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 STATUTORY INSTRUMENTS
 

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1984 No. 611 (L.5)

**MAGISTRATES' COURTS**

**The Magistrates' Courts (Adoption) Rules 1984**

<i>Made</i>	- - - -	24th April 1984
<i>Laid before Parliament</i>		4th May 1984
<i>Coming into Operation</i>		27th May 1984

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980(a) after consultation with the Rule Committee appointed under that section, hereby makes the following Rules:—

PART I

INTRODUCTORY

*Citation, operation and revocations*

1.— (1) These Rules may be cited as the Magistrates' Courts (Adoption) Rules 1984 and shall come into operation on 27th May 1984.

(2) The Magistrates' Courts (Adoption) Rules 1976(b), the Magistrates' Courts (Adoption) (Amendment) Rules 1979(c) and the Magistrates' Courts (Adoption) (Amendment) Rules 1981(d) are hereby revoked; but where an application for an adoption order has been made before 27th May 1984 and has not been determined by that date, the provisions of the said Rules continue to apply in connection with that application and nothing in these Rules affects those provisions.

*Interpretation*

2.— (1) In these Rules, the following expressions shall, unless the context otherwise requires, have the meaning hereby respectively assigned to them, that is to say:—

“the 1958 Act” means the Adoption Act 1958(e);

“the 1975 Act” means the Children Act 1975(f);

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(a) 1980 c.43; section 144 was extended by section 145 of that Act and section 9 of the Adoption Act 1958 (c.5) (7 & 8 Eliz 2.), as amended by the Children Act 1975 (c.72), Schedule 3, paragraph 22 and by the Magistrates' Courts Act 1980, Schedule 7, paragraph 25.

(b) S.I. 1976/1768.

(c) S.I. 1979/1222.

(d) S.I. 1981/1842.

(e) 1958 c.5. (7 & 8 Eliz 2.)

(f) 1975 c.72.

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

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

“the child” means the person whom the applicant for an adoption order proposes to adopt or, as the case may be, the person the adoption agency proposes should be freed for adoption;

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

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

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

(3) In these Rules, unless the context otherwise requires, any reference to a rule or to a Schedule shall be construed as a reference to a rule contained in these Rules or to a Schedule hereto, and any reference in a rule to a paragraph shall be construed as a reference to a paragraph of that rule.

(4) In these Rules, any reference to a form shall be construed as a reference to the form so numbered in Schedule 1 to these Rules or to a form substantially to the like effect, with such variations as the circumstances may require.

#### *Extent*

3. These Rules shall apply only to proceedings under Parts I and III of the 1958 Act and Part I of the 1975 Act before domestic courts.

## PART II

### FREEING FOR ADOPTION

#### *The application*

4.— (1) An application to free a child for adoption shall be in Form 1 and shall be made to a domestic court acting for the area within which either the child or a parent or guardian of the child is at the date of the application by delivering it, or sending it by post to that court, together with all documents referred to in the application.

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

- (a) each parent or guardian of the child;
- (b) any local authority having the powers and duties of a parent or guardian of the child by virtue of section 10 of the 1980 Act(d);

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(a) 1980 c.5.

(b) 1955 c.18.

(c) 1955 c.19.

(d) 1980 c.5; section 10 was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 2, paragraph 47 and Schedule 10.

- (c) any local authority in whom the parental rights and duties in respect of the child are vested, whether jointly or not, by virtue of section 3 of the 1980 Act(a);
  - (d) any voluntary organisation in whom the parental rights and duties in respect of the child are vested, whether jointly or not, by virtue of section 64 of the 1980 Act;
  - (e) any local authority or voluntary organisation in whose care the child is under section 2 of the 1980 Act or under or within the meaning of any other enactment; and
  - (f) any person liable by virtue of any order or agreement to contribute to the maintenance of the child.
- (3) The court may at any time direct that any other person or body, except the child, be made a respondent to the application.
- (4) The applicant shall supply to the justices' clerk three copies of—
- (a) Form 1, together with any other documents required to be supplied, and
  - (b) a report in writing covering all the relevant matters specified in Schedule 2.

*Appointment and duties of reporting officer*

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

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

(3) The reporting officer shall be appointed from a panel established in accordance with the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983(b) but shall not be a member or employee of the applicant or any respondent body nor have been involved in the making of any arrangements for the adoption of the child.

- (4) The reporting officer shall—
- (a) ensure so far as is reasonably practicable that any agreement to the making of an adoption order is given freely and unconditionally and with full understanding of what is involved;
  - (b) confirm that the parent or guardian has been given an opportunity of making a declaration under section 14(7) of the 1975 Act that he prefers not to be involved in future questions concerning the adoption of the child;

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(a) Section 3 was amended by the Health and Social Services and Social Security Adjudications Act 1983, Schedule 2, paragraph 46.  
(b) S.I. 1983/1908.

- (c) witness the signature by the parent or guardian of the written agreement to the making of an adoption order;
  - (d) investigate all the circumstances relevant to that agreement and any such declaration;
  - (e) where it is proposed to free an illegitimate child for adoption and his father is not his guardian, interview any person claiming to be the father in order to be able to advise the court on the matters listed in section 14(8) of the 1975 Act; but if more than one reporting officer has been appointed, the court shall nominate one of them to conduct the interview; and
  - (f) on completing his investigations make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application.
- (5) With a view to obtaining the directions of the court on any matter, the reporting officer may at any time make such interim report to the court as appears to him to be necessary; and in particular, the reporting officer shall make a report if a parent or guardian of the child is unwilling to agree to the making of an adoption order, and in such a case the justices' clerk shall notify the applicant.
- (6) The court may, at any time before the final determination of the application, require the reporting officer to perform such further duties as the court considers necessary.
- (7) The reporting officer shall attend any hearing of the application if so required by the court.
- (8) Any report made to the court under this rule shall be confidential.
- (9) The powers of the court to appoint a reporting officer under paragraph (1), to nominate one reporting officer to conduct an interview under paragraph (4)(e), to give directions following the making of an interim report in accordance with paragraph (5) and to require the reporting officer to perform further duties under paragraph (6) shall also be exercisable, before the hearing of the application, by a single justice or by the justices' clerk.

*Appointment and duties of guardian ad litem*

6.—(1) As soon as practicable after the application has been made, or after receipt of the statement of facts supplied under rule 7, if it appears that a parent or guardian of the child is unwilling to agree to the making of an adoption order, the court shall appoint a guardian *ad litem* of the child and shall send to him a copy of the application, together with any documents attached thereto, the statement of facts and the report supplied by the applicant.

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

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

(4) The guardian *ad litem* shall be appointed from a panel established in accordance with the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983 but shall not be a member or employee of the applicant or any respondent body nor have been involved in the making of any arrangements for the adoption of the child.

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

(a) investigate—

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

(ii) any other matters which appear to him to be relevant to the making of an order freeing the child for adoption;

(b) advise whether, in his opinion, the child should be present at the hearing of the application; and

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

(6) On completing his investigations the guardian *ad litem* shall make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application.

(7) 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.

(8) 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.

