

## 1989. No. 307

## COUNTY COURTS

**County Courts (Amendment No. 3) Rules  
(Northern Ireland) 1989**

*Made* . . . . . 26th July 1989

*Coming into operation* . . . . . 1st October 1989

We, the County Court Rules Committee, appointed by the Lord Chancellor under Article 46 of the County Courts (Northern Ireland) Order 1980(a), in exercise of the powers conferred on us by Article 47 of that Order, and all other powers enabling us in that behalf, hereby make the following rules:—

*Citation*

1. These Rules may be cited as the County Court (Amendment No. 3) Rules (Northern Ireland) 1989.

*Interpretation*

2. In these rules a reference to an Order, Appendix or Form is a reference to that Order, Appendix or Form as numbered in the County Court Rules (Northern Ireland) 1981(b).

*Amendment of County Court Rules (Northern Ireland) 1981*

3.—(1) For Order 50 there shall be substituted the Order set out in Schedule 1.

(2) Appendix 1 shall be amended by substituting for Forms 249-262 the new Forms set out in Schedule 2.

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing rules, hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

*John K. Pringle  
J. F. B. Russell  
S. D. Massey  
K. G. Nixon  
John J. Curran  
Raymond Kerr  
Peter J. Cush  
Brian F. Walker*

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(a) S.I. 1980/397 (N.I. 3)

(b) S.R. 1981 No. 225

After consultation with the Lord Chief Justice I allow these Rules which shall come into operation on 1st October 1989.

Dated 26th July 1989

*Mackay of Clashfern, C.*

**ORDER 50****Adoption****PART I****PRELIMINARY***Interpretation*

1.—(1) In this Order unless the context otherwise requires—

- (a) “the 1967 Act” means the Adoption Act (Northern Ireland) 1967(a);
- (b) “the 1968 Act” means the Children and Young Persons Act (Northern Ireland) 1968(b);
- (c) “the 1987 Order” means the Adoption (Northern Ireland) Order 1987(c) and references to an Article by number means the Article so numbered in that Order;
- (d) “chief clerk” means the chief clerk for the county court division in which the application is being made;
- (e) “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;
- (f) “former parent” has the meaning assigned by Article 19;
- (g) “interim order” means an order under Article 26;
- (h) “medical practitioner” has the meaning assigned by Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(d);
- (i) “order authorising a proposed foreign adoption” means an order under Article 57;
- (j) “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.
- (k) expressions which are defined in the 1987 Order have the same meaning as in that Order.

(2) In this Order “a child freed for adoption” has the same meaning as in Article 16(1)(a).

(3) The notes appended to Forms 249–262 do not form any part thereof and are so appended only for the purpose of assisting in their proper completion.

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(a) 1967 c. 35 (N.I.)

(b) 1968 c. 34 (N.I.)

(c) S.I. 1987/2203 (N.I. 22)

(d) S.I. 1972/1265 (N.I. 14)

(e) 1955 c. 18

(f) 1955 c. 19

## PART II

## FREEING FOR ADOPTION

*Commencement of proceedings under Article 17*

2.—(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 petition in Form 249.

(2) The petitioners 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 (other than a petitioner) liable by virtue of any order or agreement to contribute to the maintenance of the child; and

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

(4) On filing the petition the petitioners shall pay the appropriate fee and supply three copies of:—

- (a) the petition, 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 Form 249B.

*Commencement of proceedings under Article 18*

3.—(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 petition in Form 249A.

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

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

(4) There shall be attached to the petition a statement of the facts upon which the petitioner 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 petitioner 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 chief clerk 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 petition the petitioner shall pay the appropriate fee and supply three copies of:—

- (a) the petition together with any other documents requested to be supplied under this Order,
- (b) a report in writing covering all the relevant matters specified in Form 249B;
- (c) the statement of facts.

#### *Appointment of guardian ad litem*

4.—(1) As soon as practicable after the petition has been filed the chief clerk shall appoint a guardian ad litem of the child, and shall send to him a copy of the petition and any documents attached thereto and of the report supplied by the petitioner which 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;
- (b) any person employed by an organisation, not being a Board, which was so involved.

(3) Rule 15 of Order 3 shall not apply to the appointment of a guardian ad litem under this Rule.

#### *Duties of guardian ad litem*

5.—(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 petitioner 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 petition, the report supplied by the petitioner and, where appropriate, the statement of facts supplied under rule 3. 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 not 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 chief clerk shall notify the petitioner.

