
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 14

**PROCEDURE FOR APPLICATIONS IN ADOPTION,
PLACEMENT AND RELATED PROCEEDINGS**

Application of this Part and interpretation

14.1.—(1) The rules in this Part apply to the following proceedings—

- (a) adoption proceedings;
- (b) placement proceedings; and
- (c) proceedings for—
 - (i) the making of a contact order under section 26 of the 2002 Act ^{M1};
 - (ii) the variation or revocation of a contact order under section 27 of the 2002 Act;
 - (iii) an order giving permission to change a child's surname or remove a child from the United Kingdom under section 28(2) and (3) of the 2002 Act;
 - (iv) a section 84 order;
 - (v) a section 88 direction;
 - (vi) a section 89 order; or
 - (vii) any other order that may be referred to in a practice direction.

(2) In this Part—

“Central Authority” means—

- (a) in relation to England, the Secretary of State; and
- (b) in relation to Wales, the Welsh Ministers;

“Convention adoption order” means an adoption order under the 2002 Act which, by virtue of regulations under section 1 of the Adoption (Intercountry Aspects) Act 1999 ^{M2} (regulations giving effect to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, concluded at the Hague on 29th May 1993), is made as a Convention adoption order;

“guardian” means—

- (a) a guardian (other than the guardian of the estate of a child) appointed in accordance with section 5 of the 1989 Act ^{M3}; and
- (b) a special guardian within the meaning of section 14A of the 1989 Act ^{M4};

“provision for contact” means a contact order under section 8 or 34 of the 1989 Act or a contact order under section 26 of the 2002 Act;

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Changes to legislation: There are currently no known outstanding effects for the Family Procedure Rules 2010, PART 14. (See end of Document for details)

“section 88 direction” means a direction given by the High Court under section 88 of the 2002 Act that section 67(3) of that Act (status conferred by adoption) does not apply or does not apply to any extent specified in the direction.

Marginal Citations

- M1** Section 26 was amended by section 15(1) of and paragraphs 13 and 14(1) to (3) of Schedule 2 to the Children and Adoption Act 2006.
- M2** 1999 c. 18 Section 1 was inserted by section 120(1) of and paragraph 10 of Schedule 2 to the Adoption and Children (Scotland) Act 2007 (2007 asp 4).
- M3** Section 5 was amended by section 115(2), (4)(a)(i),(ii),(4)(b) and (4)(c) of the Adoption and Children Act 2002.
- M4** Section 14A was inserted by section 115 of the Adoption and Children Act 2002.

Application for a serial number

14.2.—(1) This rule applies to any application in proceedings by a person who intends to adopt the child.

(2) If, before the proceedings have started, the applicant requests a court officer to assign a serial number to identify the applicant in connection with the proceedings in order for the applicant's identity to be kept confidential in those proceedings, a serial number will be so assigned.

(3) The court may at any time direct that a serial number identifying the applicant in the proceedings referred to in paragraph (2) must be removed.

(4) If a serial number has been assigned to a person under paragraph (2)—

- (a) the court officer will ensure that any application form or application notice sent in accordance with these rules does not contain information which discloses, or is likely to disclose, the identity of that person to any other party to that application who is not already aware of that person's identity; and
- (b) the proceedings on the application will be conducted with a view to securing that the applicant is not seen by or made known to any party who is not already aware of the applicant's identity except with the applicant's consent.

Who the parties are

14.3.—(1) In relation to the proceedings set out in column 1 of the following table, column 2 sets out who the application may be made by and column 3 sets out who the respondents to those proceedings will be.

<i>Proceedings for</i>	<i>Applicants</i>	<i>Respondents</i>
An adoption order (section 46 of the 2002 Act).	The prospective adopters (sections 50 and 51 of the 2002 Act) M5	Each parent who has parental responsibility for the child unless that parent has given notice under section 20(4)(a) of the 2002 Act (statement of wish not to be informed of any application for an adoption order) which has effect; any guardian of the child unless that guardian has given notice under section 20(4)(a) of the 2002 Act (statement of wish not to be informed

