



Jersey

# **ADOPTION RULES 1962**

**Revised Edition**

12.050.50

Showing the law as at 1 January 2016

This is a revised edition of the law





Jersey

## ADOPTION RULES 1962

### Arrangement

#### Rule

1	Interpretation.....	7
2-5	Commencement of proceedings.....	7
6	Agreements and consents.....	8
6A	Dispensing with agreement of spouse or civil partner.....	9
7	Previous proceedings .....	10
8-10	Appointment of guardian <i>ad litem</i> .....	10
11	Duties of the guardian <i>ad litem</i> .....	10
12-22	Hearing of the application.....	11
23-25	Form and transmission of orders.....	13
25A-25E	Declarations in relation to overseas adoptions.....	13
26	Costs.....	15
27	Keeping of register and documents.....	15
28	Information .....	16
28A	Disclosing information to an adopted person .....	16
29	Service of documents .....	16
30	Entries in the register of procurations.....	17
31	Citation.....	17

### SCHEDULE 1 18

FORM NO. 1	18
APPLICATION FOR AN ADOPTION ORDER [OR A PROVISIONAL ORDER]	18
FORM NO. 2	36
NOTICE OF AN APPLICATION FOR AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER	36
FORM NO. 3	38
MEDICAL CERTIFICATE AS TO HEALTH OF APPLICANT	38

FORM NO 4	39
MEDICAL REPORT ON HEALTH OF CHILD	39
FORM NO. 5	41
AGREEMENT OF CHILD SUBJECT TO AN ADOPTION ORDER	41
FORM NO. 5A	42
AGREEMENT OF SPOUSE OR CIVIL PARTNER TO AN ADOPTION ORDER	42
FORM NO. 6	43
CONSENT TO AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER	43
FORM NO. 7	45
NOTICE TO RESPONDENT OF FURTHER HEARING OF AN APPLICATION FOR AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER	45
FORM NO. 8	47
ADOPTION ORDER OR PROVISIONAL ADOPTION ORDER (I)	47
FORM NO. 9	50
ADOPTION ORDER OR PROVISIONAL ADOPTION ORDER (II)	50
FORM NO. 10	51
INTERIM ORDER	51
FORM NO. 11	52
APPLICATION TO RECEIVE INFORMATION FROM COURT RECORDS	52
<b>SCHEDULE 2</b>	<b>53</b>
PARTICULAR DUTIES OF THE GUARDIAN <i>AD LITEM</i>	53

## Supporting Documents

<b>ENDNOTES</b>	<b>55</b>
Table of Legislation History .....	55
Table of Renumbered Provisions .....	55

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Table of Endnote References .....	55
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Jersey

## ADOPTION RULES 1962<sup>1</sup>

**THE SUPERIOR NUMBER OF THE ROYAL COURT**, in pursuance of Article 18 of the Adoption (Jersey) Law 1961<sup>2</sup>, and of all other powers enabling it in this behalf, has made the following Rules –

Commencement [[see endnotes](#)]

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### 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;
  - “JFCAS” means the Jersey Family Court Advisory Service;
  - “Law” means the Adoption (Jersey) Law 1961;<sup>3</sup>
  - “Minister” means the Minister for Health and Social Services.<sup>4</sup>
- (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.
- (3) References in these Rules to the appointment of or anything done by JFCAS are references to the appointment of or anything done by an officer or servant of JFCAS duly authorized in that behalf.<sup>5</sup>

### 2-5 Commencement of proceedings<sup>6</sup>

#### 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 child or the child 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.<sup>7</sup>

**5**

- (1) Any report on the health of the child which is to be used for the purposes of an application for an adoption order shall be filed with the application.<sup>8</sup>
- (2) The report may, if the applicant so desires, be in Form 4.

**6 Agreements and consents<sup>9</sup>**

- (1) This Rule applies where –
  - (a) the agreement of a child aged 14 or over is required under Article 3A of the Law to his or her adoption;
  - (b) the agreement of a spouse or civil partner is required under Article 10A of the Law to the making of an order authorizing the adoption of a child;
  - (c) the consent of a parent or guardian requires to be signified to the making of an adoption order for the purposes of Article 14 of the Law.
- (2) Any document signifying or evidencing the agreement of the child for the purposes of Article 3A of the Law shall be in Form 5, and shall be filed with the application.
- (3) Any document signifying or evidencing the agreement of a spouse or civil partner for the purposes of Article 10A of the Law shall be in Form 5A, and shall be filed with the application.
- (4) Any document signifying the consent of a parent or guardian to the making of an adoption order for the purposes of Article 14 of the Law shall be in Form 6 and, if executed before the commencement of the proceedings, shall be filed with the application.



- (5) The document referred to in paragraph (4) is sufficiently attested for the purposes of Article 14(1) of the Law if it is attested by one witness being –
- (a) in the case of a document 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.