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

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

(11) The powers of the court to appoint a guardian *ad litem* under paragraph (1) or (2), to require the performance by the guardian *ad litem* of particular duties in accordance with paragraph (2), (5)(c) or (8), and to give directions following the making of an interim report in accordance with paragraph (7) shall also be exercisable, before the hearing of the application, by a single justice or by the justices' clerk.

*Statement of facts in dispensation cases*

7.—(1) Where the adoption agency applying for an order freeing a child for adoption intends to request the court to dispense with the agreement of a parent or guardian of the child on any of the grounds specified in section 12(2) of the 1975 Act<sup>(a)</sup>, the request shall, unless otherwise directed, be made in the application, or, if made subsequently, by notice to the justices' clerk, and there shall be attached to the application or notice three copies of the statement of facts on which the applicant intends to rely.

(2) Where the applicant has been informed by a person with whom the child has been placed for adoption that he wishes his identity to remain confidential, the statement of facts supplied under paragraph (1) shall be framed in such a way as not to disclose the identity of that person.

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

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

*Agreement*

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

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

(3) If the document is executed in Northern Ireland it shall be witnessed by a Justice of the Peace.

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

- (a) any person for the time being authorised by law in the place where the document is executed to administer an oath for any judicial or other legal purpose;
- (b) a British consular officer;
- (c) a notary public; or
- (d) if the person executing the document is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of those forces.

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(a) 1975 c.72.

*Notice of hearing*

9.— (1) As soon as practicable after the application has been made, the justices' clerk shall fix a time for the hearing of the application and shall serve notice of the hearing on all the parties, the reporting officer and the guardian *ad litem* (if appointed) in Form 3.

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

*The hearing*

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

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

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

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

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

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

*Proof of identity of child, etc.*

11.— (1) Where proof of the identity of the child is required for any purpose, any fact tending to establish his identity with a child to whom a document relates may be proved by affidavit.

(2) Where any such fact is proved by affidavit, the attendance of a witness at the hearing to prove that fact shall not be compelled unless the fact is disputed or for some special reason his attendance is required by the court.

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

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

*Application for revocation of order freeing a child for adoption*

**12.**— (1) An application by a former parent for an order revoking an order freeing the child for adoption shall be made in Form 4 to the court which made the order to which the application relates by delivering it, or sending it by post to that court, together with all documents referred to in the application.

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

(3) As soon as practicable after the application has been made, the justices' clerk shall fix a time for the hearing of the application and the court (or a single justice or the justices' clerk) shall appoint a guardian *ad litem* of the child in accordance with rule 6(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 6 but as if in that rule:—

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

*Transfer of parental rights and duties between adoption agencies*

**13.**— (1) An application by two adoption agencies desiring the court to transfer the parental rights and duties relating to the child between themselves under section 23 of the 1975 Act shall be made in Form 5 to a domestic court acting for the area within which the child is at the date of the application by delivering it, or sending it by post to that court, together with all documents referred to in the application.

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



## PART III

## ADOPTION ORDERS

*Application for a serial number*

14. If any person proposing to apply to a domestic court for an adoption order wishes his identity to be kept confidential, he may, before making his application, apply to the justices' clerk for a serial number to be assigned to him for the purposes of identifying him in connection with the proposed application, and a number shall be assigned to him accordingly.

*The application*

15.— (1) An application for an adoption order shall be in Form 6 and shall be made to a domestic court acting for the area within which the child is at the date of the application by delivering it, or sending it by post to that court, together with all documents referred to in the application.

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

- (a) each parent or guardian (not being an applicant) of the child, unless the child is free for adoption;
- (b) any adoption agency in whom the parental rights and duties relating to the child are vested by virtue of section 14 or 23 of the 1975 Act;
- (c) any adoption agency named in the application or in any form of agreement to the making of the adoption order as having taken part in the arrangements for the adoption of the child;
- (d) any local authority to whom the applicant has given notice under section 18 of the 1975 Act of his intention to apply for an adoption order;
- (e) any local authority having the powers and duties of a parent or guardian of the child by virtue of section 10 of the 1980 Act;
- (f) any local authority in whom the parental rights and duties in respect of the child are vested, whether jointly or not, by virtue of section 3 of the 1980 Act;
- (g) any voluntary organisation in whom the parental rights and duties in respect of the child are vested, whether jointly or not, by virtue of section 64 of the 1980 Act;
- (h) any person liable by virtue of any order or agreement to contribute to the maintenance of the child;
- (i) any local authority or voluntary organisation in whose care the child is under section 2 of the 1980 Act or under or within the meaning of any other enactment; and
- (j) where the applicant proposes to rely on section 11(1)(b)(ii) of the 1975 Act, the spouse of the applicant.

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

- (4) The applicant shall supply to the justices' clerk three copies of—
- (a) Form 6, together with any other documents required to be supplied, and
  - (b) where the child was not placed for adoption with the applicant by an adoption agency, save where the applicant or one of the applicants is a parent of the child, reports by a registered medical practitioner made not more than three months earlier on the health of the child and of each applicant, covering the matters specified in Schedule 3.

*Preliminary examination of application*

16. If it appears to the justices' clerk on receipt of the application for an adoption order that the court—

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

he shall bring the relevant matter to the attention of the court and the application shall not be proceeded with unless the court gives directions as to the further conduct of the application.

*Appointment and duties of reporting officer*

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

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

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

- (4) The reporting officer shall—
- (a) ensure so far as is reasonably practicable that any agreement to the making of the adoption order is given freely and unconditionally and with full understanding of what is involved;

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(a) S.I. 1983/1908.

- (b) witness the signature by the parent or guardian of the written agreement to the making of the adoption order;
- (c) investigate all the circumstances relevant to that agreement; and
- (d) on completing his investigations make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application.

(5) Paragraphs (5) to (8) of rule 5 shall apply to a reporting officer appointed under this rule as they apply to a reporting officer appointed under that rule; and paragraph (9) of rule 5 shall apply in relation to the appointment of a reporting officer under this rule as it applies in relation to such an appointment made under that rule.

*Appointment and duties of guardian ad litem*

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

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

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

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

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

- (a) investigate—
  - (i) so far as he considers necessary, the matters alleged in the application, any report supplied under rule 22(1) or (2) and, where appropriate, the statement of facts supplied under rule 19;
  - (ii) any other matters which appear to him to be relevant to the making of an adoption order;

- (b) advise whether, in his opinion, the child should be present at the hearing of the application; and
- (c) perform such other duties as appear to him to be necessary or as the court may direct.

(6) Paragraphs (6) to (10) of rule 6 shall apply to a guardian *ad litem* appointed under this rule as they apply to a guardian *ad litem* appointed under that rule; and paragraph (11) of rule 6 shall apply in relation to the appointment of a guardian *ad litem* under this rule as it applies in relation to such an appointment made under that rule.

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

**19.—** (1) Where the child is not free for adoption and the applicant for the adoption order intends to request the court to dispense with the agreement of a parent or guardian of the child on any of the grounds specified in section 12(2) of the 1975 Act, the request shall, unless otherwise directed, be made in the application or, if made subsequently, by notice to the justices' clerk and there shall be attached to the application or notice three copies of the statement of facts on which the applicant intends to rely.