of any application for an adoption order) which has effect;
any person in whose favour there is provision for contact;
any adoption agency having parental responsibility for the child under section 25 of the 2002 Act;
any adoption agency which has taken part at any stage in the arrangements for adoption of the child;
any local authority to whom notice under section 44 of the 2002 Act (notice of intention to adopt or apply for a section 84 order) has been given;
any local authority or voluntary organisation which has parental responsibility for, is looking after or is caring for, the child; and
the child where—
— permission has been granted to a parent or guardian to oppose the making of the adoption order (section 47(3) or 47(5) of the 2002 Act);
— the child opposes the making of an adoption order;
— a children and family reporter recommends that it is in the best interests of the child to be a party to the proceedings and that recommendation is accepted by the court;
— the child is already an adopted child;
— any party to the proceedings or the child is opposed to the arrangements for allowing any person contact with the child, or a person not being allowed contact with the child after the making of the adoption order;
— the application is for a Convention adoption order or a section 84 order;
— the child has been brought into the United Kingdom in the circumstances where section 83(1) of the 2002 Act applies (restriction on bringing children in);
— the application is for an adoption order other than a Convention adoption order and the prospective adopters intend the child to live in a country or territory outside the British Islands after the making of the adoption order;
or

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		— the prospective adopters are relatives of the child.
A section 84 order.	The prospective adopters asking for parental responsibility prior to adoption abroad.	As for an adoption order.
A placement order (section 21 of the 2002 Act).	A local authority (section 22 of the 2002 Act).	Each parent who has parental responsibility for the child; any guardian of the child; any person in whose favour an order under the 1989 Act is in force in relation to the child; any adoption agency or voluntary organisation which has parental responsibility for, is looking after, or is caring for, the child; the child; and the parties or any persons who are or have been parties to proceedings for a care order in respect of the child where those proceedings have led to the application for the placement order.
An order varying a placement order (section 23 of the 2002 Act).	The joint application of the local authority authorised by the placement order to place the child for adoption and the local authority which is to be substituted for that authority (section 23 of the 2002 Act).	The parties to the proceedings leading to the placement order which it is sought to have varied except the child who was the subject of those proceedings; and any person in whose favour there is provision for contact.
An order revoking a placement order (section 24 of the 2002 Act).	The child; the local authority authorised to place the child for adoption; or where the child is not placed for adoption by the authority, any other person who has the permission of the court to apply (section 24 of the 2002 Act).	The parties to the proceedings leading to the placement order which it is sought to have revoked; and any person in whose favour there is provision for contact.
A contact order (section 26 of the 2002 Act ^{M6}).	The child; the adoption agency; any parent, guardian or relative; any person in whose favour there was provision for contact under the 1989 Act which ceased to have effect on an adoption agency being authorised to place a child for adoption, or placing a child for adoption who is less than six weeks old (section 26(1) of the 2002 Act); a person in whose favour there was a residence order in force immediately before the adoption	The adoption agency authorised to place the child for adoption or which has placed the child for adoption; the person with whom the child lives or is to live; each parent with parental responsibility for the child; any guardian of the child; and the child where— — the adoption agency authorised to place the child for adoption or which has placed the child for adoption or a parent with parental responsibility for the child opposes the making of the