(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*

6.—(1) Any document signifying the agreement of a person to the making of an adoption order shall be in Form 250 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 petition.

#### *Notice of hearing*

7.—(1) Within 14 days of being notified by the guardian ad litem that he has made his report to the Court, the petitioner shall apply to the chief clerk to fix a date for the hearing of the application.

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

(3) The chief clerk shall inform the petitioner and the guardian ad litem of the date and time fixed for the hearing and the petitioner shall serve notice of the hearing on all parties in Form 251.

(4) Anyone wishing to object to the making of an order freeing a child for adoption, shall within 14 days of the date of service on him, on the Notice of Hearing, give the Chief Clerk written notice of his intention to object in Form 251A.

(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*

8.—(1) Where the chief clerk receives notice of objection under rule 7 he shall notify the judge, the petitioner or his solicitor and the guardian ad litem, and the judge shall direct what steps are to be taken.

(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 may make such direction or order as appears just.

*The hearing*

9.—(1) On the hearing of the petition, any person upon whom notice is required to be served under rule 7 may attend and be heard on the question whether an order freeing the child for adoption should be made.

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

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

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

(5) If there are special circumstances which, having regard to the report of the guardian ad litem, 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.

*Proof of identity of child, etc*

10.—(1) Where the child who is the subject of the application is identified in the petition 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 Island 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*

11.—(1) An application under Article 20(1) for an order revoking an order freeing the child for adoption shall be made in Form 252.

(2) Notice of the proceedings in Form 252A shall be served 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 2(2)(a), (b) or (c).

(3) As soon as practicable after receipt of the application, the chief clerk shall list the case for hearing and shall appoint a guardian ad litem of the child in accordance with rule 4 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 4 but as if in that rule and in rule 5:—

- (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 petitioner was omitted.

*Transfer of parental rights and duties between adoption agencies*

12.—(1) An application under Article 21 shall be made in Form 253.

(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

*Application for a serial number*

13.—(1) 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 chief clerk for a serial number to be assigned to him for the purposes of identifying him in the proposed application and a number shall be assigned to him accordingly.

*Commencement of proceedings*

14.—(1) An application for an adoption order shall be commenced by petition in Form 254.

(2) The respondents shall be—

- (a) each parent or guardian (not being a petitioner) 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 Section 18(5) or 21 of the Adoption (Scotland) Act 1978;

(a) 1976 c. 36

(b) 1978 c. 28



- (c) any adoption agency named in the petition or in any form of agreement to the making of an adoption order as having taken part in the arrangements for the adoption of the child;
- (d) any Board to whom the petitioner has given notice in Form 254A under Article 22 of his intention to apply for an adoption order;
- (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 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 (other than a petitioner) liable by virtue of any order or agreement to contribute to the maintenance of the child;
- (i) where the petitioner proposes to rely on Article 15(1)(b)(ii), the spouse of the petitioner.

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

(4) On filing the petition the petitioner shall pay the appropriate fee and supply three copies of—

- (a) the petition together with any other documents required to be supplied under this Order;
- (b) where the child was not placed for adoption with the petitioner by an adoption agency, save where the petitioner or one of the petitioners 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 petitioner, covering the matters specified in Form 254B.

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

15.—(1) Where the child is not free for adoption and the petitioner 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 petition and there shall be attached to the petition three copies of a statement of facts on which the petitioner intends to reply.

(2) Where a serial number has been assigned to the petitioner under rule 13, the statement of facts supplied under paragraph (1) shall be framed in such a way as not to disclose the identity of the petitioner.

(3) Except where the request for dispensation is based on the ground that the parent or guardian cannot be found, the chief clerk 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*

16.—(1) As soon as practicable after the petition has been filed the chief clerk shall appoint a guardian ad litem of the child and shall send to him a copy of the petition together with any documents attached thereto and of any report supplied by the petitioner which 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;
  - (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 4.
- (4) Rule 15 of Order 3 shall not apply to the appointment of a guardian ad litem under this rule.

#### *Duties of guardian ad litem*

17.—(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 petition, any report supplied under rule 14(4)(b) and, where appropriate, the statement of facts supplied under rule 15;
    - (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 not be present at the hearing of the application; and
  - (f) perform such other duties as appear to him to be necessary or as the court may direct.
- (2) Paragraphs (3) to (6) of rule 5 shall apply to a guardian ad litem appointed under this rule as they apply to a guardian ad litem appointed under that rule.

