/Wales but the registration district and sub-district in which the birth took place have not been proved to the satisfaction of the court;]

[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 Registers of Births for the registration
district of.....and sub-district of.....in
the county of.....relates [*or with*.....
to whom the entry numbered.....and dated the.....
day of.....19....., in the Adopted Children Register relates];]

[AND WHEREAS the name or names and surnames stated in the application as those by which the child is to be known are.....:]

IT IS DIRECTED that the Registrar General shall make in the Adopted Children Register an entry in the form specified by regulations made by him recording the particulars set out in the Schedule to this Order;

[AND IT IS FURTHER DIRECTED that the aforesaid entry in the Register of Births/Adopted Children Register be marked with the word 'Adopted'/'Re-adopted'/'Provisionally adopted'/'Provisionally re-adopted']⁽³⁾.

Dated this.....day of..... 19.....

Registrar.

⁽³⁾ This paragraph should be deleted where the child is not proved to be identical with a child to whom an entry in the Registers of Births or Adopted Children Register relates.

SCHEDULE

1. No. of entry	
2. Date.....	<i>Registration District</i>
and
country	<i>Sub-district</i>
of birth of child
3. Name and surname of child	
4. Sex of child	
5. Name and surname, address and occupation of adopter or adopters	
6. Date of adoption order and description of court by which made	
7. Date of entry	
8. Signature of officer deputed by Registrar General to attest the entry	

Notes to Certain Paragraphs in the Schedule

1. *No. of entry.*
7. *Date of entry.*
8. *Signature of officer.* } for completion by the Registrar General.

2. *Date and country of birth.* Where the precise date of the child's birth is not proved, enter the date determined by the court to be the probable date. The particulars of the country of birth may be omitted unless it appears probable that the child was born within the United Kingdom, the Channel Islands or the Isle of Man. In that event enter England or Wales, as the case may be, as the country of birth.

Where the child was born in England or Wales but the registration district and sub-district in which the birth took place are not proved, or where the child is treated as born in England or Wales, enter the district and sub-district in which the court sits.

3. *Name and Surname.* Enter the name or names and surname stated in the originating application as those by which the child is to be known or, if no name or surname is so stated, the original name or names of the child and the surname of the applicant.

5. *Name etc., of adopters.* Enter the place or places stated in the originating application where the applicant or each of them is living unless some later such address has come to the notice of the court.

6. *Date of order, etc.* In the case of a provisional adoption order enter the words "Provisional Adoption Order" followed by the date of the order and the name of the court.

APPENDIX

This Appendix forms part of the adoption/provisional adoption order but shall not form part of any copy supplied to any person under Rule 31(3) or (4) of the Adoption (County Court) Rules 1976.

1. The agreement of.....
of.....the parent/guardian of the child is dispensed with
on the ground(s) that.....(1). (1)

Enter the appropriate ground(s) in section 12(2) of the Act of 1975.

[2. The order is made on the application of one person who [is married]
[or is the mother/father of the child] and the court is satisfied that.....

.....](2). (2)

Enter the appropriate ground(s) in section 11(1) (b) or (3) of the Act of 1975, and specify where appropriate the matters of which the court is satisfied.

Rule 25(2)

Form 9

ABRIDGED FORM OF ADOPTION ORDER OR PROVISIONAL
ADOPTION ORDER

[Heading as in Form 1]

WHEREAS an application has been made by.....
..... of
..... [and
his wife] for an adoption order/a provisional adoption order in respect of:

(1)
As in the heading to
the form.

.....(1) a child:

IT IS ORDERED that the applicant(s) do adopt the child [or that the applicant(s) be authorised to remove the child from Great Britain for the purpose of adopting him/her under the law of or within the country in which the applicant is/applicants are domiciled and that the parental rights and duties relating to the child (including the legal custody of the child) be vested in the applicant(s) pending the adoption of the child as aforesaid]:

(2)
Enter the particulars of
any local authority or
adoption agency supplied
at paragraph 20 of Form 1.

AND IT IS RECORDED that the.....Council was notified of the applicant's/applicants' intention to apply for an adoption order/a provisional adoption order in respect of the child and that the(2) took part in the arrangements for placing the child in the actual custody of the applicant(s) with a view to adoption.