	<p>agency was authorised to place the child for adoption or placed the child for adoption at a time when the child was less than six weeks old;</p> <p>a person who by virtue of an order made in the exercise of the High Court's inherent jurisdiction with respect to children had care of the child immediately before that time; or</p> <p>any person who has the permission of the court to make the application (section 26 of the 2002 Act).</p>	<p>contact order under section 26 of the 2002 Act;</p> <p>— the child opposes the making of the contact order under section 26 of the 2002 Act;</p> <p>— existing provision for contact is to be revoked;</p> <p>— relatives of the child do not agree to the arrangements for allowing any person contact with the child, or a person not being allowed contact with the child; or</p> <p>— the child is suffering or is at risk of suffering harm within the meaning of the 1989 Act.</p>
<p>An order varying or revoking a contact order (section 27 of the 2002 Act).</p>	<p>The child;</p> <p>the adoption agency; or</p> <p>any person named in the contact order (section 27(1) of the 2002 Act).</p>	<p>The parties to the proceedings leading to the contact order which it is sought to have varied or revoked; and</p> <p>any person named in the contact order.</p>
<p>An order permitting the child's name to be changed or the removal of the child from the United Kingdom (section 28(2) and (3) of the 2002 Act).</p>	<p>Any person including the adoption agency or the local authority authorised to place, or which has placed, the child for adoption (section 28(2) of the 2002 Act).</p>	<p>The parties to proceedings leading to any placement order;</p> <p>the adoption agency authorised to place the child for adoption or which has placed the child for adoption;</p> <p>any prospective adopters with whom the child is living;</p> <p>each parent with parental responsibility for the child; and</p> <p>any guardian of the child.</p>
<p>A section 88 direction.</p>	<p>The adopted child;</p> <p>the adopters;</p> <p>any parent; or</p> <p>any other person.</p>	<p>The adopters;</p> <p>the parents;</p> <p>the adoption agency;</p> <p>the local authority to whom notice under section 44 of the 2002 Act (notice of intention to apply for a section 84 order) has been given; and</p> <p>the Attorney-General.</p>
<p>A section 89 order.</p>	<p>The adopters;</p> <p>the adopted person;</p> <p>any parent;</p> <p>the relevant Central Authority;</p> <p>the adoption agency;</p> <p>the local authority to whom notice under section 44 of the 2002 Act (notice of intention to adopt or apply for a section 84 order) has been given;</p> <p>the Secretary of State for the Home Department; or</p> <p>any other person.</p>	<p>The adopters;</p> <p>the parents;</p> <p>the adoption agency; and</p> <p>the local authority to whom notice under section 44 of the 2002 Act (notice of intention to adopt or apply for a section 84 order) has been given.</p>

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- (2) The court may at any time direct that a child, who is not already a respondent to proceedings, be made a respondent to proceedings where—
- (a) the child—
 - (i) wishes to make an application; or
 - (ii) has evidence to give to the court or a legal submission to make which has not been given or made by any other party; or
 - (b) there are other special circumstances.
- (3) The court may at any time direct that—
- (a) any other person or body be made a respondent to proceedings; or
 - (b) a party be removed.
- (4) If the court makes a direction for the addition or removal of a party, it may give consequential directions about—
- (a) serving a copy of the application form on any new respondent;
 - (b) serving relevant documents on the new party; and
 - (c) the management of the proceedings.

Marginal Citations

M5 Section 51 was amended by section 79(1), (4) and (5) of the Civil Partnership Act 2004 and by section 56 of and paragraphs 39(1), (2) and (3) of Schedule 6 to the Human Fertilisation and Embryology Act 2008.

M6 Section 26 was amended by section 15(1) of and paragraphs 13, 14(1), (2) and (3) of Schedule 2 to the Children and Adoption Act 2006.

Notice of proceedings to person with foreign parental responsibility

14.4.—(1) This rule applies where a child is subject to proceedings to which this Part applies and –

- (a) a parent of the child holds or is believed to hold parental responsibility for the child under the law of another State which subsists in accordance with Article 16 of the 1996 Hague Convention following the child becoming habitually resident in a territorial unit of the United Kingdom; and
- (b) that parent is not otherwise required to be joined as a respondent under rule 14.3.

(2) The applicant shall give notice of the proceedings to any parent to whom the applicant believes paragraph (1) applies in any case in which a person who was a parent with parental responsibility under the 1989 Act would be a respondent to the proceedings in accordance with rule 14.3.

(3) The applicant and every respondent to the proceedings shall provide such details as they possess as to the identity and whereabouts of any parent they believe to hold parental responsibility for the child in accordance with paragraph (1) to the court officer, upon making, or responding to the application as appropriate.

(4) Where the existence of such a parent only becomes apparent to a party at a later date during the proceedings, that party must notify the court officer of those details at the earliest opportunity.

(5) Where a parent to whom paragraph (1) applies receives notice of proceedings, that parent may apply to the court to be joined as a party using the Part 18 procedure.

Who is to serve

14.5.—(1) The general rules about service in Part 6 are subject to this rule.

(2) In proceedings to which this Part applies, a document which has been issued or prepared by a court officer will be served by the court officer except where—

- (a) a practice direction provides otherwise; or
- (b) the court directs otherwise.

(3) Where a court officer is to serve a document, it is for the court to decide which of the methods of service specified in rule 6.23 is to be used.