#### *Agreement*

18.—(1) Any document signifying the agreement of a person to the making of the adoption order shall be in Form 254C and shall, if executed in Northern Ireland, be witnessed by a Justice of the Peace.

(2) If it is executed by a person outside Northern Ireland before the commencement of the proceedings, it shall be filed with the petition.

(3) If the document is executed outside Northern Ireland it shall be witnessed by one of the persons specified in rule 6(2), (3) or (4), according to the country in which it is executed.

#### *Notice of hearing*

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

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

(3) The chief clerk shall inform the petitioner and the guardian ad litem of the date and time fixed for hearing and the petitioner shall, unless he desires that his identity be kept confidential, serve notice of the hearing on all the parties in Form 255.

(4) Where the petitioner desires that his identity be kept confidential he shall in lieu of serving a notice in Form 255 serve upon the parties a Notice of Presentation in Form 256.

(5) If the petitioner has no solicitor acting for him the notice in Form 255 or 256, shall be signed by the chief clerk.

(6) Anyone wishing to object to the making of an adoption order, shall within 14 days of the date of service on him of the Notice of Hearing or as the case may be the Notice of Presentation give the chief clerk written notice of his intention to object, in Form 255A or Form 256A as is appropriate, 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*

20.—(1) Where the chief clerk receives Notice of Objection under rule 19(6) he shall notify the judge, the petitioner (or his solicitor) and the guardian ad litem, and the judge shall direct what steps are to be taken.

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

### *Reports by adoption agency or Board*

21.—(1) Where the child was placed for adoption with the petitioner by an adoption agency, that agency shall supply, within six weeks of receipt of the Notice of Hearing under rule 19, three copies of a report in writing covering the matters specified in Form 249B.

(2) Where the child was not placed for adoption with the petitioner by an adoption agency, the Board to whom the notice under Article 22 was given shall supply, within six weeks of receipt of the notice of hearing under rule 19, three copies of a report in writing covering the matters specified in Form 249B.

(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 chief clerk 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*

22.—(1) On the hearing of the petition, any person upon whom notice is required to be served under rule 19 may, subject to any directions given under rule 19(7), attend and be heard on the question whether an adoption order should be made.

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

(3) If a serial number has been assigned to the petitioner under rule 13, 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 petitioner'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 petitioner 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 petitioners, if the petition is verified by an affidavit sworn by the other petitioner or, if he is outside the United Kingdom, by a declaration made by him and witnessed by any of the persons specified in rule 6(4).

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

23.—(1) Where the child who is the subject of the proceedings is identified in the petition 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 hearing date after interim order*

24.—(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 petitioner 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 chief clerk and, if he fails to do so, the guardian ad litem shall obtain such date.

(2) When the date for the further hearing is fixed the petitioner shall, unless the judge otherwise directs, serve a notice in Form 255 or 256 on every person on whom notice is required to be served under rule 19.

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

25.—(1) Where the Board to whose care the court proposes to commit the child, is a party to the proceedings and is represented before the court when the application for an 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 whose care the court proposes to commit the 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 chief clerk shall list the case for further hearing and shall, not less than 14 days before the date of that hearing, send notice thereof in Form 255 or 256 to the Board, to the petitioner, 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 respondents under rule 19 or 24.

## PART IV

## MISCELLANEOUS

26.—(1) An application under —

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

shall be made in accordance with paragraph (2).

(2) An application pursuant to paragraph (1) shall be made —

- (a) if an application for an adoption order or an order under Articles 17, 18 or 20 is pending, by sending a notice of application in Form 257 to the chief clerk; or
- (b) if no such application is pending, by sending a notice of application in Form 257A to the chief clerk.

(3) Subject to paragraph (5), the chief clerk 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 chief clerk.

(5) The Chief Clerk 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 chief clerk in that behalf before filing the petition and a serial number is assigned accordingly —

- (a) the chief clerk 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 petition 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 a petition for an adoption order has been filed, treat the hearing of the application as the hearing of the petition for an adoption order and refuse an adoption order accordingly.

(10) Where an application under this rule is determined the chief clerk shall serve notice in Form 260A of the effect of the determination on all the parties.

#### *Proposed foreign adoption proceedings*

27.—(1) An application under Article 57(1) for an order authorising a proposed foreign adoption shall be made by petition in Form 254.

(2) Subject to paragraph (3), Part III of these rules except rule 14(1) and Part IV except rule 31(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(a) (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.

