



Jersey

ADOPTION RULES 1962

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Jersey

ADOPTION RULES 1962

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Jersey

ADOPTION RULES 1962¹

THE SUPERIOR NUMBER OF THE ROYAL COURT, in pursuance of Article 18 of the Adoption (Jersey) Law 1961², and of all other powers enabling it in this behalf, has made the following Rules –

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In these Rules, unless the context otherwise requires –
 - “adoption order” includes a provisional adoption order within the meaning of Article 41 of the Law;
 - “interim order” means an interim order made under Article 17 of the Law;
 - “Law” means the Adoption (Jersey) Law 1961;³
 - “Minister” means the Minister for Health and Social Services.
- (2) In these Rules a form referred to by number means the form so numbered in Schedule 1 to these Rules or a form to the like effect, and any such form may be used with such variations as the circumstances may require.

2-6 Commencement of proceedings

2

- (1) An application for an adoption order shall be made by filing in the Judicial Greffe an application in Form 1.
- (2) The proposed adopter shall be the applicant and the persons mentioned in Rule 13 shall be the respondents.
- (3) Save as provided in Rule 10 no person shall be served with a copy of the application.
- (4) The notice to be served on every respondent shall be in Form 2 and a copy shall be served on the guardian *ad litem*.

- (5) A note of service or non-service shall be indorsed on a copy of Form 2.

3

If any person proposing to apply for an adoption order desires that his or her identity be kept confidential, he or she may, before filing an application, apply to the Judicial Greffier for a serial number to be assigned to him or her for the purposes of the proposed application, and the Judicial Greffier shall assign a number to him or her accordingly.

4

Except where the applicant or one of the applicants is the mother or father of the infant or the infant has reached the upper limit of the compulsory school age, every applicant for an adoption order shall file with his or her application a certificate of a registered medical practitioner as to his or her health; and, if the applicant so desires, Form 3 may be used for the purposes of such certificate.

5

- (1) Any report on the health of the infant which is to be used for the purposes of an application for an adoption order shall be filed with the application.
- (2) The report may, if the applicant so desires, be in Form 4.

6

- (1) Any document signifying the consent of any person to the making of an adoption order for the purposes of Article 14 of the Law shall be in Form 5 and, if executed before the commencement of the proceedings, shall be filed with the application.
- (2) The document shall be deemed to be sufficiently attested for the purposes of Article 14(1) if it is attested by one witness, and such witness shall be –
- (a) if the document is executed in Jersey –
a Jurat of the Royal Court; an advocate or solicitor of the Royal Court; a notary public; or an officer of an administration for which the Minister is assigned responsibility;
- (b) in any other case –
any person for the time being authorized by law in the place where the document is executed to administer an oath for any judicial or other legal purpose; a British consular officer; a notary public; or, 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.

7 Previous proceedings

If it appears that the applicant has previously made an application for an adoption order in respect of the same infant and that the Court, after having heard the case, dismissed the application on its merits, the guardian *ad litem* shall bring the matter to the attention of the Court and the application shall not be proceeded with unless the Court is satisfied that there has been a substantial change in the circumstances since the previous application.

8-10 Appointment of guardian *ad litem***8**

Subject to the provisions of Rule 9, the Minister shall, if he or she consents, be the guardian *ad litem* of the infant for the purposes of the application:

Provided that if the Minister has taken part in the arrangements for the adoption of the infant, the senior probation officer shall, if that officer consents, be the guardian *ad litem*.⁴

9

- (1) If the applicant desires that some body or person other than the Minister or the senior probation officer should be appointed to act as guardian *ad litem*, his or her application for an adoption order must ask for the appointment of a guardian *ad litem* and must be supported by an affidavit by him or her stating the facts.
- (2) If neither the Minister nor the senior probation officer consents to act as guardian *ad litem*, or if the applicant asks for the appointment of a guardian *ad litem*, the Court may appoint any suitably qualified body or person as guardian *ad litem*.⁵

10

The Judicial Greffier shall, as soon as practicable after the filing of an application for an adoption order, serve on the guardian *ad litem* a copy of the application together with the documents attached thereto.

11 Duties of the guardian *ad litem*

- (1) With a view to safeguarding the interests of the infant before the Court the guardian *ad litem* shall, so far as is reasonably practicable –
 - (a) investigate all circumstances relevant to the proposed adoption, including the matters alleged in the application and those specified in Schedule 2; and
 - (b) perform such other duties as are specified in Schedule 2 or as the Court may direct.
- (2) On completing the investigations the guardian *ad litem* shall make a confidential report in writing to the Court.⁶
- (3) With a view to obtaining the directions of the Court on any particular matter the guardian *ad litem* may at any time make such interim report to the Court as appears to him or her to be necessary.