What the court or a court officer will do when the application has been issued

14.6.—(1) As soon as practicable after the application has been issued in proceedings—

- (a) the court will—
 - (i) if section 48(1) of the 2002 Act (restrictions on making adoption orders) applies, consider whether it is proper to hear the application;
 - (ii) subject to paragraph (4), set a date for the first directions hearing;
 - (iii) appoint a children's guardian in accordance with rule 16.3(1);
 - (iv) appoint a reporting officer in accordance with rule 16.30;
 - (v) consider whether a report relating to the welfare of the child is required, and if so, request such a report in accordance with rule 16.33;
 - (vi) set a date for the hearing of the application; and
 - (vii) do anything else that may be set out in a practice direction; and
- (b) a court officer will—
 - (i) subject to receiving confirmation in accordance with paragraph (2)(b)(ii), give notice of any directions hearing set by the court to the parties and to any children's guardian, reporting officer or children and family reporter;
 - (ii) serve a copy of the application form (but, subject to sub-paragraphs (iii) and (iv), not the documents attached to it) on the persons referred to in Practice Direction 14A;
 - (iii) send a copy of the certified copy of the entry in the register of live-births or Adopted Children Register and any health report attached to an application for an adoption order to—
 - (aa) any children's guardian, reporting officer or children and family reporter; and
 - (bb) the local authority to whom notice under section 44 of the 2002 Act (notice of intention to adopt or apply for a section 84 order) has been given;
 - (iv) if notice under rule 14.9(2) has been given (request to dispense with consent of parent or guardian), in accordance with that rule inform the parent or guardian of the request and send a copy of the statement of facts to—
 - (aa) the parent or guardian;
 - (bb) any children's guardian, reporting officer or children and family reporter;
 - (cc) any local authority to whom notice under section 44 of the 2002 Act (notice of intention to adopt or apply for a section 84 order) has been given; and
 - (dd) any adoption agency which has placed the child for adoption; and
 - (v) do anything else that may be set out in a practice direction.

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(2) In addition to the matters referred to in paragraph (1), as soon as practicable after an application for an adoption order or a section 84 order has been issued the court or the court officer will—

- (a) where the child is not placed for adoption by an adoption agency—
 - (i) ask either the Service or the Assembly to file any relevant form of consent to an adoption order or a section 84 order; and
 - (ii) ask the local authority to prepare a report on the suitability of the prospective adopters if one has not already been prepared; and
- (b) where the child is placed for adoption by an adoption agency, ask the adoption agency to—
 - (i) file any relevant form of consent to—
 - (aa) the child being placed for adoption;
 - (bb) an adoption order;
 - (cc) a future adoption order under section 20 of the 2002 Act; or
 - (dd) a section 84 order;
 - (ii) confirm whether a statement has been made under section 20(4)(a) of the 2002 Act (statement of wish not to be informed of any application for an adoption order) and if so, to file that statement;
 - (iii) file any statement made under section 20(4)(b) of the 2002 Act (withdrawal of wish not to be informed of any application for an adoption order) as soon as it is received by the adoption agency; and
 - (iv) prepare a report on the suitability of the prospective adopters if one has not already been prepared.

(3) In addition to the matters referred to in paragraph (1), as soon as practicable after an application for a placement order has been issued—

- (a) the court will consider whether a report giving the local authority's reasons for placing the child for adoption is required, and if so, will direct the local authority to prepare such a report; and
- (b) the court or the court officer will ask either the Service or the Assembly to file any form of consent to the child being placed for adoption.

(4) Where it considers it appropriate the court may, instead of setting a date for a first directions hearing, give the directions provided for by rule 14.8.

Date for first directions hearing

14.7. Unless the court directs otherwise, the first directions hearing must be within 4 weeks beginning with the date on which the application is issued.

The first directions hearing

14.8.—(1) At the first directions hearing in the proceedings the court will—

- (a) fix a timetable for the filing of—
 - (i) any report relating to the suitability of the applicants to adopt a child;
 - (ii) any report from the local authority;
 - (iii) any report from a children's guardian, reporting officer or children and family reporter;
 - (iv) if a statement of facts has been filed, any amended statement of facts;

- (v) any other evidence, and
- (vi) give directions relating to the reports and other evidence;
- (b) consider whether the child or any other person should be a party to the proceedings and, if so, give directions in accordance with rule 14.3(2) or (3) joining that child or person as a party;
- (c) give directions relating to the appointment of a litigation friend for any protected party or child who is a party to, but not the subject of, proceedings unless a litigation friend has already been appointed;
- (d) consider whether the case needs to be transferred to another court and, if so, give directions to transfer the proceedings to another court in accordance with any order made by the Lord Chancellor under Part 1 of Schedule 11 to the 1989 Act;
- (e) give directions about—
 - (i) tracing parents or any other person the court considers to be relevant to the proceedings;
 - (ii) service of documents;
 - (iii) subject to paragraph (2), disclosure as soon as possible of information and evidence to the parties; and
 - (iv) the final hearing.