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

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

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

#### *Agreement*

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

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

#### *Notice of hearing*

**21.—** (1) Subject to paragraph (4), as soon as practicable after the application has been made the justices' clerk shall fix a time for the hearing of the application and shall serve notice of the hearing on all the parties, the reporting officer and the guardian *ad litem* (if appointed) in Form 8.

(2) In a case where section 18 of the 1975 Act applies, the justices' clerk shall send a copy of the application and, where appropriate, of the report supplied

under rule 15(4), to the local authority to whom notice under that section was given.

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

(4) Where section 18 of the 1975 Act applies, the justices' clerk shall fix a time for the hearing so that the hearing takes place on a date not less than three months from the date of the notice given to the local authority under that section.

*Reports by adoption agency or local authority*

**22.**— (1) Where the child was placed for adoption with the applicant by an adoption agency, that agency shall supply, within six weeks of receipt of the notice of hearing under rule 21, three copies of a report in writing covering the matters specified in Schedule 2.

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

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

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

*The hearing*

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

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

(3) If a serial number has been assigned to the applicant under rule 14, the proceedings shall be conducted with a view to securing that he is not seen by or made known to any respondent who is not already aware of the applicant's identity except with his consent.

(4) Subject to paragraphs (5) and (7), the court shall not make an adoption order or an interim order except after the personal attendance before the court of the applicant and the child.

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

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

(7) In the case of an application under section 10 of the 1975 Act, the court may in special circumstances make an adoption order or an interim order after the personal attendance of one only of the applicants, if the application is verified by a declaration made by the applicant who does not attend and witnessed by a justice of the peace, a justices' clerk within the meaning of section 70 of the Justices of the Peace Act 1979(a), or, if made outside the United Kingdom, by any of the persons specified in rule 8(4).

*Proof of identity of child, etc.*

**24.**—(1) Where proof of the identity of the child is required for any purpose, any fact tending to establish his identity with a child to whom a document relates may be proved by affidavit.

(2) Where any such fact is proved by affidavit, the attendance of a witness at the hearing to prove that fact shall not be compelled unless the fact is disputed or for some special reason his attendance is required by the court.

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

(4) Subject to paragraph (5), where the place of birth of the child cannot be proved to the satisfaction of the court but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, he may be treated as having been born in the registration district and sub-district in which the court sits, and in any other case (where the country of birth is not proved) the particulars of the country of birth may be omitted from the adoption order.

(5) Where the child is free for adoption, any order made identifying the probable date and place of birth of the child in the proceedings under section 14 of the 1975 Act shall be sufficient proof of the date and place of birth of the child in proceedings to which this rule applies.

*Further proceedings after interim order*

**25.** Where the court has made an interim order, the justices' clerk shall fix a time for the further hearing of the application, such hearing to be on a date before the order expires, and shall send notice in Form 8 of the date of the hearing to all the parties and to the guardian *ad litem* (if appointed) not less than one month before that date.

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(a) 1979 c.55.

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

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

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

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

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

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

## PART IV

## MISCELLANEOUS

*Application for removal, return etc., of child*

**27.**— (1) An application—

- (a) under section 34(1) or (2) or 34A(1) or (2) of the 1958 Act to remove a child from the actual custody of the person with whom the child has his home, or
- (b) under section 30(1) of the 1975 Act for an order for the return of a child who has been removed, in breach of section 34 or 34A of the 1958 Act, from the actual custody of such a person, or
- (c) under section 30(2) of the 1975 Act for an order directing a person not to remove a child from the actual custody of such a person, or
- (d) under section 35(2) of the 1958 Act for leave to give notice under section 35(1)(b) of that Act, or
- (e) under section 16(2) of the 1975 Act for leave to place a child for adoption,

shall be made in accordance with paragraph (2).

(2) The application under paragraph (1) shall be made by way of complaint—

- (a) if an application for an adoption order or an order under sections 14 or 16 of the 1975 Act is pending, to the domestic court in which the application is pending; or

- (b) if no such application is pending, to the domestic court in whose area the applicant lives or, in the case of an application made under section 34A(2) of the 1958 Act, the court in whose area the child is:

Provided that if an application has been made under paragraph (1) in accordance with this sub-paragraph and is pending any further application concerning the actual custody of the child shall be made to the domestic court in which that original application is pending.

(3) The respondents shall be—

- (a) in a case where proceedings for an adoption order or an order under sections 14 or 16 of the 1975 Act are pending (or where such proceedings have subsequently been commenced), all the parties to those proceedings;
- (b) in any other case, any person against whom an order is sought in the application and the local authority to whom the prospective adopter has given notice under section 18 of the 1975 Act; and
- (c) in any case, such other person or body, not being the child, as the court thinks fit.

(4) 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 justices' clerk in that behalf before making that application and a serial number is assigned accordingly—

- (a) the justices' clerk shall ensure that a summons directed to any of the respondents does not disclose the identity of that person to any respondent 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.

(5) The justices' clerk shall serve notice of the time fixed for the hearing on the reporting officer and guardian *ad litem* (if any), together with a copy of the complaint; and on the hearing of the application the reporting officer and guardian *ad litem* may attend and be heard on the question of whether the application made should be granted.

(6) Unless otherwise directed, any prospective adopter who is a respondent under this rule and who wishes to oppose the application shall make his application for an adoption order within 14 days of the service upon him of the summons or before or at the time of the hearing of the application under this rule, whichever is the sooner.

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

(8) Any member or employee of a party which is a local authority, adoption agency or other body may address the court at the hearing of an application under this rule if he is duly authorised in that behalf.

(9) Where an application under paragraph (1)(a) or (d) is granted or an application under paragraph (1)(b) or (c) is refused, the court may thereupon, if



application for an adoption order has been made, treat the hearing of the application as the hearing of the application for an adoption order and refuse an adoption order accordingly.

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

(11) A search warrant issued by a justice of the peace under section 30(4) of the 1975 Act (which relates to premises specified in an information to which an order made under the said section 30(1) relates, authorising a constable to search the said premises and if he finds the child to return the child to the person on whose application the said order was made) shall be in Form 10 of the Magistrates' Courts (Children and Young Persons) Rules 1970(a) (warrant to search for or remove a child) or a form to the like effect.

#### *Amendment and revocation of orders*

**28.**— (1) Any application made under section 24 of the 1958 Act for the amendment of an adoption order or the revocation of a direction to the Registrar General, or under section 26 of the 1958 Act (or section 1(1) of the Adoption Act 1960(b)) for the revocation of an adoption order, shall be in Form 9, and shall be made to a domestic court acting for the same petty sessions area as the domestic court which made the adoption order, by delivering it or sending it by post to the clerk to the justices.

(2) Notice of the application shall be given by the justices' clerk to such persons (if any) as the court thinks fit.

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

#### *Service of documents*

**29.**— (1) Unless otherwise directed, any document under these rules may be served—

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

(2) A note of service or non-service shall be endorsed on a copy of Form 3 or Form 8.

(3) In the case of a document sent by post to a person's usual or last known address in accordance with paragraph (1)(b), the court may treat service as having been effected notwithstanding that the document has been returned undelivered.

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(a) S.I. 1970/1792, amended by S.I. 1976/1769, 1978/869, 1983/526, 1793, 1984/567.  
(b) 1960 c.59.