12-22 Hearing of the application**12**

When the guardian *ad litem* has made the report to the Court pursuant to Rule 11(2), the Judicial Greffier, after giving such directions (if any) as the Judicial Greffier thinks necessary, shall fix a date for the hearing of the application by the Court.⁷

13

When a date for the hearing of the application has been fixed, the Judicial Greffier shall serve a notice in Form 2 on the following persons –

- (a) every person, not being an applicant, whose consent to the making of the order is required under Article 12(2) of the Law;
- (b) any person having the rights and powers of a parent of the infant by virtue of any enactment;
- (c) any person liable by virtue of any order or agreement to contribute to the maintenance of the infant;
- (d) the Minister, if he or she is not the guardian *ad litem* of the infant and the applicant has given notice of his or her intention to apply for an adoption order under Article 15(2) of the Law;
- (e) any administration of the States, parochial authority or person named in the application or in a form of consent as having taken part in the arrangements for the adoption of the infant;
- (f) any other person, not being the infant, who in the opinion of the Court ought to be served with notice of the hearing of the application,

and any person upon whom a notice is required to be served under this Rule shall be a respondent to the application and may attend and be heard at the hearing on the question whether an adoption order should be made.⁸

14

Where the guardian *ad litem* is of opinion that the infant is able to understand the nature of an adoption order, he or she shall serve on the applicant a notice in Form 6.

15

An administration of the States, parochial authority or other body may act or give its consent by any officer or servant of such administration, authority or body duly authorized in that behalf.

16

The Court shall not make an adoption order or an interim order except after the personal attendance of the applicant before them:

Provided that where the application is made by 2 spouses jointly the Court may dispense with the personal attendance of one of the applicants if the application is verified by a declaration made by that applicant and attested by a person specified in Rule 6(2).

17

Where the applicant has been served with a notice in Form 6 the Court shall not make an adoption order or an interim order unless –

- (a) the infant has attended personally before the Court or it appears to the Court that there are special circumstances making the infant's attendance unnecessary; and

- (b) the Court is satisfied that the infant has been informed of the nature of the order.

18

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

19

- (1) Where the infant whom the applicant desires to adopt is identified in the application by reference to a birth certificate which is the same, or relates to the same entry in the Registers of Births, as a birth certificate exhibited to a form of consent, the infant whom the applicant desires to adopt shall be deemed, unless the contrary appears, to be identical with the infant to whom the form of consent refers.
- (2) Where the infant has previously been adopted, paragraph (1) of this Rule shall have effect as if for the references to a birth certificate there were substituted references to a certified copy of an entry in the Adopted Children Register and as if for the reference to the Registers of Births there were substituted a reference to that Register.

20

Every application for an adoption order shall be heard and determined *in camera*.

21

- (1) An application for a provisional adoption order shall provide evidence of the law of adoption in the country in which the applicant is domiciled.
- (2) The Court may accept as evidence of that law an affidavit sworn by a person who is conversant with it and who practises, or has practised, as a barrister or advocate in that country or is a duly accredited representative of the Government of that country.
- (3) Where the applicant intends to make use of any such affidavit, the applicant shall file it with the application.

22

- (1) Where the determination of an application is postponed and an interim order is made without a date being fixed for the further hearing, the applicant shall, at least 2 months before the expiration of the period specified in the interim order, apply to the Court to fix a day for the further hearing of the application.
- (2) When a day has been fixed for the further hearing of the application, a notice in Form 7 shall be served on every respondent and a copy thereof shall be served on the guardian *ad litem*.

23-25 Form and transmission of orders**23**

An adoption order shall be drawn up in Form 8, and within 7 days after the making of the order the Judicial Greffier shall deliver a copy to the Superintendent Registrar and deliver or send an abridged copy in Form 9 to the applicant.

24

An interim order shall be drawn up in Form 10, and within 7 days after the making of the order the Judicial Greffier shall deliver or send a copy to the applicant.

25

- (1) The Judicial Greffier shall not supply a copy of an adoption order or of an interim order or an abridged copy of an adoption order except –
 - (a) in accordance with the provisions of Rules 23 and 24;
 - (b) at the request of the Superintendent Registrar or the applicant or one of the applicants; or
 - (c) on the application of any other person under an order of the Court.
- (2) This Rule applies to an adoption order or an interim order made under the Adoption of Children (Jersey) Law 1947,⁹ as it applies to an adoption order or interim order made under the Law.

26 Costs

On the determination of an application for an adoption order or on the making of an interim order, the Court may make such order as to costs as it thinks just, and in particular may order the applicant to pay –

- (a) the out-of-pocket expenses incurred by the guardian *ad litem*;
- (b) the expenses incurred by any respondent in attending the hearing, or such part of those expenses as the Court thinks proper.

27 Keeping of register and documents

The register in which proceedings under the Law or under the Adoption of Children (Jersey) Law 1947,¹⁰ are recorded and all documents relating to such proceedings shall be kept in a place of special security and shall not be open for public inspection or search except under an order of the Royal Court.

28 Information

Any information obtained by any person in the course of, or relating to, proceedings under the Law shall be treated as confidential and shall not be disclosed by him or her except so far as may be necessary for the proper execution of his or her duty.