AND IT IS DIRECTED that the Registrar General shall make in the Adopted Children Register an entry recording the particulars set out in the Schedule to this order.

Dated this.....day of.....19.....

Registrar.

SCHEDULE

[As in Form 8]

Form 10

FORM OF BILINGUAL SCHEDULE FOR INCLUSION IN ADOPTION ORDERS MADE BY
WELSH COURTS

1. No. of entry Rhif y cofnod	
2. Date..... Dyddiad and a'r country of birth of child..... wlad lle ganwyd y plentyn.....	<i>Registration District Dosbarth Cofrestru</i> <i>Sub-district Is-ddosbarth</i>
3. Name and surname of child Enw a chyfenw y plentyn	
4. Sex of child	Rhyw y plentyn
5. Name and surname, Enw a chyfenw, address cyfeiriad and a occupation of adopter or adopters gwaith y mabwysiadwr neu'r mabwysiadwyr	
6. Date of adoption order..... Dyddiad y gorchymyn mabwysiadu..... and description of court by which made..... a disgrifiad o'r llys a'i gwnaeth.....	
7. Date of entry	Dyddiad y cofnod
8. Signature of officer deputed by Registrar General to attest the entry Llofnod y swyddog a benodwyd gan y Cofretrydd Cyffredinol i ardystio'r cofnod	

*Notes to Paragraphs in the Schedule**Nodiadau Ar Y Paragraffau Yn Yr Atodlen*

- | | |
|---------------------------------|---|
| 1. <i>No. of entry.</i> | } For completion by the Registrar General. |
| 7. <i>Date of entry.</i> | |
| 8. <i>Signature of officer.</i> | |
| 1. <i>Rhif y cofnod.</i> | } I'w llenwi gan y Cofrestrydd Cyffredinol. |
| 7. <i>Dyddiad y cofnod.</i> | |
| 8. <i>Llofnod y swyddog.</i> | |

2. *Date and country of birth.* Where the precise date of the child's birth is not proved, enter the date determined by the court to be the probable date. The particulars of the country of birth may be omitted unless it appears probable that the child was born within the United Kingdom, the Channel Islands or the Isle of Man. In that event enter England or Wales, as the case may be, as the country of birth.

Where the child was born in England or Wales but the registration district and sub-district in which the birth took place are not proved, or where the child is treated as born in England or Wales, enter the district and sub-district in which the court sits.

2. *Dyddiad a'r wlad lle'i ganwyd.* Lle na phrofir yr union ddyddiad y ganwyd y baban, cynhwyswch y dyddiad a bendefrynwyd fel y dyddiad tebygol gan y llys. Gellir peidio â chynnwys manylion am y wlad lle'i ganwyd onid ymddengys yn debygol mai of ewn y Deyrnas Gyfunol, Ynysoedd y Sianel neu Ynys Manaw y ganwyd y baban. Osfelly cynhwyswch Gymru neu Loegr fel y bo'r achos fel y wlad lle'i ganwyd.

Lle bo'r baban wedi'i eni yng Nghymru neu yn Lloegr ond na phrofwyd ym mha ddsbarth neu is-ddosbarth cofrestru y bu hynny neu lle trinir y baban fel un a anwyd yng Nghymru neu yn Lloegr, cynhwyswch y dosbarth a'r is-ddosbarth lle bo'r ilys yn eistedd.

3. *Name and Surname.* Enter the name or names and surname stated in Form 1 or 7 as those by which the child is to be known or, if no name or surname is so stated, the original name or names of the child and the surname of the applicant.

3. *Enw a Chyfenw.* Cynhwyswch yr enw neu'r enwau a'r cyfenw a fynegwyd yn Ffurflen 1 neu 7 fel y rhai yr adnabyddir y baban wrthynt neu, os na fynegir yr enw neu'r cyfenw felly, enw neu enwau gwreiddiol y baban a chyfenw'r sawl sy'n gwneud y cais.

5. *Name etc., of adopters.* Enter the place or places stated in the originating application where the applicant or each of the applicants is living unless some later such address has come to the notice of the court.