*Costs*

**30.**— (1) On the determination of an application or on the making of an interim order, the court may make such order as to the costs as it thinks just and, in particular, may order the applicant to pay—

(a) the expenses incurred by the reporting officer and the guardian *ad litem* (if appointed), and

(b) the expenses incurred by any respondent in attending the hearing,

or such part of those expenses as the court thinks proper.

(2) Determination of an application in this rule includes a refusal to proceed with the application or withdrawal of the application.

*Notice and copies of orders etc.*

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

<i>Description of order</i>	<i>Form</i>
(a) Order under section 14 of the 1975 Act	10
(b) Order under section 16 of the 1975 Act	11
(c) Interim order	12
(d) Adoption order	13

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

(3) Within 7 days of the making of an order in an application to which these rules apply, the justices' clerk shall send a copy of the order (and of any translation into Welsh required to be supplied under paragraph (2)) to the applicant.

(4) Within 7 days of the making of an adoption order, the justices' clerk shall send a copy of the order (and of any translation into Welsh supplied under paragraph (2)) to the Registrar General; where a translation into Welsh under paragraph (2) has been supplied, the English text shall prevail.

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

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

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

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

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

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

*Keeping of registers, custody, inspection and disclosure of documents and information*

**32.**— (1) Such part of the register kept in pursuance of rules made under the Magistrates' Courts Act 1980(a) as relates to proceedings under Part I of the 1975 Act shall be kept in a separate book and shall contain the particulars shown in Form 14 and the book shall not contain particulars of any other proceedings except proceedings under the 1958 Act (or under any previous enactment relating to adoption).

(2) Any declaration by a parent or guardian or a former parent of a child that he prefers not to be involved in future questions concerning the adoption of the child which is required to be recorded by the court in accordance with section 14(7) or 15(4) of the 1975 Act shall be recorded in the book kept in pursuance of paragraph (1).

(3) The book kept in pursuance of paragraph (1) and all other documents relating to proceedings mentioned in that paragraph shall, while they are in the custody of the court, be kept in a place of special security.

(4) A party who is an individual and is referred to in a confidential report supplied to the court by an adoption agency, a local authority, a reporting officer or a guardian *ad litem* may, for the purposes of the hearing, be supplied with a copy of that part of any such report which refers to him, subject to any direction given by the court that—

- (a) no part of one or any of the reports shall be revealed to that party, or
- (b) the part of one or any of the reports referring to that party shall be revealed only to that party's legal advisers, or
- (c) the whole or any other part of one or any of the reports be revealed to that party.

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

- (a) the disclosure is necessary for the proper exercise of his duties, or
- (b) the information is requested—
  - (i) by a court or public authority (whether in Great Britain or not) having power to determine adoptions and related matters, for the purpose of the discharge of its duties in that behalf, or
  - (ii) by the Registrar General, or a person authorised in writing by him, where the information requested relates only to the identity of any adoption agency which made the arrangements for placing the child for adoption in the actual custody of the applicants, and

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(a) 1980 c.43.

of any local authority which was notified of the applicant's intention to apply for an adoption order in respect of the child, or

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

(6) Save as required or authorised by a provision of any enactment or of these Rules or with the leave of the court, no document or order held by or lodged with the court in proceedings under the 1958 Act or Part I of the 1975 Act (or under any previous enactment relating to adoption) shall be open to inspection by any person, and no copy of any such document or order, or of an extract from any such document or order, shall be taken by or issued to any person.

*Proceedings to be by way of complaint, etc.*

33. Save in so far as special provision is made by these Rules, proceedings on an application shall be regulated in the same manner as proceedings on complaint, and accordingly for the purposes of this rule the application shall be deemed to be a complaint, the applicant to be a complainant, the respondents to be defendants and any notice served under these rules to be a summons; but nothing in this rule shall be construed as enabling a warrant of arrest to be issued for failure to appear in answer to any such notice.

*Hailsham of St. Marylebone, C.*

Dated 24th April 1984.

## Rule 2(4) SCHEDULE 1

## FORMS

## Rule 4(1) FORM 1

## APPLICATION FOR AN ORDER FREEING A CHILD FOR ADOPTION

To the .....Domestic Court

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

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

*Particulars of the child*

2. Identity etc. The child is of the ..... sex and is not and has not been married. He/she was born on the ..... day of 19 ..... and is the person to whom the attached birth/adoption certificate relates (*or* was born on or about the ..... day of 19 ..... , in ..... ). He/she is a ..... national.

3. Parentage etc. The child is the child of ..... whose last known address was ..... (*or* deceased) and ..... whose last known address was ..... (*or* deceased).

(4. The guardian(s) of the child (other than the mother or father of the child) is/are of ..... (and ..... of ..... ).)

(5. Parental agreement. I understand that the said ..... (and ..... ) is/are willing to agree to the making of an adoption order.)

(6. I request the court to dispense with the agreement of ..... on the ground(s) that ..... (and ..... ) and there are attached hereto three copies of a statement of the facts on which I intend to rely.)

7. Care, etc. The child is currently living with ..... of ..... and has been living there since the ..... day of 19 ..... . (The child has been placed with them for adoption (and they wish their identity to remain confidential).)

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

(9. Maintenance. .... of ..... is liable, by virtue of an order made by the ..... court at ..... on the ..... day of 19 ..... (*or* by an agreement dated the ..... day of ..... 19 ..... ), to contribute to the maintenance of the child.)

(10. I attach hereto signed by the mother/father/guardian of the child a declaration that he/she prefers not to be involved in future questions concerning the adoption of the child.)

(11. The child is illegitimate and ..... of ..... who is/claims to be the father does/does not intend to apply for the custody of the child.)

(12. No proceedings relating in whole or in part to the child have been completed or commenced in England and Wales or elsewhere (except ..... ).)

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

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

*Notes*

An application to a domestic court must be made to a court within the area in which either the child or his parent or guardian is.

Introduction: Enter the first name(s) and surname as shown in the certificate referred to in paragraph 2; otherwise enter the first name(s) and surname by which the child is known.

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

Paragraph 3: If the child has previously been adopted, give the names of his adoptive parents and not those of his natural parents. If the child is illegitimate and the putative father has legal custody of the child by virtue of a court order, give details of that order under paragraph 12.

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

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

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

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

Paragraph 9: This paragraph should be completed where some person or body is liable to contribute to the maintenance of the child under a court order or agreement.

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

## Rule 8

## FORM 2

## AGREEMENT TO AN ADOPTION ORDER (FREEING CASES)

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

Whereas an application is to be/has been made by \_\_\_\_\_ for an order freeing \_\_\_\_\_, a child, for adoption:

And whereas the child is the person to whom the birth certificate attached marked "A" relates:

(And whereas the child is at least six weeks old:)

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

(1) I consent to the application of \_\_\_\_\_ an adoption agency, for an order freeing the child for adoption.

(2) I understand that the effect of an adoption order would be to deprive me permanently of the parental rights and duties relating to the child and to vest them in the adopters: and in particular I understand that, if and when an adoption order is made, I shall have no right to see or get in touch with the child or to have him/her returned to me.