29 Service of documents

Unless otherwise directed, any document under these Rules may be served –

- (a) on a corporation or a body of persons, by delivering it at, or sending it by post to, the registered or principal office of the corporation or body;
- (b) on any other person, by delivering it to him or her, or by sending it by post to him or her at his or her last known or usual place of abode.¹¹

30 Entries in the register of procurations

Where, by virtue of Article 25 or 26 of the Law, the name of an adopted child who is under guardianship is changed, then, if it has been ordered that the guardianship be maintained, the Judicial Greffier shall record the change of name in the register of procurations.

31 Citation

These Rules may be cited as the Adoption Rules 1962.

SCHEDULE 1**FORMS****FORM NO. 1**

Rule 2(1)

**APPLICATION FOR AN ADOPTION ORDER OR A
PROVISIONAL ADOPTION ORDER**

No.

In the Royal Court of Jersey

IN THE MATTER OF the Adoption (Jersey) Law 1961,

and

IN THE MATTER OF⁽¹⁾ an infant.

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

I, the undersigned /We, the undersigned being desirous of adopting [*or* obtaining a provisional adoption order in respect of]⁽¹⁾, an infant, under the Adoption (Jersey) Law 1961, hereby give the following particulars in support of my/our application.

PART 1**PARTICULARS OF THE APPLICANT(S).**

1. Name of [first] applicant in full
Address ⁽²⁾
Occupation
Date of birth
Relationship (if any) to the infant
- [2. Name of second applicant in full.....
Address ⁽²⁾
Occupation
Date of birth
Relationship (if any) to the infant.....]
3. I am/We are resident and domiciled in Jersey [*or* I am/We are domiciled in Jersey but not ordinarily resident there] [*or* I am/We are not domiciled in Jersey].
4. I am unmarried/a widow/widower/I am married to.....
of...../We are married to each other and are the persons to whom the attached marriage certificate (or other evidence of marriage) relates.
- [5. The consent of my husband/wife to the making of an adoption order/a provisional adoption order in pursuance of my application

is attached [*or* I request the Court to dispense with the consent of
my husband/wife on the ground that
.....⁽³⁾].⁽⁴⁾

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

PART 2

PARTICULARS OF THE INFANT

7. The infant is of the sex and is not and has not been married. The infant was born on the day of, 19/20..... and is the person to whom the attached birth/adoption certificate ⁽⁶⁾ relates [*or* was born on or about the day of, 19/20....., in]⁽⁷⁾
- [8. A report on the health of the infant⁽⁸⁾ made by a registered medical practitioner on the day of, 19/20....., ⁽⁹⁾ is attached.]
9. The infant is the child/adopted child ⁽¹⁰⁾ of ⁽¹¹⁾ whose last known address was [*or* deceased] and ⁽¹²⁾ whose last known address was [*or* deceased].
- [10. The guardian of the infant is of]⁽¹³⁾
11. I/We attach a document/documents signifying the consent of the said ⁽¹⁴⁾ to the making of an adoption order/a provisional adoption order in pursuance of my/our application.
- [12. I/We request the Court to dispense with the consent of on the ground that⁽¹⁵⁾.]
- [13. The Minister for..... has/have the rights and powers of a parent of the infant.]⁽¹⁶⁾
- [14. of is liable by virtue of an order made by the court at on the day of, 19/20....., [*or* by an agreement dated the day of, 19/20.....,] to contribute to the maintenance of the infant.]⁽¹⁷⁾
15. If an adoption order/a provisional adoption order is made in pursuance of this application, the infant is to be known by the following names –

Surname

Other names

PART 3

GENERAL

16. The infant was received into my/our care and possession on the day of, 19/20....., and has been continuously in my/our care and possession since that date.
- [17. I/We notified the Minister for Health and Social Services on the day of, 19/20....., of my/our intention to apply for an adoption order/a provisional adoption order in respect of the infant.] ⁽¹⁸⁾
18. I have not made/neither of us has made a previous application for an adoption order/a provisional adoption order in respect of the infant [except an application No., which was heard on the.....day of, 19/20....., and was dealt with as follows] ⁽¹⁹⁾
19. I/We have not received or given any reward or payment for, or in consideration of, the adoption of the infant or for giving consent to the making of the adoption order/provisional adoption order [except as follows] ⁽²⁰⁾
20. As far as I/We know, no person or body has taken part in the arrangements for placing the infant in my/our care and possession [except] ⁽²¹⁾
- [21. For the purposes of this application reference may be made to of] ⁽²²⁾
- [22. I/We desire that my/our identity should be kept confidential and the serial number of this application is.....] ⁽²³⁾
- [23. I/We intend to adopt the infant under the law of or within ⁽²⁴⁾ and for that purpose I/we desire to remove the infant from Jersey.] ⁽²⁵⁾ I/We accordingly apply for an adoption order/a provisional adoption order in respect of the infant.

Dated this day of, 20.....

Signature(s).....