#### *Application for amendment or revocation of adoption orders, supply of copies, etc*

28.—(1) An application:

- (a) under Article 52(1) for the amendment of an adoption order or for the revocation of a direction for the marking of an entry in the Register of Births or Adopted Children Register;
- (b) under Article 55 for the revocation of an adoption order;
- (c) under rule 31(8) for the supply of a copy of, or information relating to, an adoption order; or
- (d) under Article 50(3) for an order for the furnishing of information contained in the books kept by the Registrar General under Article 50(1)(c);

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 may direct.

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(a) 1978 c. 23

(2) Where an application referred to in sub-paragraph (a) or (b) of paragraph (1) is granted, the chief clerk shall send to the Registrar General a notice specifying the date of the adoption order and the names of the adopter and of the adopted person as given in the adoption order and either stating the amendments to the adoption order made by the court or informing him of the revocation of the direction or adoption order, as the case may be.

(3) Where an application referred to in sub-paragraph (d) of paragraph (1) is granted, the chief clerk shall send a copy of the order of the court to the Registrar General.

(4) Such notice or order shall be contained in an envelope marked "Confidential" and sent by registered post or by the recorded delivery service.

(5) Where an adoption order made under the Adoption of Children Act (Northern Ireland) 1929(a), the Adoption of Children Act (Northern Ireland) 1950(b) or under the 1967 Act is amended, the said notice shall contain all the particulars to be entered in the Adopted Children Register.

#### *Service and filing of documents*

29.—(1) Any document or copy thereof required to be served or sent under the 1987 Order or these rules may be served personally on the person to be served or sent by registered post or by the recorded delivery service in an envelope addressed to the person to be served at his place of residence or, in the case of service on a board or other body, addressed to it as its official address or by delivering it personally to the secretary, clerk or other responsible officer of the authority or body at its office.

(2) Proof of service of documents under the 1987 Order and these rules shall be on affidavit.

(3) Where a document is served by post in accordance with this rule —

(a) the envelope in which it is enclosed shall be marked "Confidential"; and

(b) the receipt for its posting shall be attached to the copy thereof referred to in the affidavit of posting.

(4) A petition submitted to the chief clerk, and any notice, affidavit, or other document or copy thereof required to be filed with the chief clerk under these rules shall be so submitted, or, as the case may be, filed either by delivery thereof to him personally or to some responsible person at his office or by sending the document by registered post or by the recorded delivery service in an envelope addressed to him at that office.

(5) Notwithstanding anything in Order 6, any notice, petition or other document referred to in this rule may be served by a process server, a solicitor or member of the staff of that solicitor's office over sixteen years of age.

#### *Costs*

30. 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.

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(a) 1929 c. 5 (N.I.)

(b) 1950 c. 6 (N.I.)

*Notice and copies of order etc.*

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

<i>Description of order</i>	<i>Form</i>
(a) Order under Article 17	258
(b) Order under Article 18	259
(c) Order under Article 20	260
(d) Interim order	261
(e) Adoption order	262
(f) Order authorising a proposed foreign adoption	262 (with the words 'order authorising a proposed foreign adoption' substituted for the words 'adoption order' wherever they appear).

(2) Within 14 days of the making of an order to which paragraph (1)(d), (e) or (f) applies, the chief clerk shall forward to the Registrar General a sealed copy thereof by registered post or by the recorded delivery service in an envelope marked "confidential".

(3) Where an order to which paragraph (1)(a), (b) or (e) applies is made or refused or an order to which paragraph (1)(c) applies is made the chief clerk 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 chief clerk shall serve notice of the making of an order to which paragraph (1)(a), (b), (c), or (f) 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*

32.—(1) All documents relating to proceedings under the 1967 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 purpose of the hearing, that part of any such report which refers to him, subject to any direction given by the court that —

(a) no part of one of any of the reports shall be revealed to that party, or

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

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

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

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

(b) the information is requested —



- (i) by a court or public authority (whether in 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 purposes of research.
- (4) Save as required or authorised by a provision of any enactment or of these rules or with the leave of the court, no document or order held by or lodged with the court in proceedings under the 1967 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.

*Application of equity practice and procedure.*

33. In any matter not provided for in the foregoing rules, the practice and procedure of the Court in equity matters shall be followed.