(3) I further understand that the court cannot make an order freeing a child for adoption without the agreement of each parent or guardian of the child to the making of an adoption order, unless the court dispenses with that agreement on the ground that the person concerned—

- (a) cannot be found or is incapable of giving agreement, or
- (b) is withholding his agreement unreasonably, or
- (c) has persistently failed without reasonable cause to discharge the parental duties in relation to the child, or
- (d) has abandoned or neglected the child, or
- (e) has persistently ill-treated the child, or
- (f) has seriously ill-treated the child and the rehabilitation of the child within the household of the parent or guardian is unlikely.

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

(5) I hereby freely, and with full understanding of what is involved, agree unconditionally to the making of an adoption order.

(6) (I have been given an opportunity of making a declaration that I prefer not to be involved in future questions concerning the adoption of the child. I understand that if I make such a declaration I will not be told when the child has been adopted or whether he has been placed for adoption. I further understand that I will not be able to apply for a revocation of the order freeing the child for adoption if I make such a declaration. I hereby freely declare, with full understanding of what is involved, that I do not wish to be involved in future questions concerning the adoption of the child.)

(7) (I have been given an opportunity of making a declaration that I prefer not to be involved in future questions concerning the adoption of the child, and the effect of

making such a declaration has been explained to me. I do not wish to make such a declaration.)

(8) I have not received or given any payment or reward for, or in consideration of, the adoption of the child, for any agreement to the making of an adoption order or consent to the making of an application for an order freeing the child for adoption, for placing the child for adoption with any person or making any arrangements for the adoption of the child (other than a payment to an adoption agency for their expenses incurred in connection with the adoption).

Signature:

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

Signature:

Address

Description

#### Notes

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

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

Paragraph 8: Any such payment or reward is illegal, except payment to an adoption agency in respect of their expenses incurred in connection with the adoption.

Witness statement: In England and Wales, the document should be witnessed by the reporting officer. In Scotland, it should be witnessed by a Justice of the Peace or a Sheriff, and in Northern Ireland, by a Justice of the Peace. Outside the United Kingdom it should be witnessed by a person authorised by law in the place where the document is signed to administer an oath for any judicial or legal purpose, a British consular officer, a notary public, or, if the person executing the document is serving in the regular armed forces of the Crown, an officer holding a commission in any of those forces.



Rule 9(1)

FORM 3

NOTICE OF HEARING OF AN APPLICATION FOR AN ORDER FREEING A CHILD FOR ADOPTION

.....Domestic Court

To  
of

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

And whereas \_\_\_\_\_ (and \_\_\_\_\_) was/were appointed reporting officer(s) (and \_\_\_\_\_ was appointed guardian *ad litem* of the child);

TAKE NOTICE:—

1. That the said application will be heard before the court at \_\_\_\_\_ on the day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock and that you may then appear and be heard on the question whether an order freeing the child for adoption should be made.

2. That you are not obliged to attend the hearing unless you wish to do so or the court notifies you that your attendance is necessary.

3. That while the said application is pending, if the child is in the care of the applicant, then a parent or guardian of the child who has not consented to the making of the application must not, except with the leave of the court, remove the child from the actual custody of the person with whom the child has his home against the will of that person.

(4. That the court has been requested to dispense with your agreement to the making of an adoption order on the ground(s) that \_\_\_\_\_ and the statement of the facts on which the applicant intends to rely is attached.)

It would assist the court if you would complete the attached form and return it to me by \_\_\_\_\_

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

Justices' Clerk

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To the Clerk to the Justices.

Freeing for adoption: (*state name of child*)

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

I wish/do not wish to oppose the application.

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

(signature)

(address)

(date)

*Notes*

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

FORM 4

Rule 12(1)

APPLICATION FOR REVOCATION OF AN ORDER FREEING A CHILD FOR ADOPTION

To the .....Domestic Court

On the      day of      19      this court made an order freeing      , a child, for adoption.

I/We      (and      ) of (*address*), the former parent(s) of the child, apply for revocation of that order on the grounds that:—

1. No adoption order has been made in respect of the child, and
2. The child does not have his home with a person with whom he has been placed for adoption, and
3. I/We wish to resume the parental rights and duties because (*state the reasons relied upon for the revocation of the order*)

signed

dated

*Notes*

- (a) The application must be made to the court which made the original order, and not earlier than 12 months from the date of that order.
- (b) A parent or guardian of the child who has made a declaration (referred to in section 14(7) of the Children Act 1975) that he prefers not to be involved in future questions concerning the adoption of the child may not make application for revocation of the order.

## Rule 13(1)

## FORM 5

## APPLICATION FOR TRANSFER OF PARENTAL RIGHTS AND DUTIES BETWEEN ADOPTION AGENCIES

To the .....Domestic Court

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

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

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

3. The administrative reasons why the transfer is desirable are

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

Dated etc.

(signatures)

(addresses)

*Notes*

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

Paragraphs 2 and 3: State concisely the reasons it is desired to transfer the child between the agencies.

Paragraph 4: A former parent is a person as defined in section 15(1) of the Children Act 1975. This paragraph should be deleted only if there are no former parents.

## FORM 6

Rule 15(1)

## APPLICATION FOR AN ADOPTION ORDER

To the .....Domestic Court

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

## PART 1

## Particulars of the applicant(s)

1. *Name and address etc.*

Name of (first) applicant in full

Address

Occupation

Date of Birth

Relationship (if any) to the child

Name of (second) applicant in full

Address

Occupation

Date of Birth

Relationship (if any) to the child

2. *Domicile*

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

3. *Status*

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

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

(5. *Health*

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

*Notes*

The application must be made to a domestic court within whose area the child is.

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

Paragraph 3: Documentary evidence of marital status should be supplied. A married applicant can apply alone if he or she can satisfy the court that his or her spouse cannot be found, or that they have separated and are living apart and that the separation is likely to be permanent, or that by reason of physical or mental ill health the spouse is incapable of making an application for an adoption order. Any documentary evidence on which the applicant proposes to rely should be attached to the application. The name and address (if known) of the spouse should be supplied, and the marriage certificate (or other evidence of marriage) should be attached.

Paragraph 4: State the reason to be relied upon e.g. that the other natural parent is dead, or cannot be found, or that there is some other reason, which should be specified, justifying his or her exclusion. Documentary evidence, e.g. a death certificate, should be supplied where appropriate.

Paragraph 5: A separate health report is required in respect of each applicant, and the report must have been made during the period of three months before the date of the application. No report is required, however, if the child was placed for adoption with the applicant by an adoption agency, or if he is the child of the applicant or either of them.

## PART 2

Particulars of the child.

### 6. *Identity etc.*

The child is of the \_\_\_\_\_ sex and is not and has not been married. He/she was born on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and is the person to whom the attached birth/adoption certificate relates (or was born on or about the \_\_\_\_\_ day of 19\_\_\_\_, in \_\_\_\_\_). He/she is a \_\_\_\_\_ national.

### (7. *Health*

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

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

### (9. *Parentage, etc.*

The child is the child of \_\_\_\_\_ whose last known address was (or deceased) and \_\_\_\_\_ whose last known address was \_\_\_\_\_ (or deceased).)