5. *Enw etc., y rhai sy'n mabwysiadu.* Rhwch yr enw neu'r enwau a nodwyd yn y cais gwreiddiol lle y mae'r ymgeisydd neu bob un o'r ymgeiswyr yn byw, oni fydd rhyw gyfeiriad diweddarach o'r fath wedi dod i sylw'r llys.

6. *Date of Order, etc.* In the case of a provisional adoption order enter the words "Provisional Adoption Order" followed by the date of the order and the name of the court.

6. *Dyddiad y Gorchymyn, etc.* Mewn achos gorchymyn mabwysiadu tros dro rhwch y geiriau "Gorchymyn Mabwysiadu Tros Dro" ac yna ddyddiad y gorchymyn ac enw'r llys.

Form 11
INTERIM ORDER
[Heading as in Form 1]

[First two recitals as in Form 8]

IT IS ORDERED that the determination of the application be postponed and that the applicant(s) do have the 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 custody of the child until that day by way of a probationary period] [upon the following terms, namely

.....];

[And as regards costs it is ordered that.....];

[AND IT IS ORDERED that the application be further heard before the judge at

..... on the.....day of..... 19....., at.....o'clock].

Dated this.....day of..... 19.....

Registrar.

APPENDIX

This Appendix forms part of the interim order but shall not [continue as in Form 8]

Rule 27

Form 12

ABRIDGED FORM OF INTERIM ORDER

[Heading as in Form 1]

[Recital as in Form 9]

IT IS ORDERED that the determination of the application be postponed and that the applicant(s) do have the 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 custody of the child until that day by way of a probationary period] [upon the following terms, namely

.....].

[And as regards costs it is ordered that.....];

[AND IT IS ORDERED that the application be further heard before the judge at

on the.....day of..... 19....., at..... o'clock].

Dated this.....day of..... 19......

Registrar.

SCHEDULE 2

Rule 11(1)(a)

PARTICULAR DUTIES OF THE GUARDIAN AD LITEM

1. The guardian *ad litem* shall interview the applicant and shall ascertain:—
 - (a) why the applicant wishes to adopt the child;
 - (b) whether the applicant understands the nature of an adoption order and, in particular, that the order, if made, will render him responsible for the maintenance and upbringing of the child;
 - (c) in the case of an application by the mother or father of the child alone, what reason there is justifying the exclusion of the other natural parent;
 - (d) in the case of an application by one only of a married couple, why the other spouse does not join in the application;
 - (e) in the case of an application by a married couple, the state of the marriage, and, in particular, whether it has the stability which is likely to provide a sound basis for a secure parental relationship with an adopted child;
 - (f) such other information, including an assessment of the applicant's personality and, where appropriate, that of the child, as has a bearing on the mutual suitability of the applicant and the child and on the ability of the applicant to bring up the child;
 - (g) whether the applicant suffers or has suffered from any serious illness and whether there is any history of tuberculosis, epilepsy or mental illness in the applicant's family;
 - (h) particulars of all members of the applicant's household and their relationship (if any) to the applicant;
 - (i) particulars of the accommodation in the applicant's home and the condition of the home;
 - (j) the means of the applicant and, where appropriate, the rights to or interests in property (under dispositions already made) which the child stands to obtain if adopted;
 - (k) the applicant's religious persuasion, if any;
 - (l) whether any person specified in the application as a person to whom reference may be made is a responsible person and whether he recommends the applicant with or without reservations.
2. Except in the case of an application for a provisional adoption order, the guardian *ad litem* shall forthwith inform the court if it appears to him that the applicant or both applicants may not be domiciled in a part of the United Kingdom, the Channel Islands or the Isle of Man.
3. The guardian *ad litem* shall ascertain and inform the applicant:—
 - (a) whether the child has been baptised and, if so, the date and place of baptism;
 - (b) what treatment the child has received with a view to immunising him against disease;
 - (c) what, if any, rights to or interests in property the child stands to retain or lose if adopted;
 - (d) whether an insurance policy for the payment on the death of the child of money for funeral expenses has been effected.
- 4.—(1) The guardian *ad litem* shall, as soon as is reasonably practicable, ascertain whether the child is able to understand the nature of an adoption order.
 - (2) If, in the guardian's opinion, the child is able to understand the nature of an adoption order, the guardian shall forthwith inform the court.
 - (3) The guardian shall, so far as practicable, ascertain the wishes and feelings of the child regarding the decision.