(By rule 3.3 the court may also direct that the case be adjourned if it considers that alternative dispute resolution is appropriate.)

(2) Rule 14.13(2) applies to any direction given under paragraph (1)(e)(iii) as it applies to a direction given under rule 14.13(1).

(3) In addition to the matters referred to in paragraph (1), the court will give any of the directions listed in Practice Direction 14B in proceedings for—

- (a) a Convention adoption order;
- (b) a section 84 order;
- (c) a section 88 direction;
- (d) a section 89 order; or
- (e) an adoption order where section 83(1) of the 2002 Act applies (restriction on bringing children in).

(4) The parties or their legal representatives must attend the first directions hearing unless the court directs otherwise.

(5) Directions may also be given at any stage in the proceedings—

- (a) of the court's own initiative; or
- (b) on the application of a party or any children's guardian or, where the direction concerns a report by a reporting officer or children and family reporter, the reporting officer or children and family reporter.

(6) For the purposes of giving directions or for such purposes as the court directs—

- (a) the court may set a date for a further directions hearing or other hearing; and
- (b) the court officer will give notice of any date so fixed to the parties and to any children's guardian, reporting officer or children and family reporter.

(7) After the first directions hearing the court will monitor compliance by the parties with the court's timetable and directions.

Requesting the court to dispense with the consent of any parent or guardian

14.9.—(1) This rule applies where the applicant wants to ask the court to dispense with the consent of any parent or guardian of a child to—

- (a) the child being placed for adoption;
 - (b) the making of an adoption order except a Convention adoption order; or
 - (c) the making of a section 84 order.
- (2) The applicant requesting the court to dispense with the consent must—
- (a) give notice of the request in the application form or at any later stage by filing a written request setting out the reasons for the request; and
 - (b) file a statement of facts setting out a summary of the history of the case and any other facts to satisfy the court that—
 - (i) the parent or guardian cannot be found or is incapable of giving consent; or
 - (ii) the welfare of the child requires the consent to be dispensed with.

(3) If a serial number has been assigned to the applicant under rule 14.2, the statement of facts supplied under paragraph (2)(b) must be framed so that it does not disclose the identity of the applicant.

- (4) On receipt of the notice of the request—
- (a) a court officer will—
 - (i) inform the parent or guardian of the request unless the parent or guardian cannot be found; and
 - (ii) send a copy of the statement of facts filed in accordance with paragraph (2)(b) to—
 - (aa) the parent or guardian unless the parent or guardian cannot be found;
 - (bb) any children's guardian, reporting officer or children and family reporter;
 - (cc) any local authority to whom notice under section 44 of the 2002 Act (notice of intention to adopt or apply for a section 84 order) has been given; and
 - (dd) any adoption agency which has placed the child for adoption; and
 - (b) if the applicant considers that the parent or guardian is incapable of giving consent, the court will consider whether to—
 - (i) appoint a litigation friend for the parent or guardian under rule 15.6(1); or
 - (ii) give directions for an application to be made under rule 15.6(3),
 - (iii) unless a litigation friend is already appointed for that parent or guardian.

Consent

14.10.—(1) Consent of any parent or guardian of a child—

- (a) under section 19 of the 2002 Act, to the child being placed for adoption; and
- (b) under section 20 of the 2002 Act, to the making of a future adoption order,

must be given in the form referred to in Practice Direction 5A or a form to the like effect.

(2) Subject to paragraph (3), consent—

- (a) to the making of an adoption order; or
- (b) to the making of a section 84 order,

may be given in the form referred to in Practice Direction 5A or a form to the like effect or otherwise as the court directs.

(3) Any consent to a Convention adoption order must be in a form which complies with the internal law relating to adoption of the Convention country of which the child is habitually resident.

(4) Any form of consent executed in Scotland must be witnessed by a Justice of the Peace or a Sheriff.