Notes

- (1) Enter the first name(s) and surname as shown in any certificate referred to in entry No. 7; otherwise enter the first name(s) and surname by which the infant was known before being placed for adoption.
- (2) Insert the applicant's present address and, where he or she is not ordinarily resident in Jersey, the place abroad where he or she ordinarily resides.
- (3) The consent of the applicant's spouse may be dispensed with if the Court is satisfied that he or she cannot be found or is incapable of giving his or her consent or that the spouses have separated and are living apart and the separation is likely to be

-
- permanent.
- (4) This entry should be deleted if the application is made jointly by husband and wife or the applicant is unmarried.
 - (5) A separate medical certificate is required in respect of each applicant. There is an official form (Form No. 3) which may be used for this purpose. No certificate, however, need be supplied if the applicant, or one of the applicants, is the father or mother of the infant or the infant has reached the upper limit of the compulsory school age.
 - (6) If the infant 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.
 - (7) Where a certificate cannot be produced, enter the place (including country) of birth, if known.
 - (8) As the Court may require up-to-date information as to the health of the infant, a medical report should be attached unless the applicant, or one of the applicants, is a parent or relative of the infant or the infant has reached the upper limit of the compulsory school age. There is an official form (Form No. 4) which may be used for this purpose.
 - (9) If the infant is less than one year old on the date of the application, the report should have been made not more than one month before that date. If the infant is one year old or more on that date, the report should have been made not more than 6 months before that date.
 - (10) If the infant has previously been adopted, give the names of the infant's adoptive parents and not those of the infant's natural parents.
 - (11) Enter mother's name.
 - (12) Enter name of father, if known.
 - (13) Guardian means a person sworn as such before the Royal Court.
 - (14) Enter the names of the persons mentioned in entries 9 and 10 except, in the case of an illegitimate infant, the infant's father.
 - (15) The consent of a parent or guardian may be dispensed with if the court is satisfied that the person whose consent is required has abandoned, neglected or persistently ill-treated the infant, or has persistently failed without reasonable cause to discharge the obligations of a parent or guardian, or cannot be found, or is incapable of giving his or her consent or is withholding his or her consent unreasonably.
 - (16) This entry should be deleted except where some person or body has the rights and powers of a parent of the infant by virtue of any enactment.
 - (17) This entry should be deleted except where some person or body is liable to maintain the infant under a court order or agreement.
 - (18) Notice does not have to be given if the applicant or one of the applicants is a parent of the infant or if at the time of the hearing the infant will have reached the upper limit of the compulsory school age.
 - (19) The court cannot proceed with the application if a previous application made by the same applicant in respect of the same infant has been heard and dismissed on its merits, unless there has been a substantial change in the circumstances since the previous application.
-

- (20) Any such payment or reward is illegal except payment to an administration of the States or parochial authority in respect of their expenses incurred in connection with the adoption.
- (21) Enter the name of any administration of the States, parochial authority or person who has taken part in the arrangements for placing the infant in the care and possession of the applicant with a view to the infant's adoption.
- (22) Where the applicant, or one of the applicants, is a parent of the infant or a relative as defined by Article 1 of the Adoption (Jersey) Law 1961, no referee need be named.
- (23) If the applicant wishes his or her identity to be kept confidential, the serial number obtained under Rule 3 of the Adoption Rules 1962, should be given; otherwise this entry should be deleted.
- (24) Where the application is for a provisional adoption order, insert the country in which the applicant is domiciled. The applicant must provide evidence of the law of adoption in that country. For this purpose an affidavit as to that law, sworn by a person who is conversant with it and who practises, or has practised, as a barrister or advocate in that country or is a duly accredited representative of the Government of that country, will be admissible if filed with the application.
- (25) This entry should be deleted except where the application is for a provisional adoption order.

FORM NO. 2

Rule 2(4)

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

(GENERAL TITLE – FORM 1)

To of

Whereas an application for an adoption order/a provisional adoption order in respect of⁽¹⁾, an infant of the sex born on the day of, 19/20....., has been made [by.....⁽²⁾ or and]⁽²⁾ or [under the serial number];

And whereas of has been appointed guardian *ad litem* of the said infant:

Take notice:

A.⁽³⁾ [That the said application will be heard in the Royal Court, Royal Square, Jersey, on the day of, 20....., at o'clock, and that you may then appear and be heard on the question whether an adoption order/a provisional adoption order should be made.]

B.⁽³⁾ [That if you wish to appear and be heard on the question whether an adoption order/a provisional adoption order should be made, you should give notice to the undermentioned advocate/solicitor on or before the.....day of....., 20....., in order that a time may be fixed for your appearance.]

[And further take notice that while the said application is pending, a parent or guardian of the infant who has already signified his or her consent to the making of the adoption order must not, except with the leave of the Court, remove the infant from the care and possession of the applicant(s). Application for such leave may be made personally to the Court.]⁽⁴⁾

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

Dated the day of, 20.....

Advocate/Solicitor for the applicant(s).

Notes

- (1) Enter the name[s] and surname of the infant as shown in the heading of Form No. 1.
- (2) The name of the applicant must not be given where a serial number is specified in the application (entry No. 22) and the notice is addressed to an individual other than the spouse of the applicant. In that case complete the second entry in square brackets.