(10. The guardian(s) of the child (other than the mother or the father of the child) is/are \_\_\_\_\_ of \_\_\_\_\_ (and \_\_\_\_\_ of \_\_\_\_\_).)

### (11. *Parental agreement*

I/We understand that the said \_\_\_\_\_ (and \_\_\_\_\_) is/are willing to agree to the making of an adoption order in pursuance of my/our application.)

(12. I/we request the court to dispense with the agreement of \_\_\_\_\_ (and \_\_\_\_\_) on the ground(s) that \_\_\_\_\_ (and \_\_\_\_\_) and there are attached hereto three copies of a statement of the facts upon which I/we intend to rely.)

(13. *Care etc.*

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

(14. *Maintenance*

\_\_\_\_\_ of \_\_\_\_\_ is liable by virtue of an order made by the \_\_\_\_\_ court at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, (or by an agreement dated the \_\_\_\_\_ day of 19\_\_\_\_) to contribute to the maintenance of the child.)

15. *Proposed names*

If an adoption order is made in pursuance of this application, the child is to be known by the following names:

Surname

Other names

*Notes*

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

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

Paragraph 8: The order made by the court freeing the child for adoption and any order made under section 23 should be attached.

Paragraph 9: This paragraph and paragraphs 10 to 14 only apply if the child is not free for adoption. If the child has previously been adopted give the names of his adoptive parents and not those of his natural parents. If the child is illegitimate, and the putative father has legal custody of the child by virtue of a court order, give details of that order under paragraph 19.

Paragraph 10: Enter particulars of any person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts 1886 and 1925, or the Guardianship of Minors Act 1971 or by a court of competent jurisdiction to be a guardian. Do not include any person who has the custody of the child only. Delete this paragraph if the child has no guardian.

Paragraphs 11 and 12: Enter either in paragraph 11 or 12 the names of the persons mentioned in paragraphs 9 and 10, except that in the case of an illegitimate child the father of the child should be entered only if he has custody of the child by virtue of a court order. Where it is sought to dispense with parental agreement, enter in paragraph 12 one or more of the grounds set out in section 12(2) of the 1975 Act.

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

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

## PART 3

*General*

16. The child has lived with me/us continuously since the        day of        19        (and has accordingly had his home with me/us for the five years preceding the date of this application).

17. The child was (placed with me/us for adoption on the        day of        19        by        , an adoption agency) (or received into my/our actual custody in the following circumstances:        ).

(18. I/we/one of us (namely        ) notified the        Council on the day of        19        , of my/our intention to apply for an adoption order in respect of the child.)

19. No proceedings relating in whole or in part to the child other than as stated in paragraph 8 have been completed or commenced in any court in England and Wales or elsewhere (except        ).

20. I/we have not received or given any payment or reward for, or in consideration of, the adoption of the child, for any agreement to the making of an adoption order, the transfer of the actual custody of the child with a view to adoption or the making of any arrangements for adoption (except as follows:—        ).

21. As far as I/we know, the only person(s) or bod(y)(ies) who have taken part in the arrangements for the child's adoption are

(22. For the purpose of this application reference may be made to        of        .)

(23. I/we desire that my/our identity should be kept confidential, and the serial number of this application is        .)

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

Dated this        day of        19        .

Signature(s)

*Notes*

Paragraphs 16 and 17: Under section 9 of the 1975 Act, an adoption order cannot be made unless the child has had his home with the applicants or one of them:—

(a) for at least 13 weeks if the applicant or one of them is a parent, step-parent or relative of the child or if the child was placed with the applicant by an adoption agency or in pursuance of an order of the High Court;

(b) for at least 12 months in any other case.

Paragraph 18: Notice does not have to be given if the child was placed with the applicant by an adoption agency. Where notice does have to be given, no order can be made until the expiration of three months from the date of the notice.

Paragraph 19: The nature of the proceedings and the date and effect of any orders made should be stated. The court cannot proceed with the application if a previous application made by the same applicant in relation to the child was refused, unless one

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

Paragraph 21: Enter the name and address of the adoption agency or individual who took part in the arrangements for placing the child for adoption in the actual custody of the applicant.

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

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



## Rule 20

## FORM 7

## AGREEMENT TO AN ADOPTION ORDER

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 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 will be to deprive me  
permanently of the parental rights and duties relating to the child and to vest them in  
the applicant(s); and in particular I understand that, if an order is made, I shall have no  
right to see or get in touch with the child or to have him/her returned to me.

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

- (a) cannot be found or is incapable of giving agreement, or
- (b) is withholding his agreement unreasonably, or
- (c) has persistently failed without reasonable cause to discharge the parental  
duties in relation to the child, or
- (d) has abandoned or neglected the child, or
- (e) has persistently ill-treated the child, or
- (f) has seriously ill-treated the child and the rehabilitation of the child within the  
household of the parent or guardian is unlikely.

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

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

(5) As far as I know, the only person(s) or bod(y)(ies) who has/have taken part in the  
arrangements for the child's adoption is/are \_\_\_\_\_ (and  
\_\_\_\_\_).

(6) I have not received or given any payment or reward for, or in consideration of, the  
adoption of the child, for any agreement to the making of an adoption order or placing  
the child for adoption with any person or making arrangements for the adoption of the  
child (other than payment to an adoption agency for their expenses incurred in  
connection with the adoption).

Signature:

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

Signature:

Address:

Description:

*Notes*

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

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

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

Where two or more forms of agreement are supplied to the court at the same time they may both or all refer to a certificate attached to one of the forms of agreement.

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

Paragraph 3: Notice will be given of the hearing of the application and of the court by which it is to be heard. After the making of the application a parent or guardian who has agreed cannot remove the child from the actual custody of the applicant(s) except with the leave of the court.

Paragraph 5: Enter the name and address of the adoption agency or individual who took part in the arrangements for placing the child in the actual custody of the applicant(s).

Witness statement: In England and Wales the document should be witnessed by the reporting officer. In Scotland, it should be witnessed by a Justice of the Peace or a Sheriff, and in Northern Ireland by a Justice of the Peace. Outside the United Kingdom it should be witnessed by a person authorised by law in the place where the document is signed to administer an oath for any judicial or legal purpose, a British consular officer, a notary public, or, if the person executing the document is serving in the regular armed forces of the Crown, an officer holding a commission in any of those forces.

Rule 21(1)

FORM 8

## NOTICE OF HEARING OF AN APPLICATION FOR AN ADOPTION ORDER

.....Domestic Court

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

Whereas an application for an adoption order in respect of \_\_\_\_\_, a child of the sex born on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, has been made (by \_\_\_\_\_ (and \_\_\_\_\_) of \_\_\_\_\_) (or under the serial number \_\_\_\_\_) and whereas \_\_\_\_\_ (and \_\_\_\_\_) was/were appointed reporting officer(s) (and \_\_\_\_\_ was appointed guardian *ad litem* of the child);

## TAKE NOTICE:—

(1. That the said application will be heard before the court 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 should be made.)

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

3. That you are not obliged to attend the hearing unless you wish to do so or the court notifies you that your attendance is necessary.

4. That while the application is pending, a parent or guardian of the child who has agreed to the making of an order must not, except with the leave of the court, remove the child from the actual custody of the applicant.