(5) Any form of consent executed in Northern Ireland must be witnessed by a Justice of the Peace.

(6) Any form of consent executed outside the United Kingdom must be witnessed by—

(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.

Reports by the adoption agency or local authority

14.11.—(1) The adoption agency or local authority must file the report on the suitability of the applicant to adopt a child within the timetable fixed by the court.

(2) A local authority that is directed to prepare a report on the placement of the child for adoption must file that report within the timetable fixed by the court.

(3) The reports must cover the matters specified in Practice Direction 14C.

(4) The court may at any stage request a further report or ask the adoption agency or local authority to assist the court in any other manner.

(5) A court officer will send a copy of any report referred to in this rule to any children's guardian, reporting officer or children and family reporter.

(6) A report to the court under this rule is confidential.

Health reports

14.12.—(1) Reports by a registered medical practitioner (“health reports”) made not more than 3 months earlier on the health of the child and of each applicant must be attached to an application for an adoption order or a section 84 order except where—

(a) the child was placed for adoption with the applicant by an adoption agency;

(b) the applicant or one of the applicants is a parent of the child; or

(c) the applicant is the partner of a parent of the child.

(2) Health reports must contain the matters set out in Practice Direction 14D.

(3) A health report is confidential.

Confidential reports to the court and disclosure to the parties

14.13.—(1) The court will consider whether to give a direction that a confidential report be disclosed to each party to the proceedings.

(2) Before giving such a direction the court will consider whether any information should be deleted including information which—

(a) discloses, or is likely to disclose, the identity of a person who has been assigned a serial number under rule 14.2(2); or

(b) discloses the particulars referred to in rule 29.1(1) where a party has given notice under rule 29.1(2) (disclosure of personal details).

- (3) The court may direct that the report will not be disclosed to a party.

Communication of information relating to proceedings

14.14. For the purposes of the law relating to contempt of court, information (whether or not it is recorded in any form) relating to proceedings held in private may be communicated—

- (a) where the court gives permission;
- (b) unless the court directs otherwise, in accordance with Practice Direction 14E; or
- (c) where the communication is to—
 - (i) a party;
 - (ii) the legal representative of a party;
 - (iii) a professional legal adviser;
 - (iv) an officer of the service or a Welsh family proceedings officer;
 - (v) a welfare officer;
 - (vi) the Legal Services Commission;
 - (vii) an expert whose instruction by a party has been authorised by the court for the purposes of the proceedings; or
 - (viii) a professional acting in furtherance of the protection of children.

Notice of final hearing

14.15. A court officer will give notice to the parties, any children's guardian, reporting officer or children and family reporter and to any other person to whom a practice direction may require such notice to be given—

- (a) of the date and place where the application will be heard; and
- (b) of the fact that, unless the person wishes or the court requires, the person need not attend.

The final hearing

14.16.—(1) Any person who has been given notice in accordance with rule 14.15 may attend the final hearing and, subject to paragraph (2), be heard on the question of whether an order should be made.

(2) A person whose application for the permission of the court to oppose the making of an adoption order under section 47(3) or (5) of the 2002 Act has been refused is not entitled to be heard on the question of whether an order should be made.

(3) Any member or employee of a party which is a local authority, adoption agency or other body may address the court at the final hearing if authorised to do so.

(4) The court may direct that any person must attend a final hearing.

(5) Paragraphs (6) and (7) apply to—

- (a) an adoption order;
- (b) a section 84 order; or
- (c) a section 89 order.

(6) Subject to paragraphs (7) and (8), the court cannot make an order unless the applicant and the child personally attend the final hearing.

(7) The court may direct that the applicant or the child need not attend the final hearing.

(8) In a case of adoption by a couple under section 50 of the 2002 Act, the court may make an adoption order after personal attendance of one only of the applicants if there are special circumstances.

(9) The court cannot make a placement order unless a legal representative of the applicant attends the final hearing.

Proof of identity of the child

14.17.—(1) Unless the contrary is shown, the child referred to in the application will be deemed to be the child referred to in the form of consent—

- (a) to the child being placed for adoption;
- (b) to the making of an adoption order; or
- (c) to the making of a section 84 order,

where the conditions in paragraph (2) apply.