**6A Dispensing with agreement of spouse or civil partner<sup>10</sup>**

- (1) This Rule applies where the applicant wishes to ask the Court to dispense with the agreement of his or her spouse or civil partner under Article 10A of the Law.
- (2) The applicant must –
  - (a) give notice of the request in the application form or at any later stage by lodging with the Judicial Greffe a written statement setting out the reasons for the request; and
  - (b) lodge 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 spouse or civil partner cannot be found;
    - (ii) the spouse or civil partner is incapable of giving agreement;
    - (iii) the spouse or civil partner is unreasonably withholding agreement; or
    - (iv) the welfare of the child, as the paramount consideration, justifies the making of the order without the agreement of the spouse or civil partner.
- (3) If a serial number has been assigned to the applicant under Rule 3, 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 the Judicial Greffier shall –
  - (a) inform the spouse or civil partner of the request unless the spouse or civil partner cannot be found; and
  - (b) send a copy of the statement of facts lodged in accordance with paragraph (2)(b) to –
    - (i) the spouse or civil partner unless the spouse or civil partner cannot be found;
    - (ii) the Fostering and Adoption Service.

**7 Previous proceedings**

If it appears that the applicant has previously made an application for an adoption order in respect of the same child 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.<sup>11</sup>

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

Subject to the provisions of Rule 9, the Judicial Greffier shall appoint JFCAS to be the guardian *ad litem* of the child for the purposes of the application.<sup>12</sup>

**9**<sup>13</sup>

- (1) If the applicant desires that some body or person other than JFCAS 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.<sup>14</sup>
- (2) If the applicant asks for the appointment of a guardian *ad litem* other than JFCAS, the Court may appoint any other suitably qualified body or person as guardian *ad litem*.<sup>15</sup>

**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 child before the Court the guardian *ad litem* shall, so far as is reasonably practicable –
  - (a) investigate all circumstances relevant to the proposed adoption, including the matters alleged in the 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.<sup>16</sup>
- (2) On completing the investigations the guardian *ad litem* shall make a confidential report in writing to the Court.<sup>17</sup>
- (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.<sup>18</sup>

**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 child by virtue of any enactment;
- (c) any person liable by virtue of any order or agreement to contribute to the maintenance of the child;
- (d) the Minister, if 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 child;
- (f) any other person, not being the child, 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.<sup>19</sup>

**14** <sup>20</sup>**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** <sup>21</sup>

- (1) Subject to paragraph (2), the Court shall not make an adoption order or an interim order unless the applicant has attended personally before the Court.
- (2) Where the application is made jointly by 2 spouses, or jointly by two civil partners, 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** <sup>22</sup>

- (1) If the guardian *ad litem* believes that the child is able to understand the nature of an adoption order, the Court shall not make an order unless –

- (a) the child has attended personally before the Court, or it appears to the Court that there are special circumstances making the child's attendance unnecessary; and
  - (b) the Court is satisfied that the child has been informed of the nature of the order.<sup>23</sup>
- (2) If the guardian ad litem does not believe that the child is able to understand the nature of an adoption order, the Court may make an order in the presence or in the absence of the child as the Court thinks fit.<sup>24</sup>

**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 child 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 child whom the applicant desires to adopt shall be deemed, unless the contrary appears, to be identical with the child to whom the form of consent refers.<sup>25</sup>
- (2) Where the child 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.<sup>26</sup>

**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,<sup>27</sup> as it applies to an adoption order or interim order made under the Law.

### **25A-25E Declarations in relation to overseas adoptions**

#### **25A**<sup>28</sup>

Rules 25B to 25E apply to an application for a declaration that an adoption appears to the Court to be an overseas adoption; and “application” and “applicant” in those Rules shall be construed accordingly.

#### **25B**<sup>29</sup>

- (1) An application shall be made by representation to the Court, which shall state –
- (a) the date and place of the birth of the person who is the subject of the overseas adoption;
  - (b) the date and place of any order or other instrument giving effect to the overseas adoption and the court or other tribunal or authority which made it;
  - (c) the grounds on which the application is made and all material facts in support of the making of the declaration; and

- (d) the domicile of the applicant and his or her place of habitual residence on the date of the filing of the application.
- (2) An application shall be supported by an affidavit verifying the content of the application and giving particulars of any person whose interest may be affected by the proceedings and his or her relationship to the person who is the subject of the overseas adoption.
- (3) There shall be annexed to the application a copy of the birth certificate of the person who is the subject of the overseas adoption and, unless otherwise directed, a certified copy of the order or other instrument giving effect to the overseas adoption under the law of the relevant country.
- (4) Where a document produced by virtue of paragraph (3) is not in English, it shall, unless otherwise directed, be accompanied by a translation certified by a notary public or authenticated by affidavit.
- (5) On the making of an application or at any other stage of the proceedings the Court may –
  - (a) give directions relating to –
    - (i) the appointment of a person or body to act as guardian ad litem of any child who is a party to the proceedings,
    - (ii) reports,
    - (iii) affidavits, and
    - (iv) any other evidence;
  - (b) direct that –
    - (i) the Attorney General,
    - (ii) JFCAS, or
    - (iii) any other person or body,be given notice of, or be made a party to, the proceedings and direct that any one or more of them be given notice of or, as the case may be, joined as a party to the proceedings;
  - (c) give directions with regard to –
    - (i) tracing parents or any other person the Court considers to be relevant to the proceedings,
    - (ii) service of documents,
    - (iii) disclosure of information and evidence to the parties.
- (6) A direction that a confidential report be disclosed to any party to the proceedings may include a direction that certain information be deleted, including information which discloses, or is likely to disclose, the identity of a person who has been assigned a serial number under Rule 3; or the Court may direct that the report will not be disclosed to a party.