- (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

**(Heading).** 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.

**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 petition in addition to the authorised officer.





**Matters to be covered in Reports**  
[Order 50 Rule 2(4); 3(7); 21(1) and 21(2)]

So far as is practicable, the report supplied by the adoption agency or, in the case of a report supplied under rule 21(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(a) 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) physical description;
  - (e) personality;
  - (f) religion;
  - (g) educational attainments;
  - (h) past and present occupations and interests;
  - (i) so far as available, names and brief details of the personal circumstances of the parents and any brothers and sisters of the natural parent, with their ages at death;
  - (j) wishes and feelings in relation to adoption and the application, including any wishes in respect of the child's religious and cultural upbringing;
  - (k) reasons why any of the above information is unavailable; and
  - (l) any other relevant information which might assist the court.
  
3. *Guardian(s)*

Give the details required under paragraph 2(a), (f), (j) and (l).
  
4. *Prospective Adopter(s)*
  - (a) Name, date and place of birth and address;
  - (b) relationship (if any) to the child;
  - (c) marital status, date and place of marriage (if any) and comments on stability of relationship;
  - (d) details of any previous marriage;
  - (e) if a parent and step-parent are applying, the reasons why they prefer adoption to an order relating to the custody of the child;
  - (f) if a natural parent is applying alone, the reasons for the exclusion of the other parent;
  - (g) if a married person is applying alone, the reasons for this;
  - (h) physical description;
  - (i) personality;
  - (j) religion, and whether willing to follow any wishes of the child or his parents or guardian in respect of the child's religious and cultural upbringing;
  - (k) educational attainments;
  - (l) past and present occupations and interests;
  - (m) particulars of the home and living conditions (and particulars of any home where the prospective adopter proposes to live with the child, if different);
  - (n) details of income and comments on the living standards of the household;
  - (o) details of other members of the household (including any children of the prospective adopter even if not resident in the household);
  - (p) details of the parents and any brothers or sisters of the prospective adopter, with their ages or ages at death;



- (q) attitudes to the proposed adoption of such other members of the prospective adopter's household and family as the adoption agency or, as the case may be, the Board considers appropriate;
  - (r) previous experience of caring for children as step-parent, foster parent, child-minder or prospective adopter and assessment of ability in this respect, together where appropriate with assessment of ability in bringing up the prospective adopter's own children;
  - (s) reasons for wishing to adopt the child and extent of understanding of the nature and effect of adoption;
  - (t) any hopes and expectations for the child's future;
  - (u) assessment of ability to bring up the child throughout his childhood;
  - (v) details of any adoption allowance payable;
  - (w) confirmation that any referees have been interviewed, with a report of their views and opinion of the weight to be placed thereon; and
  - (x) any other relevant information which might assist the court.
5. *Actions of the adoption agency or Board supplying the report*
- (a) Reports under rules 2(4), 3(7), or 21(1):—
    - (i) brief account of the agency's actions in the case, with particulars and dates of all written information and notices given to the child, his natural parents and the prospective adopter;
    - (ii) details of alternatives to adoption considered;
    - (iii) reasons for considering that adoption would be in the child's best interests (with date of relevant decision); and
    - (iv) reasons for considering that the prospective adopter would be suitable to be an adoptive parent and that he would be suitable for this child (with dates of relevant decisions) or, if the child has not yet been placed for adoption, reasons for considering that he is likely to be so placed,

or
  - (b) Reports under rule 21(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).

## FORM 250

**Agreement to an Adoption Order (Freeing Cases)***[Order 50 Rule 6]*

(Heading as in Form 249)

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

WHEREAS a petition is to be/has been made by \_\_\_\_\_ for an order freeing \_\_\_\_\_, a child, for adoption;

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

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

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

- (1) I consent to the application of \_\_\_\_\_ an adoption agency, for an order freeing the child for adoption.
- (2) I understand that the effect of an adoption order would be to deprive me permanently of the parental rights and duties relating to the child and to vest them in the adopters; and in particular I understand that, if and when an adoption order is made, I shall have no right to see or get in touch with the child or to have him/her returned to me.
- (3) I further understand that the court cannot make an order freeing a child for adoption without the agreement of each parent or guardian of the child to the making of an adoption order, unless the court dispenses with that agreement on the ground that the person concerned—
  - (a) cannot be found or is incapable of giving agreement, or
  - (b) is withholding his agreement unreasonably, or
  - (c) has persistently failed without reasonable cause to discharge the parental duties in relation to the child, or
  - (d) has abandoned or neglected the child, or
  - (e) has persistently ill-treated the child, or
  - (f) has seriously ill-treated the child and the rehabilitation of the child within the household of the parent or guardian is unlikely.
- (4) I further understand that, when the application for an order freeing the child for adoption is heard, this document may be used as evidence of my agreement to the making of an adoption order unless I inform the court that I no longer agree.
- (5) I hereby freely, and with full understanding of what is involved, agree [unconditionally] [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*