- (3) Paragraph A should be completed and paragraph B struck out where the notice is addressed to an administration of the States, a parochial authority, any other body of persons or the spouse of the applicant, or where he or she does not desire the applicant's identity to be kept confidential (see the application, entry No. 22). Where a serial number is specified in that entry and the notice is addressed to an individual respondent other than the spouse of the applicant, paragraph A must be struck out and paragraph B completed.
- (4) Delete words in square brackets except where the notice is addressed to a parent or guardian of the infant.

PERFORATION

To Advocate/Solicitor. No.

I have received notice of the application for an adoption order/a provisional adoption order in respect of
.....an infant.

* Delete one or
other
alternative.

I *do/do not wish to oppose the application.
I *do/do not wish to appear and be heard on the
question whether an adoption order/a provisional
adoption order should be made.

.....
(Signature)

.....
(Date)

.....
(Address)

FORM NO. 3

Rule 4

**MEDICAL CERTIFICATE AS TO HEALTH OF
APPLICANT**

I examined on
and have formed the opinion that he (or she) is physically, mentally and
emotionally suitable to adopt a child.

Signature..... Date.....

Qualifications

Address

FORM NO 4

Rule 5

MEDICAL REPORT ON HEALTH OF INFANT

Note –

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

Child's name Date of birth.....

Sex Weight Height.....

A General condition

Skin

Eyes (including vision)

Ears (including hearing)

Nose and throat

Speech

Cardio-vascular system

Respiratory system

Alimentary system

Genito-urinary system (including examination of urine for albumen, sugar and phenylpyruvic acid)

Skeletal and articular system (including examination for congenital dislocation of hip)

Nervous system (including fits)

Lymphatic system

Any other comments

Is the child physically normal having regard to the child's age ?

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

Weight at birth (if child is under one year of age)

Details of birth, including result of mother's serological tests for syphilis

Particulars, with dates, of vaccination or immunization against –
Tuberculosis (state result of Mantoux test or whether child has been successfully vaccinated with B.C.G. vaccine)

Smallpox

Diphtheria

Whooping cough

Poliomyelitis

Tetanus (active)

Any other disease.

E Result of suitable serological test of the child's blood for syphilis

taken 6 weeks or later after birth (please specify test).

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

Signature Date

Qualifications

Address

FORM NO. 5

Rule 6

**CONSENT TO AN ADOPTION ORDER OR A
PROVISIONAL ADOPTION ORDER**

(GENERAL TITLE – FORM 1)

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

[And whereas the infant is the person to whom the birth certificate⁽³⁾
 now produced and shown to me marked “A” relates]⁽⁴⁾

I, the undersigned, of
 being⁽⁵⁾ the mother⁽⁶⁾/father⁽⁷⁾/guardian⁽⁸⁾ of the infant, hereby state as
 follows –

1. I understand that the effect of an adoption order will be to
 deprive me permanently of my rights as a parent/guardian and to transfer
 them to the applicant(s) [or I understand that the effect of a provisional
 adoption order will be to enable the applicant(s) to remove the infant
 from Jersey for the purpose of adopting the infant abroad and to give the
 applicant(s) custody of the infant pending the infant’s adoption]; and in
 particular I understand that, if an order is made, I shall have no right to
 see or get in touch with the infant or to have the infant returned to me.

2. I further understand that the Court cannot make an adoption
 order without the consent of each parent or guardian of the infant unless
 the Court dispenses with a consent on the ground that the person
 concerned has abandoned, neglected or persistently ill-treated the infant,
 or cannot be found, or is incapable of giving consent, or is unreasonably
 withholding consent or has persistently failed without reasonable cause
 to discharge the obligations of a parent or guardian.

3. I further understand that, when the application for an adoption
 order is heard, this document may be used as evidence of my consent to
 the making of the order unless I inform the Court that I no longer
 consent⁽⁹⁾.

4. I hereby consent to the making of an adoption order/a
 provisional adoption order in pursuance of the application [on condition
 that the religious persuasion in which the infant is proposed to be brought
 up is]⁽¹⁰⁾.

5. As far as I know, no other person or body has taken part in the
 arrangements for placing the infant in the care and possession of the
 applicant(s) [except
, of]⁽¹¹⁾

.....
 (Signature)

This form, duly completed, was signed by the said
before me⁽¹²⁾ at
 on the day of, 20

Signature

Address

Description

WARNING.

It is an offence to receive or give any reward or payment for, or in consideration of, the adoption of the infant or for giving consent to the making of an adoption order, other than a payment to an administration of the States or a parochial authority for their expenses incurred in connection with the adoption.