(5. That the application states that the child has had his home with the applicant for the five years preceding the application and accordingly, if that is correct, no person is entitled, against the will of the applicant, to remove the child from the applicant's actual custody except with the leave of the court or under authority conferred by an enactment or on the arrest of the child.)

(6. That the court has been requested to dispense with your agreement to the making of an order on the ground(s) that \_\_\_\_\_ and a statement of the facts on which the applicant intends to rely is attached.)

It would assist the court if you would complete the attached form and return it to me by \_\_\_\_\_

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

Justices' Clerk

-----  
To the Clerk to the Justices.

Application for an adoption order: *(state name of child)*

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

I wish/do not wish to oppose the application.

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

(signature)

(address)

(date)

*Notes*

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

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

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

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

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

Rule 28 (1)

FORM 9

APPLICATION TO AMEND OR REVOKE ADOPTION ORDER

To the .....Domestic Court

1. Identification of the adoption order to be amended or revoked

Name of adopters:

Date of adoption order:

Name of child adopted:

2. Particulars of the applicant

Name:

Address:

Relationship (if any) to the child (or if no such relationship, state reason for application):

If application is made under section 24 of the Adoption Act 1958, state the amendments desired and the facts relied on in support of the application:

If application is made under section 26 of the Adoption Act 1958 or section 1(1) of the Adoption Act 1960, state the facts relied on in support of the application:

I apply for the adoption order to be amended or revoked in accordance with this application.

Dated this      day of              19 .

Signature

FORM 10

Rule 31(1)

ORDER FREEING A CHILD FOR ADOPTION

.....Domestic Court

Whereas an application has been made by \_\_\_\_\_ of \_\_\_\_\_, being an adoption agency, for an order freeing for adoption \_\_\_\_\_, a child of the \_\_\_\_\_ sex, the child of \_\_\_\_\_ (and \_\_\_\_\_);

It is ordered that the child be freed for adoption and that the parental rights and duties relating to the child be vested in the applicant;

(and as regards costs it is ordered that \_\_\_\_\_);

(and whereas the precise date of the child's birth has not been proved to the satisfaction of the court but the court has determined the probable date of his/her birth to be the day of \_\_\_\_\_ 19 \_\_\_\_\_);

(and whereas it has been proved to the satisfaction of the court that the child was born in \_\_\_\_\_ (country);)

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

(and whereas it has been proved to the satisfaction of the court that the child is identical with \_\_\_\_\_ to whom the entry numbered \_\_\_\_\_ made on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, in the Register of Births for the registration district of \_\_\_\_\_ and sub-district of \_\_\_\_\_ in the county of \_\_\_\_\_ relates (or with \_\_\_\_\_ to whom the entry numbered \_\_\_\_\_ and dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, in the Adopted Children Register relates);)

It is directed that this order is sufficient proof of the above particulars for the purposes of any future adoption application in respect of the child.

And it is further recorded that \_\_\_\_\_ (and \_\_\_\_\_) being a parent or guardian of the child made a declaration under section 14(7) of the 1975 Act that he/she prefers not to be involved in future questions concerning the adoption of the child.

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

Justice of the Peace  
[or By order of the Court  
Clerk of the Court]

## Rule 31(1)

## FORM 11

ORDER REVOKING AN ORDER FREEING A CHILD FOR ADOPTION/DISMISSING AN  
APPLICATION TO REVOKE AN ORDER FREEING A CHILD FOR ADOPTION

.....Domestic Court

Whereas an application has been made by \_\_\_\_\_ of \_\_\_\_\_ (and \_\_\_\_\_) for an order revoking an order freeing for adoption \_\_\_\_\_, a child of the \_\_\_\_\_ sex, the child of \_\_\_\_\_ (and \_\_\_\_\_), such order having been made by the court on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_;

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

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

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

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

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

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

Justice of the Peace  
[or By order of the Court  
Clerk of the Court]

FORM 12

Rule 31(1)

INTERIM ORDER

.....Domestic Court

Whereas an application has been made by \_\_\_\_\_ of \_\_\_\_\_ (and \_\_\_\_\_) for an adoption order in respect of \_\_\_\_\_ a child of the \_\_\_\_\_ sex, the child/adopted child of \_\_\_\_\_ (and \_\_\_\_\_);

It is ordered that the determination of the application be postponed and that the applicant(s) do have the legal custody of the child until the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, by way of a probationary period (or that the determination of the application be postponed to the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and that the applicant(s) do have the legal custody of the child until that day by way of a probationary period) (upon the following terms, namely \_\_\_\_\_);

(and as regards costs it is ordered that \_\_\_\_\_:)

(and it is ordered that the application be further heard before the court at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock.)

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

Justice of the Peace  
[or By order of the Court  
Clerk of the Court]



## Rule 31(1)

## FORM 13

## ADOPTION ORDER

.....Domestic Court

Whereas an application has been made by \_\_\_\_\_ of \_\_\_\_\_ whose occupation is \_\_\_\_\_ (and \_\_\_\_\_ whose occupation is \_\_\_\_\_) for an adoption order in respect of \_\_\_\_\_, a child of the \_\_\_\_\_ sex, the child/adopted child of (and \_\_\_\_\_);

It is ordered that the applicant(s) do adopt the child and that the parental rights and duties relating to the child (including the legal custody of the child) be vested in the applicant(s).

(And as regards costs, it is ordered that \_\_\_\_\_;)

(And it is recorded that \_\_\_\_\_, being an adoption agency, placed the child for adoption with the applicant(s)/the \_\_\_\_\_ Council was notified of the applicant(s) intention to adopt the child;)

(And whereas the child was freed for adoption by the \_\_\_\_\_ court on the day of \_\_\_\_\_ 19 \_\_\_\_\_;)

(And whereas the precise date of the child's birth has not been proved to the satisfaction of the court but the court has determined the probable date of his/her birth to be the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_;)

(And whereas it has been proved to the satisfaction of the court that the child was born in \_\_\_\_\_ (country);)

(And whereas the place of birth of the child has not been proved to the satisfaction of the court (but it appears probable that the child was born in the United Kingdom, the Channel Islands or the Isle of Man, the child is treated as having been born in the registration district of \_\_\_\_\_ and sub-district of \_\_\_\_\_ in the county of \_\_\_\_\_);)

(And whereas it has been proved to the satisfaction of the court that the child was born on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ (and is identical (with \_\_\_\_\_ to whom the entry numbered \_\_\_\_\_ made on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, in the Register of Births for the registration district of \_\_\_\_\_ and sub-district of \_\_\_\_\_ in the county of \_\_\_\_\_ relates) (or with \_\_\_\_\_ to whom the entry numbered \_\_\_\_\_ and dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, in the Adopted Children Register relates);)

(And whereas the name or names and surname stated in the application as those by which the child is to be known are \_\_\_\_\_;)

It is directed that the Registrar General shall make in the Adopted Children Register an entry in the form specified by regulations made by him recording the particulars set out in this order;

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

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

Justice of the Peace  
[or By order of the Court  
Clerk of the Court]