*(Heading)*

- (a) Insert the name of the adoption agency applying for the order.
- (b) Insert the first name(s) and surname of the child as known to the person giving agreement.
- (c) If the child has previously been adopted a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births.
- (d) Where two or more forms of agreement are supplied to the court at the same time they may both or all refer to a certificate attached to one of the forms of agreement.

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

**Witness 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.

## FORM 251

**Notice of Hearing of a Petition for an order freeing a child for adoption**  
*[Order 50 Rule 7]*

(Heading as in Form 249)

To

of

WHEREAS a petition 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 petition is pending, if the child is in the care of the petitioner, 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 petitioner intends to rely is attached.)

If you wish to object you must within 14 days complete the attached form and return to the chief clerk.

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

Signed  
 Solicitor for the Applicant

*Notes*

**Preamble** Enter the first name(s) and the surname of the child as shown in the petition. Enter the name of the adoption agency and the name(s) of each parent or guardian, unless the petition seeks to dispense with parental consent. Enter the name of the guardian ad litem.

TEAR OFF



**Notice of hearing of an application for an order revoking an order freeing a child for adoption**  
*[Order 50 Rule 11]*

(Heading as in Form 249)

To  
of

WHEREAS an application for an order freeing for adoption a child of the sex born on the day of 19 , was granted by on

AND WHEREAS was appointed guardian ad litem of the child;

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.

If you wish to object to this application, you must notify the chief clerk in writing within 14 days of the date of this Notice.

Dated the day of 19 .

Signed  
Solicitor for the Applicant

*Notes*

**Preamble** Enter the first name(s) and the surname of the child as shown in the petition.

**Application for Transfer of parental Rights and Duties between adoption agencies**

[Order 50 Rule 12]

(Heading as in Form 249)

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

1. On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the court made an order freeing the child for adoption under 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*

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

**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 reference 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.



## FORM 254

**Petition for an adoption order/order under Article 57 authorising a  
proposed foreign adoption**  
[Order 50 Rules 14 and 27]

(Heading as in Form 249)

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

PART I

PARTICULARS OF THE PETITIONER(S)

1. Name and address etc

Name of (first) petitioner in full

Address

Occupation

Date of Birth

Relationship (if any) to the child

Name of (second) petitioner 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

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

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

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

**Paragraph 3** Documentary evidence of marital status should be supplied. A married petitioner 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 petitioner proposes to rely should be attached to the petition. 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 petitioner, and the report must have been made during the period of three months before the date of the petition. No report is required, however, if the child was placed for adoption with the petitioner by an adoption agency, or if he is the child of the petitioner 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 petition. No report is required, however, if the child was placed for adoption with the petitioner 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 petition).
- 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 petition 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 petition.)
- (25. I/we desire to remove the child from the \_\_\_\_\_ 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 petitioners or one of them:—

- (a) for at least 13 weeks if the petitioners or one of them is a parent, step-parent or relative of the child or if the child was placed with the petitioner 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 petitioner 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 petition made by the same petitioner 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 petition 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 petitioner.

**Paragraph 22** Where the petitioner or one of the petitioners is a parent of the child, or a relative as defined by Article 2(2), or the child was placed with the petitioner by an adoption agency, no referee need be named.

**Paragraph 23** If the petitioner wishes his identity to be kept confidential, the serial number obtained under rule 13 should be given.

FORM 254A

**Notice to Health and Social Services Boards under Article 22(1) of the Adoption (Northern Ireland) Order 1987 of intention to apply for an Adoption Order or an Order under Article 57 authorising a proposed foreign adoption**

*[Order 50 Rule 14]*

(Heading as in Form 249)

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 [or an order under Article 57 authorising a proposed foreign adoption] in respect of \_\_\_\_\_ a child 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 is resident or if the applicant is not ordinarily resident in Northern Ireland, to the Health and Social Services Board in whose area he is living.

Where the application is made *jointly* by husband and wife the notice must be signed by them both, unless neither of them or only one of them ordinarily resides 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.

**Reports on the health of the child and of the petitioner(s)**  
*[Order 50 Rule 14(4)]*

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 Petitioner*

(If there is more than one petitioner, a report on each petitioner 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.