Notes:

- (1) Insert either the name of the applicant or the serial number assigned to the applicant for the purposes of the application.
- (2) Insert the name(s) and surname as known to the consenting party.
- (3) If the infant 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; and the description of the consenting party should include the words "by adoption" where appropriate.
- (4) Delete the words in square brackets except where the consenting party is the mother or father of the infant and the birth certificate has not already been identified by the other parent.
- (5) Delete all but one of the descriptions which follow.
- (6) The mother's consent cannot be given before the infant is 6 weeks old.
- (7) "Father" does not include the natural father of an illegitimate child.
- (8) "Guardian" means a person sworn as such before the Royal Court.
- (9) Notice will be given of the date of the hearing of the application by the Court. After the making of the application the consenting parent or guardian cannot remove the infant from the care and possession of the applicant except with the leave of the Court.
- (10) Delete the words in square brackets if the applicant is named or if, although the applicant is not named, the consenting party does not desire to impose a condition as to religious upbringing.
- (11) Enter the name of any administration of the States, parochial authority or person who is known to have arranged, or to have taken part in the arrangements, for the infant to be placed in the care and possession of the applicant.
- (12) In Jersey the document should be signed before a Jurat of the Royal Court, an advocate or solicitor of the Royal Court, a notary public or an officer of an administration of the States for which the Minister of Health and Social Services is assigned responsibility. Outside Jersey it should be signed before a person authorized to administer an oath for any judicial or legal purpose, a British consular officer, a notary public or, if the person signing it is serving in the armed forces, a commissioned officer.

FORM NO. 6

Rule 14

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

(GENERAL TITLE – FORM No. 1)

To of

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

And whereas the said application will be heard in the Royal Court, Royal
Square, Jersey, on the day of, 20, at
..... o'clock:

Take notice that no order can be made unless the infant is present at the
hearing and the Court is satisfied that the infant has been informed of the
nature of the order.

Dated the day of, 20

Guardian ad litem.

FORM NO. 7

Rule 22

**NOTICE TO RESPONDENT OF FURTHER HEARING OF
AN APPLICATION FOR AN ADOPTION ORDER OR A
PROVISIONAL ADOPTION ORDER**

(GENERAL TITLE – FORM No. 1)

To of

Whereas an application for an adoption order/a provisional adoption order in respect of⁽¹⁾, an infant of the sex born on the day of, 19/20, was made [by and]⁽²⁾ or [under the serial number];

And whereas, of is the guardian *ad litem* of the said infant;

And whereas the determination of the said application was postponed and an interim order made by the Court on the day of, 20

Take notice –

A⁽³⁾ [That the said application will be heard further in the Royal Court, Royal Square, Jersey, on the day of, 20, at o'clock, and that you may then appear and be heard on the question whether an adoption order/a provisional adoption order should be made.]

B⁽³⁾ [That if you wish to appear and be heard on the question whether an adoption order/a provisional adoption order should be made, you should give notice to the undermentioned advocate/solicitor on or before the day of, 20, in order that a time may be fixed for your appearance.]

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

Dated the day of, 20

Advocate/Solicitor for the applicant(s)

Notes:

- (1) Enter the name(s) and surname of the infant as shown in the heading of Form No. 1.
- (2) The name of the applicant(s) must not be given where a serial number is specified in the application (entry No. 22) and the notice is addressed to an individual other than the spouse of the applicant. In that case complete the second entry in square brackets.
- (3) Paragraph A should be completed and paragraph B struck out where the notice is addressed to an administration of the States, a parochial authority, any other body of persons or the spouse of

the applicant, or where the applicant does not desire his or her identity to be kept confidential (see the application, entry No. 22). Where a serial number is specified in that entry and the notice is addressed to an individual respondent other than the spouse of the applicant, paragraph A must be struck out and paragraph B completed.

PERFORATION

To Advocate/Solicitor.

No.

I have received notice of the further hearing of the application for an adoption order/a provisional adoption order in respect of, an infant.

| | |
|--|---|
| <p>*Delete one or other alternative.</p> | <p>I *do/do not wish to oppose the application. I *do/do not wish to appear and be heard on the question whether an adoption order/a provisional adoption order should be made.</p> |
|--|---|

.....
(Signature)

.....
(Date)

.....
(Address)

FORM NO. 8

Rule 23

**ADOPTION ORDER OR PROVISIONAL ADOPTION
ORDER (1)**

(GENERAL TITLE – FORM No. 1)

Whereas an application has been made by
of, whose occupation is
[and, that person's wife or husband] (hereinafter called the
applicant(s)) for an adoption order/a provisional adoption order in respect
of⁽¹⁾, an infant of the sex, the child/adopted child of
..... [and];

And whereas the Court is satisfied that the applicant is/applicants are
qualified in accordance with the provisions of the Adoption (Jersey)
Law 1961, to be granted an adoption order/a provisional adoption order
in respect of the infant and that all conditions precedent to the making of
such an order have been fulfilled;

It is ordered that the applicant(s) be authorized to adopt the infant [*or*
that the applicant(s) be authorized to remove the infant from Jersey for
the purpose of adopting the infant under the law of or within the country
in which the applicant is/applicants are domiciled and that the
applicant(s) do have the custody of the infant pending the infant's
adoption as aforesaid];

[And the following payment or reward is sanctioned
.....;]

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

[And whereas the precise date of the infant's birth has not been proved
to the satisfaction of the Court but the Court has determined the probable
date of the infant's birth to be the day of, 19/20
.....;]