## Rule 4(4)

## SCHEDULE 2

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

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

1. *The Child*

- (a) Name, sex, date and place of birth and address;
- (b) whether legitimate or illegitimate at birth and, if illegitimate, whether subsequently legitimated;
- (c) nationality;
- (d) physical description;
- (e) personality and social development;
- (f) religion, including details of baptism, confirmation or equivalent ceremonies;
- (g) details of any wardship proceedings and of any court orders or local authority resolutions relating to the parental rights and duties in respect of the child or to his custody and maintenance;
- (h) details of any brothers and sisters, including dates of birth, arrangements in respect of care and custody and whether any brother or sister is the subject of a parallel application;
- (i) extent of access to members of the child's natural family and, if the child is illegitimate, his father, and in each case the nature of the relationship enjoyed;
- (j) if the child has been in the care of a local authority or voluntary organisation, details (including dates) of any placements with foster parents, or other arrangements in respect of the care of the child, including particulars of the persons with whom the child has had his home and observations on the care provided;
- (k) date and circumstances of placement with prospective adopter;
- (l) names, addresses and types of schools attended, with dates, and educational attainments;
- (m) any special needs in relation to the child's health (whether physical or mental) and his emotional and behavioural development and whether he is subject to a statement under the Education Act 1981(a);
- (n) what, if any, rights to or interests in property or any claim to damages, under the Fatal Accidents Act 1976(b) or otherwise, the child stands to retain or lose if adopted;
- (o) wishes and feelings in relation to adoption and the application, including any wishes in respect of religious and cultural upbringing; and
- (p) any other relevant information which might assist the court.

---

(a) 1981 c.60.

(b) 1976 c.30.

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

- (a) Name, date and place of birth and address;
- (b) marital status and date and place of marriage (if any);
- (c) past and present relationship (if any) with the other natural parent, including comments on its stability;
- (d) physical description;
- (e) personality;
- (f) religion;
- (g) educational attainments;
- (h) past and present occupations and interests;
- (i) so far as available, names and brief details of the personal circumstances of the parents and any brothers and sisters of the natural parent, with their ages or ages at death;
- (j) wishes and feelings in relation to adoption and the application, including any wishes in respect of the child's religious and cultural upbringing;
- (k) reasons why any of the above information is unavailable; and
- (l) any other relevant information which might assist the court.

3. *Guardian*

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

4. *Prospective Adopter*

- (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 reason why they prefer adoption to an order relating to the custody of the child;
- (f) if a natural parent is applying alone, the reasons for the exclusion of the other parent;
- (g) if a married person is applying alone, the reasons for this;
- (h) physical description;
- (i) personality;
- (j) religion, and whether willing to follow any wishes of the child or his parents or guardian in respect of the child's religious and cultural upbringing;
- (k) educational attainments;

- (l) past and present occupations and interests;
- (m) particulars of the home and living conditions (and particulars of any home where the prospective adopter proposes to live with the child, if different);
- (n) details of income and comments on the living standards of the household;
- (o) details of other members of the household (including any children of the prospective adopter even if not resident in the household);
- (p) details of the parents and any brothers or sisters of the prospective adopter, with their ages or ages at death;
- (q) attitudes to the proposed adoption of such other members of the prospective adopter's household and family as the adoption agency or, as the case may be, the local authority considers appropriate;
- (r) previous experience of caring for children as step-parent, foster parent, child-minder or prospective adopter and assessment of ability in this respect, together where appropriate with assessment of ability in bringing up the prospective adopter's own children;
- (s) reasons for wishing to adopt the child and extent of understanding of the nature and effect of adoption;
- (t) any hopes and expectations for the child's future;
- (u) assessment of ability to bring up the child throughout his childhood;
- (v) details of any adoption allowance payable;
- (w) confirmation that any referees have been interviewed, with a report of their views and opinion of the weight to be placed thereon; and
- (x) any other relevant information which might assist the court.

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

- (a) Reports under rules 4(4) or 22(1):—
  - (i) brief account of the agency's actions in the case, with particulars and dates of all written information and notices given to the child, his natural parents and the prospective adopter;
  - (ii) details of alternatives to adoption considered;
  - (iii) reasons for considering that adoption would be in the child's best interests (with date of relevant decision); and
  - (iv) reasons for considering that the prospective adopter would be suitable to be an adoptive parent and that he would be suitable for this child (with dates of relevant decisions) or, if the child has not yet been placed for adoption, reasons for considering that he is likely to be so placed;

OR

- (b) Reports under rule 22(2):—
  - (i) confirmation that notice was given under section 18 of the 1975 Act, with the date of that notice;

- (ii) brief account of the local authority's actions in the case; and
- (iii) account of investigations whether child was placed in contravention of section 29 of the 1958 Act.

#### 6. *Generally*

- (a) Whether any respondent appears to be under the age of majority or under a mental disability; and
- (b) whether, in the opinion of the body supplying the report, any other person should be made a respondent (for example, a person claiming to be the father of an illegitimate child, a spouse or ex-spouse of a natural parent, a relative of a deceased parent, or a person with any of the parental rights and duties).

#### 7. *Conclusions*

(This part of the report should contain more than a simple synopsis of the information above. As far as possible, the court should be given a fuller picture of the child, his natural parents and, where appropriate, the prospective adopter).

- (a) Except where the applicant or one of them is a parent of the child, a summary by the medical adviser to the body supplying the report, of the health history and state of health of the child, his natural parents and, if appropriate, the prospective adopter, with comments on the implications for the order sought and on how any special health needs of the child might be met;
- (b) opinion on whether making the order sought would be in the child's best long-term interests, and on how any special emotional, behavioural and educational needs of the child might be met;
- (c) opinion on the effect on the child's natural parents of making the order sought;
- (d) if the child has been placed for adoption, opinion on the likelihood of full integration of the child into the household, family and community of the prospective adopter, and on whether the proposed adoption would be in the best long-term interests of the prospective adopter;
- (e) opinion, if appropriate, on the relative merits of adoption and custody; and
- (f) final conclusions and recommendations whether the order sought should be made (and, if not, alternative proposals).

## Rule 15(4)

## SCHEDULE 3

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

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

*1. The Child*

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

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

- (ii) details and dates of immunisations;
  - (iii) a physical and developmental assessment according to age, including an assessment of vision and hearing and of neurological, speech and language development and any evidence of emotional disorder;
  - (iv) for a child over five years of age, the school health history (if available);
  - (v) any other relevant information which might assist the medical adviser; and
  - (vi) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.
- D. The signature, name, address and qualifications of the registered medical practitioner who prepared the report, and the date of the report and of the examinations carried out.

## 2. *The Applicant*

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

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



## EXPLANATORY NOTE

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

These Rules consolidate with amendments the Magistrates' Courts (Adoption) Rules 1976, the Magistrates' Courts (Adoption) (Amendment) Rules 1979 and the Magistrates' Courts (Adoption) (Amendment) Rules 1981. The amendments of substance are the provision of new rules, in Part II, to regulate the procedure in a domestic court upon an application to free a child for adoption under sections 14 to 16 of the Children Act 1975 which come into force on 27th May 1984 (S.I. 1983/1946); changes to the duties of the guardian *ad litem*; provision for the appointment and duties of reporting officers; and provision for reports to be made by adoption agencies and local authorities.

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