(2) The conditions are—

- (a) the application identifies the child by reference to a full certified copy of an entry in the registers of live-births;
- (b) the form of consent identifies the child by reference to a full certified copy of an entry in the registers of live-births attached to the form; and
- (c) the copy of the entry in the registers of live-births referred to in sub-paragraph (a) is the same or relates to the same entry in the registers of live-births as the copy of the entry in the registers of live-births attached to the form of consent.

(3) Where the child is already an adopted child paragraph (2) will have effect as if for the references to the registers of live-births there were substituted references to the Adopted Children Register.

(4) Subject to paragraph (7), where the precise date of the child's birth is not proved to the satisfaction of the court, the court will determine the probable date of birth.

(5) The probable date of the child's birth may be specified in the placement order, adoption order or section 84 order as the date of the child's birth.

(6) Subject to paragraph (7), where the child's place of birth cannot be proved to the satisfaction of the court—

- (a) the child may be treated as having been born in the registration district of the court where it is probable that the child may have been born in—
 - (i) the United Kingdom;
 - (ii) the Channel Islands; or
 - (iii) the Isle of Man; or
- (b) in any other case, the particulars of the country of birth may be omitted from the placement order, adoption order or section 84 order.

(7) A placement order identifying the probable date and place of birth of the child will be sufficient proof of the date and place of birth of the child in adoption proceedings and proceedings for a section 84 order.

Disclosing information to an adopted adult

14.18.—(1) The adopted person has the right, on request, to receive from the court which made the adoption order a copy of the following—

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- (a) the application form for an adoption order (but not the documents attached to that form);
 - (b) the adoption order and any other orders relating to the adoption proceedings;
 - (c) orders allowing any person contact with the child after the adoption order was made; and
 - (d) any other document or order referred to in Practice Direction 14F.
- (2) The court will remove any protected information from any copy of a document or order referred to in paragraph (1) before the copies are given to the adopted person.
- (3) This rule does not apply to an adopted person under the age of 18 years.
- (4) In this rule “protected information” means information which would be protected information under section 57(3) of the 2002 Act if the adoption agency gave the information and not the court.

Translation of documents

14.19.—(1) Where a translation of any document is required for the purposes of proceedings for a Convention adoption order the translation must—

- (a) unless the court directs otherwise, be provided by the applicant; and
- (b) be signed by the translator to certify that the translation is accurate.

(2) This rule does not apply where the document is to be served in accordance with the Service Regulation.

Application for recovery orders

14.20.—(1) An application for any of the orders referred to in section 41(2) of the 2002 Act (recovery orders) may—

- (a) in the High Court or a county court, be made without notice in which case the applicant must file the application—
 - (i) where the application is made by telephone, the next business day after the making of the application; or
 - (ii) in any other case, at the time when the application is made; and
- (b) in a magistrates' court, be made, with the permission of the court, without notice in which case the applicant must file the application at the time when the application is made or as directed by the court.

(2) Where the court refuses to make an order on an application without notice it may direct that the application is made on notice in which case the application will proceed in accordance with rules 14.1 to 14.17.

(3) The respondents to an application under this rule are—

- (a) in a case where—
 - (i) placement proceedings;
 - (ii) adoption proceedings; or
 - (iii) proceedings for a section 84 order,are pending, all parties to those proceedings;
- (b) any adoption agency authorised to place the child for adoption or which has placed the child for adoption;
- (c) any local authority to whom notice under section 44 of the 2002 Act (notice of intention to adopt or apply for a section 84 order) has been given;
- (d) any person having parental responsibility for the child;

- (e) any person in whose favour there is provision for contact;
- (f) any person who was caring for the child immediately prior to the making of the application;
and
- (g) any person whom the applicant alleges to have effected, or to have been or to be responsible for, the taking or keeping of the child.

Inherent jurisdiction and fathers without parental responsibility

14.21. Where no proceedings have started an adoption agency or local authority may ask the High Court for directions on the need to give a father without parental responsibility notice of the intention to place a child for adoption.

Timing of applications for section 89 order

14.22. An application for a section 89 order must be made within 2 years beginning with the date on which—

- (a) the Convention adoption or Convention adoption order; or
- (b) the overseas adoption or determination under section 91 of the 2002 Act,

to which it relates was made.

Custody of documents

14.23. All documents relating to proceedings under the 2002 Act must, while they are in the custody of the court, be kept in a place of special security.