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

[And whereas the infant was born in Jersey but the parish in which the
birth took place has not been proved to the satisfaction of the Court;]

[And whereas it has been proved to the satisfaction of the Court that the
infant was born in on the day of
....., 19/20;]

[And whereas it has been proved to the satisfaction of the Court that the
infant is identical with to whom the entry
numbered made on the day of, 19/20,
in the Registers of Births for the parish of relates [*or* with
..... to whom the entry numbered and dated the
..... day of, 19/20, in the Adopted Children

Register relates];]

[And whereas the name or names and surname stated in the application as those by which the infant is to be known are;]

It is directed that the Superintendent Registrar shall make in the Adopted Children Register an entry recording the particulars set out in the Schedule to this Order;

[And it is further directed that the aforesaid entry in the Registers of Births/Adopted Children Register be marked with the word “Adopted” “Re-adopted” “Provisionally adopted” “Provisionally re-adopted”]⁽²⁾.

Dated this day of, 20

Judicial Greffier.

SCHEDULE

| Date ⁽³⁾ and country ⁽⁴⁾ of birth of child | Parish ⁽⁵⁾ | Name and surname of child ⁽⁶⁾ | Sex of child ⁽⁷⁾ | Name and surname, address ⁽⁸⁾ and occupation of adopter or adopters | Date of adoption order ⁽⁹⁾ |
|---|--------------------------|--|--------------------------------|--|---|
| | | | | | |

Notes:

- (1) Enter the name(s) and surname of the infant as shown in the heading of Form No. 1.
- (2) This paragraph should be deleted where the infant is not proved to be identical with a child to whom an entry in the Registers of Births or Adopted Children Register relates.
- (3) Where the precise date of the infant's birth is not proved, enter the date determined by the Court to be the probable date.
- (4) Where the country of the infant's birth is not proved, the particulars of the country of birth may be omitted unless it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man. In that event enter Jersey as the country of birth.
- (5) Where the infant was born in Jersey but the parish in which the birth took place is not proved, or where the infant is treated in accordance with Note (4) as born in Jersey, enter the parish of St. Helier.
- (6) Enter the name or names and surname stated in Form No. 1 as those by which the infant is to be known or, if no name or surname is so stated, the original name or names of the infant and the surname of the applicant.
- (7) Enter “boy” or “girl”, as the case may be.
- (8) If the applicant is not ordinarily resident in Jersey, enter the place abroad where the applicant ordinarily resides.

- (9) In the case of a provisional adoption order enter the words
“Provisional adoption order” followed by the date of the order.

FORM NO. 9

Rule 23

**ADOPTION ORDER OR PROVISIONAL ADOPTION
ORDER (II)**

(GENERAL TITLE – FORM No. 1)

Whereas an application has been made by
of [and
that person's wife or husband,] for an adoption order/a provisional
adoption order in respect of⁽¹⁾, an infant:

It is ordered that the applicant(s) be authorized to adopt the infant [or
that the applicant(s) be authorized to remove the infant from Jersey for
the purpose of adopting the infant under the law of or within the country
in which the applicant is/the applicants are domiciled and that the
applicant(s) do have the custody of the infant pending the infant's
adoption as aforesaid];

And it is directed that the Superintendent Registrar shall make in the
Adopted Children Register an entry recording the particulars set out in
the Schedule to this order.

Dated this day of20

Judicial Greffier.

SCHEDULE⁽²⁾

| Date and country of birth of child | Parish | Name and surname of child | Sex of child | Name and surname, address and occupation of adopter or adopters | Date of adoption order |
|---|--------|---------------------------------|-----------------|--|------------------------------|
| | | | | | |

Notes –

- (1) Enter the name(s) and surname of the infant as shown in the heading of Form No. 1.
- (2) Enter in the Schedule the particulars set out in the Schedule to Form No. 8.

FORM NO. 10

Rule 24

INTERIM ORDER

(GENERAL TITLE – FORM No. 1)

Whereas an application has been made by of [and that person's wife or husband] (hereinafter called the applicant(s)) for an adoption order/a provisional adoption order in respect of⁽¹⁾, an infant;

And whereas the Court is satisfied that the applicant is/the applicants are qualified in accordance with the provisions of the Adoption (Jersey) Law 1961, to be granted an adoption order/a provisional adoption order in respect of the infant and that all conditions precedent to the making of such an order have been fulfilled:

It is ordered that the determination of the application be postponed and that the applicant(s) do have the custody of the infant until the day of, 20....., by way of a probationary period [*or* that the determination of the application be postponed to the day of, 20....., and that the applicant(s) do have the custody of the infant 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 on the day of, 20....., ato'clock.]

Dated this day of, 20.....

Judicial Greffier.

Note –

- (1) Enter the name(s) and surname of the infant as shown in the heading to Form No. 1.