**Agreement to an Adoption Order/Proposed Foreign Adoption***[Order 50 Rule 18]*

(Heading as in Form 249)

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

WHEREAS an application is to be/has been made by \_\_\_\_\_ and  
(or under serial No. \_\_\_\_\_) for an adoption order or order authorising a proposed  
foreign adoption in respect of \_\_\_\_\_ a child;

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

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

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

- (1) I understand that the effect of an adoption order/an order authorising a proposed foreign adoption will be to deprive me permanently of the parental rights and duties relating to the child and to vest them in the petitioner(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 petition 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 petition.
- (5) As far as I know, the only person(s) or body(ies) who has/have taken part in the arrangements for the child's adoption is/are \_\_\_\_\_ (and \_\_\_\_\_).
- (6) I have not received or given any payment or reward for, or in consideration of, the adoption of the child, for any agreement to the making of an adoption

order or placing the child for adoption with any person or making arrangements for the adoption of the child (other than payment to an adoption agency for their expenses incurred in connection with the adoption).

Signature:

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

Signature:

Address:

Description:

#### Notes

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

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

If the child has previously been adopted a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the 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 petition and of the court by which it is to be heard. After the making of the petition a parent or guardian who has agreed cannot remove the child from the actual custody of the petitioner(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 petitioner(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 (or further hearing) of petition for an Adoption Order/an Order under Article 57 authorising a proposed Foreign Adoption**

*[Order 50 Rules 19, 24 and 25]*

(Heading as in Form 249)

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

WHEREAS a petition for an adoption order/an order under Article 57 authorising a proposed foreign adoption in respect of \_\_\_\_\_, a child of the \_\_\_\_\_ sex born on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, has been made (by \_\_\_\_\_ (and \_\_\_\_\_) of \_\_\_\_\_)

(AND WHEREAS the determination of the said application was postponed and an interim order was made by the judge on the \_\_\_\_\_ day of 19\_\_\_\_)

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

**TAKE NOTICE:—**

- (1. That the said petition 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 petitioner.
- (4. That the petition states that the child has had his home with the petitioner for the five years preceding the petition and accordingly, if that is correct, no person is entitled, against the will of the petitioner, to remove the child from the petitioner'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 this application you must complete the attached form within 14 days and return it to the Chief Clerk.

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

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

TEAR OFF

**Response to Notice of Hearing**

To the Chief Clerk, County Court/Recorder's Court,  
Number of 19

I received the Notice of the Hearing of an application on the day of  
19

I wish/do not wish to oppose the petition.

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

(Signature)  
(Address)  
(Date)

*Notes*

When this form is used under rule 24 or 25 to give notice of a further hearing of a  
petition it is to be completed so as to refer to a further hearing and so as to give  
particulars of the interim order.

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

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

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

**Notice of Presentation or further presentation of a petition for an  
Adoption Order/an Order under Article 57 authorising a proposed  
Foreign Adoption**

*[Order 50 Rules 19, 24 and 25]*

Serial No.

To

of

WHEREAS a petition for an adoption order/an order under Article 57 authorising a proposed foreign adoption in respect of \_\_\_\_\_ a child of the \_\_\_\_\_ sex born on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, has been made under the above serial number;

(AND WHEREAS the determination of the said application was postponed and an interim order was made by the judge on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_).

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

**TAKE NOTICE:**

1. That if you wish to appear and be heard on the question whether an adoption order/an order under Article 57 authorising a proposed foreign adoption should be made, you should give notice to the court on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, in order that a time may be fixed for your appearance.
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 petitioner.
- (4. That the petition states that the child has had his home with the petitioner for the five years preceding the petition and accordingly, if that is correct, no person is entitled, against the will of the petitioner, to remove the child from the petitioner'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 petitioner intends to rely is attached.)

If you wish to object to this application you must complete the attached form within 14 days and return it to the chief clerk.

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

Signed  
Solicitor for the Applicant

TEAR OFF

**Response to Notice of Presentation**

Serial No.

To the Chief Clerk, County Court/Recorder's Court.

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

I wish/do not wish to oppose the petition.

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

(Signature)  
(Address)  
(Date)

*Notes*

When this form is used under rule 24 or 25 to give notice of a further hearing of an application it is to be completed so as to refer to a further hearing and so as to give particulars of the interim order.

Enter the serial number allocated to the petitioner under rule 13.