5.—(1) The guardian *ad litem* shall interview either in person or by an agent appointed by him for the purpose every individual who is a respondent or who appears to him to have taken part in the arrangements for the adoption of the child.

(2) The guardian shall forthwith inform the court if, in his opinion, any respondent is under the age of majority.

6.—(1) The guardian *ad litem* shall obtain from every respondent, not being an individual, such information concerning the child as they have in their possession and which they consider might assist the court in deciding whether or not the child should be adopted by the applicant.

(2) Where such information is given in the form of a written report, the guardian shall append it to his own report to the court.

7. The guardian *ad litem* shall ascertain who has had actual custody of the child throughout his life and for what period or periods.

8. The guardian *ad litem* shall ascertain that every agreement to the making of an adoption order in pursuance of the application is freely and unconditionally given and with full understanding of what is involved.

9. Where either parent of the child is dead, the guardian *ad litem* shall forthwith inform the court if he learns of any relation of the deceased parent who wishes to be heard by the court on the question whether an adoption order should be made.

10. Where the child is illegitimate but the putative father is not the guardian of the child or is not liable to contribute to his maintenance by virtue of any order or agreement the guardian *ad litem* shall forthwith inform the court if he learns of any person, claiming to be the father, who wishes to be heard by the court on the question whether an adoption order should be made.

11. The guardian *ad litem* shall forthwith inform the court if he learns of any person who is or has been married to the mother or father of the child and who may have to be joined as a respondent.

12. The guardian *ad litem* shall forthwith inform the court if he learns of any other person or body who wishes or ought in his opinion to be heard by the court on the question whether an adoption order should be made.

13. Where appropriate, the guardian *ad litem* shall endeavour to obtain a report on the applicant's home and living conditions from a suitable agency in any country outside Great Britain in which the applicant is or has been living or resident.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

1. These Rules consolidate with amendments the Adoption (County Court) Rules 1959 and subsequent amending instruments. In addition to drafting changes, the rules make the amendments rendered necessary by the changes in statute law effected by the provisions of the Children Act 1975 which are in force on the date of commencement of the rules.

2. The main alterations of substance in the rules are as follows:—

- (1) directions by the judge for the further conduct of an adoption application will be required where it may be that the application should be dismissed on the ground that custody proceedings under section 42 of the Matrimonial Causes Act 1973 would be more appropriate (rule 9(a));
- (2) no provision now appears to enable a judge to refuse to proceed with an application because it would be better dealt with by the High Court: this is now regulated by section 101(1) of the Children Act 1975;

- (3) provision is made in the rules relating to the determination of the place and date of birth of the child (rule 19(3) and (4));
- (4) provision is made (for cases where an adoption order is refused and the court proposes to commit the child to the care of a local authority) for the hearing of any representations from the local authority concerned (rule 20);
- (5) the rules provide for the making and conduct of applications to remove, to restrain the removal of or for the return of a child who is the subject of an actual or proposed adoption application (rule 21);
- (6) the rules permit the identity of the local authority or adoption agency which was involved in the adoption proceedings to be disclosed from court records at the request of the Registrar-General or anyone authorised by him (rule 30(2)(b)(ii)).

3. Apart from changes rendered necessary by the new legislation, the main modifications in the forms are as follows:—

- (1) Form 1 no longer contains material relating to a provisional adoption order for which a separate form (Form 7) is prescribed;
- (2) the form of agreement is now Form 2 rather than Form 5;
- (3) forms are no longer separately prescribed for notice of a further hearing following an interim order;
- (4) the forms of order now contain an Appendix in which certain information is specified for the purposes of the records held by courts and by the Registrar-General;
- (5) an abridged form of interim order is prescribed (Form 12).

4. There are some changes in the duties which are prescribed for the guardian *ad litem*, particularly at paragraphs 1(e), 2, 7 and 11 of Schedule 2.

SI 1976/1644
ISBN 0-11-061644-8



780110616445