SCHEDULE 2

Rule 11

PARTICULAR DUTIES OF THE GUARDIAN *AD LITEM*

1. The guardian *ad litem* shall interview the applicant and shall ascertain –
 - (a) particulars of all members of the applicant's household and their relationship (if any) to the applicant;
 - (b) particulars of the accommodation in the applicant's home and the condition of the home;
 - (c) the means of the applicant;
 - (d) whether the applicant suffers or has suffered from any serious illness and whether there is any history of tuberculosis, epilepsy or mental illness in the applicant's family;
 - (e) in the case of an application by one only of 2 spouses, why the other spouse does not join in the application;
 - (f) whether any person specified in the application as a person to whom reference may be made is a responsible person and whether he or she recommends the applicant with or without reservations;
 - (g) whether the applicant understands the nature of an adoption order and, in particular, that the order, if made, will render him or her responsible for the maintenance and upbringing of the infant.
2. The guardian *ad litem* shall ascertain and inform the applicant –
 - (a) whether the infant has been baptised and, if so, the date and place of baptism;
 - (b) what treatment the infant has received with a view to immunising the infant against disease;
 - (c) whether the infant has any right to, or interest in, any property;
 - (d) whether an insurance policy for the payment on the death of the infant of money for funeral expenses has been effected.
3. The guardian *ad litem* shall ascertain whether the infant is able to understand the nature of an adoption order and, if he or she is, whether he or she wishes to be adopted by the applicant.
4. The guardian *ad litem* shall interview either in person or by an agent appointed by him or her for the purpose every individual who is a respondent or who appears to him or her to have taken part in the arrangements for the adoption of the infant.
- 5.(1) The guardian *ad litem* shall obtain from every respondent, not being an individual, such information concerning the infant as they have in their possession and which they consider might assist the Court in deciding whether or not the infant should be adopted by the applicant.
 - (2) Where such information is given in the form of a written report, the guardian *ad litem* shall append it to his or her own report to the Court.

6. The guardian *ad litem* shall ascertain when the mother of the infant ceased to have the care and possession of the infant and to whom the care and possession was transferred.
7. The guardian *ad litem* shall ascertain that every consent to the making of an adoption order in pursuance of the application is freely given and with full understanding of the nature and effect of an adoption order.
8. Where either parent of the infant is dead, the guardian *ad litem* shall inform the Court if he or she learns of any relation of the deceased parent who wishes to be heard by the Court on the question whether an adoption order should be made.
9. Where the infant is illegitimate but no one is liable as the putative father to contribute to the maintenance of the infant by virtue of any order or agreement, the guardian *ad litem* shall forthwith inform the Court if he or she learns of any person, claiming to be the father, who wishes to be heard by the Court on the question whether an adoption order should be made.
10. The guardian *ad litem* shall inform the Court if he or she learns of any other person or body who wishes or ought in his or her opinion to be heard by the Court on the question whether an adoption order should be made.
11. Where the applicant is not ordinarily resident in Jersey, the guardian *ad litem* shall endeavour to obtain a report on the applicant's home and living conditions from a suitable agency in the country in which he or she is ordinarily resident.

ENDNOTES

Table of Legislation History

| Legislation | Number | Commencement |
|---|-------------|-----------------|
| Adoption (Jersey) Rules 1962 | R&O.4325 | 1 March 1962 |
| Adoption (Amendment) (Jersey) Rules 1965 | R&O.4666 | 21 April 1965 |
| Adoption (Amendment No. 2) (Jersey) Rules 1974 | R&O.5995 | 17 June 1974 |
| States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005 | R&O.45/2005 | 9 December 2005 |

Table of Renumbered Provisions

| Original | Current |
|-----------------|--|
| 31 | spent, omitted from this revised edition ¹² |
| 32 | spent, omitted from this revised edition |
| 33 | 31 |
| First Schedule | Schedule 1 |
| Second Schedule | Schedule 2 |

Table of Endnote References

-
- ¹ *These Rules have been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *chapter 12.050*
- ³ *chapter 12.050*
- ⁴ *Rule 8* *proviso inserted by R&O.4666*
- ⁵ *Rule 9* *substituted by R&O.4666*
- ⁶ *Rule 11(2)* *substituted by R&O.5995*
- ⁷ *Rule 12* *substituted by R&O.5995*
- ⁸ *Rule 13* *amended by R&O.5995*
- ⁹ *Tome 1946-1948, page 237*
- ¹⁰ *Tome 1946-1948, page 237*
- ¹¹ *Rule 29* *amended by R&O.5995*
- ¹² *the original Rules 31 and 32 have been treated as spent and are omitted from this revised edition. The Rules are —*
“REVOCATION AND TRANSITIONAL PROVISIONS

31. *The Adoption of Children (General) (Jersey) Rules 1947, the Adoption of Children (Transfer Abroad) (Jersey) Rules 1948, and the Adoption of Children (Transfer Abroad) (Amendment) (Jersey) Rules 1959, are hereby revoked.*

32. *Notwithstanding anything in these Rules, any application for an adoption order which is pending at the date of the commencement of these Rules may, so far as is consistent with the provisions of the Law, be proceeded with and determined in accordance with the Rules in force immediately before that date."*