**Preamble** Enter the name(s) and surname of the child as shown in the petition. Enter the serial number allocated to the application.

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

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

## FORM 257

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

*[Order 50 Rule 26(2)(a)]*

(Heading as in Form 249)

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 a 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 other Application is pending**  
[Order 50 Rule 26(2)(b)]

(Heading as in Form 249)

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.

## FORM 258

**Order Freeing a Child for adoption (consent cases)***[Order 50 Rule 31]*

(Heading as in Form 249)

WHEREAS a petition 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 \_\_\_\_\_.

*Note:* In the order enter the name of the adoption agency which applied for the order.

**Order freeing a child for adoption (dispensation with parental consent)**

*[Order 50 Rule 31]*

(Heading as in Form 249)

WHEREAS a petition 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 \_\_\_\_\_);

AND THE COURT BEING SATISFIED THAT the ground set out in Article 16(2)( ) is met,

IT IS ORDERED that the consent of \_\_\_\_\_ (and \_\_\_\_\_) is hereby dispensed with;

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

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

*Note:* Enter name of the adoption agency which made the application.

Enter the appropriate sub-paragraph (a) - (f) of Article 16(2).

## FORM 260

**Order revoking an Order freeing a child for adoption/Dismissing an application to revoke an order freeing a child for adoption***[Order 50 Rule 31]*

(Heading as in Form 249)

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 petition be dismissed (and that the petitioner(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 petitioner(s).)

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

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

*Note:* Where the court dismisses an application for revocation of a freeing order, the applicant may not make a further application without the leave of the court.

**Order in response to Notice/Application under Rule 26 for leave of court**  
*[Order 50 Rule 26]*

(Hearing as in Form 249)

WHEREAS (notice has been given by) (a petition has been made by)  
(and ) of

(AND 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 a freeing order) in respect of , a child of the sex, born on the day of 19 , has been made by (and ) of .);

(AND WHEREAS the parental rights in respect of , a child of the sex, born on the day of 19 , are vested in an adoption agency, by virtue of (a freeing order made under (Article 17(3)) (Article 18(3)) (section 18(5) of the Adoption Act 1976) (section 18(5) of the Adoption (Scotland) Act 1978)) (an order under (Article 21) (section 21 of the Adoption Act 1976) (section 21 of the Adoption (Scotland) Act 1978)),

(AND WHEREAS the application under Article 29(1) for revocation of the said order made by (and ) former parent(s) of the child, has not yet been determined.)

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

AND THE COURT BEING SATISFIED that this order will be in the best interests of the child;

(AND THE COURT BEING FURTHER SATISFIED that (and ) of applicant(s) for the order, has/have reasonable grounds for believing that of , is intending to remove the child from his/their actual custody in breach of Article 28 or 29;)

(IT IS ORDERED that (and ) of , the applicants, are hereby authorised under (Article 28(1) (Article 28(2)) (Article 29(1)) (Article 29(2)) to remove , a child of the sex, born on the day of 19 , from the actual custody of of .)

IT IS ORDERED that of , who removed a child of the sex, born on the day of 19 , from the actual custody of (and ) in breach of Article 28/29, do return the said child immediately to the custody of the applicants.)

(IT IS ORDERED that \_\_\_\_\_, an adoption agency having placed  
 \_\_\_\_\_, a child of the \_\_\_\_\_ sex, born on the \_\_\_\_\_ day of  
 19\_\_\_\_, for adoption with \_\_\_\_\_ (and  
 \_\_\_\_\_), is hereby authorised to serve notice in accordance with Article  
 31(1)(b) upon the said \_\_\_\_\_ (and \_\_\_\_\_) of  
 its intention not to allow the child to remain in his/their actual custody.);

(IT IS ORDERED that the said adoption agency be, and is hereby authorised to  
 place the child for adoption.);

(IT IS ORDERED that the application be, and is hereby, dismissed.);

(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 country 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\_\_\_\_.

**Interim Order**  
*[Order 50 Rule 31]*

(Heading as in Form 249)

WHEREAS a petition 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 petition be postponed and that the  
petitioner(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 petition be  
postponed to the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and that the petitioner(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\_\_\_\_.





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

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

Dated this        day of                    19 .

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#### EXPLANATORY NOTE

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

These Rules amend the County Court Rules (Northern Ireland) 1981 to substitute a new Order 50 and new Forms 249–262 in Appendix 1, in consequence of the Adoption (Northern Ireland) Order 1987.