Documents held by the court not to be inspected or copied without the court's permission

14.24. Subject to the provisions of these rules, any practice direction or any direction given by the court—

- (a) no document or order held by the court in proceedings under the 2002 Act will be open to inspection by any person; and
- (b) no copy of any such document or order, or of an extract from any such document or order, will be taken by or given to any person.

Orders

14.25.—(1) An order takes effect from the date when it is made, or such later date as the court may specify.

(2) In proceedings in Wales a party may request that an order be drawn up in Welsh as well as English.

Copies of orders

14.26.—(1) Within 7 days beginning with the date on which the final order was made in proceedings, or such shorter time as the court may direct, a court officer will send—

- (a) a copy of the order to the applicant;
- (b) a copy, which is sealed^(GL), authenticated with the stamp of the court or certified as a true copy, of—
 - (i) an adoption order;

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- (ii) a section 89 order; or
 - (iii) an order quashing or revoking an adoption order or allowing an appeal against an adoption order,
- to the Registrar General;
- (c) a copy of a Convention adoption order to the relevant Central Authority;
 - (d) a copy of a section 89 order relating to a Convention adoption order or a Convention adoption to the—
 - (i) relevant Central Authority;
 - (ii) adopters;
 - (iii) adoption agency; and
 - (iv) local authority;
 - (e) unless the court directs otherwise, a copy of a contact order under section 26 of the 2002 Act or a variation or revocation of a contact order under section 27 of the 2002 Act to the—
 - (i) person with whom the child is living;
 - (ii) adoption agency; and
 - (iii) local authority; and
 - (f) a notice of the making or refusal of—
 - (i) the final order; or
 - (ii) an order quashing or revoking an adoption order or allowing an appeal against an order in proceedings,
 to every respondent and, with the permission of the court, any other person.
- (2) The court officer will also send notice of the making of an adoption order or a section 84 order to—
- (a) any court in Great Britain which appears to the court officer to have made any such order as is referred to in section 46(2) of the 2002 Act (order relating to parental responsibility for, and maintenance of, the child); and
 - (b) the principal registry, if it appears to the court officer that a parental responsibility agreement has been recorded at the principal registry.
- (3) A copy of any final order may be sent to any other person with the permission of the court.
- (4) The court officer will send a copy of any order made during the course of the proceedings to the following persons or bodies, unless the court directs otherwise—
- (a) all the parties to those proceedings;
 - (b) any children and family reporter appointed in those proceedings;
 - (c) any adoption agency or local authority which has prepared a report on the suitability of an applicant to adopt a child;
 - (d) any local authority which has prepared a report on placement for adoption.
- (5) If an order has been drawn up in Welsh as well as English in accordance with rule 14.25(2) any reference in this rule to sending an order is to be taken as a reference to sending both the Welsh and English orders.

Amendment and revocation of orders

14.27.—(1) Subject to paragraph (2), an application under—

- (a) section 55 of the 2002 Act ^{M7} (revocation of adoptions on legitimation); or

- (b) paragraph 4 of Schedule 1 to the 2002 Act (amendment of adoption order and revocation of direction),
- may be made without serving a copy of the application notice.
- (2) The court may direct that an application notice be served on such persons as it thinks fit.
- (3) Where the court makes an order granting the application, a court officer will send the Registrar General a notice—
- (a) specifying the amendments; or
- (b) informing the Registrar General of the revocation,
- giving sufficient particulars of the order to enable the Registrar General to identify the case.

Marginal Citations

M7 Section 55 was amended by section 109(1) of and paragraph 412 of Schedule 8 to the Courts Act 2003.

Keeping registers in the family proceedings court

14.28.—(1) A magistrates' court officer will keep a register in which there will be entered a minute or memorandum of every adjudication of the court in proceedings to which this Part applies.

(2) The register may be stored in electronic form on the court computer system and entries in the register will include, where relevant, the following particulars—

- (a) the name and address of the applicant;
- (b) the name of the child including, in adoption proceedings, the name of the child prior to, and after, adoption;
- (c) the age and sex of the child;
- (d) the nature of the application; and
- (e) the minute of adjudication.

(3) The part of the register relating to adoption proceedings will be kept separately to any other part of the register and will—

- (a) not contain particulars of any other proceedings; and
- (b) be kept by the court in a place of special security.

Status:

Point in time view as at 06/04/2011.

Changes to legislation:

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