**25C** <sup>30</sup>

- (1) Any affidavit for the purposes of an application required to be sworn by a person who is a minor shall, unless otherwise directed, be made by the person's next friend.

- (2) An affidavit for the purposes of Rule 25B(2) may contain statements of information or belief with the sources and grounds thereof.

**25D** <sup>31</sup>

- (1) Persons or bodies given notice of proceedings pursuant to directions given under Rule 25B(5)(b) shall within 21 days after service of the notice upon them be entitled to apply to the Judicial Greffier to be joined as parties, or, in the case of the Attorney General, to intervene in the proceedings.
- (2) The Judicial Greffier shall send a copy of the application, and every document accompanying it, to any person or body joined as a party to the proceedings.
- (3) Any person or body joined as a party to the proceedings may file an answer to the application within 21 days after receiving a copy of the application.
- (4) The Attorney General, in deciding whether it is necessary or expedient to intervene in the proceedings, may have a search made for, and may inspect and bespeak a copy of, any document filed or lodged with the Court which relates to any other family proceedings referred to in proceedings.

**25E** <sup>32</sup>

On the hearing of an application, evidence that an overseas adoption has been effected may, with the leave of the Court, be given by the production of a document purporting to be –

- (a) a certified copy of an entry made, in accordance with the law of the country or territory concerned, in a public register relating to the recording of adoptions and showing that the adoption has been effected; or
- (b) a certificate that the adoption has been effected, signed or purporting to be signed by a person authorized by the law of the country or territory concerned to sign such a certificate, or a certified copy of such certificate.

**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,<sup>33</sup> 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.

### **28A Disclosing information to an adopted person<sup>34</sup>**

- (1) This Rule applies where an application to the Court is made under Article 32B of the Law for copies of documents.
- (2) The application may be made for copies of the following documents –
  - (a) the application form for an adoption order (but not the documents attached to that form);
  - (b) the adoption order, a provisional adoption order, an interim order, the freeing order and any other orders relating to the adoption proceedings;
  - (c) orders containing any provision for contact with the child after the adoption order was made;
  - (d) any transcript or written reasons of the Court's decision with regard to the adoption in question; and
  - (e) a report made to the Court by the Fostering and Adoption Service or the guardian *ad litem*.
- (3) The application shall be made by filing in the Judicial Greffe an application in Form 11.
- (4) The application must –
  - (a) have attached to it a certified copy of the entry in the Adopted Children Register relating to the applicant; and
  - (b) be accompanied by evidence of the applicant's identity showing a photograph and signature, such as a certified copy of the applicant's passport or driving licence.
- (5) Before a copy of any document or order referred to in paragraph (2) is given to the applicant, the Judicial Greffier will, in accordance with Article 32B(3) of the Law, redact the restricted information prescribed in paragraph (6).
- (6) The restricted information prescribed is information which would be restricted information under Article 32A of the Law if the Adoption Service gave the information and not the Court.

## **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.<sup>35</sup>

**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<sup>36</sup>****FORM NO. 1**

Rule 2(1)

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

No. ....

**In the Royal Court of Jersey**

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

And

IN THE MATTER OF ..... a child.

**Notes to applicants**

- Before filling in this form, please read the guidance notes on completing the form.
- Please complete every Part. If you are not sure of the answer to any question, or you do not think that it applies to you, please say so.
- If there is not enough room on the form for your reply, you may continue on a separate sheet. If you do continue on a separate sheet, please put at the head of the sheet:
  - the child's full name,
  - the number of the Part of this form that you are completing and
  - the paragraph reference.
- Please use black ink when filling in the form.

I/We the undersigned .....

(and .....)

wish to adopt .....<sup>1</sup>

and give the following details in support of my/our application

<sup>1</sup> See Note 1

---

IF YOU WANT YOUR IDENTITY TO BE KEPT  
CONFIDENTIAL, you must say so:

I/We want my/our identity to be kept confidential and  
wish to apply for a serial number<sup>2</sup>

☐ Yes ☐ No

---

### Part 1 About You

#### First applicant

a) Title

☐ Mr ☐ Mrs ☐ Miss  
☐ Ms ☐ Other .....

b) My name is<sup>3</sup>

First name(s) in full

Last name

c) My address is (including postcode)

d) My telephone number is

e) My date of birth is

f) My nationality is

g) My occupation is<sup>4</sup>

#### Second applicant

a) Title

☐ Mr ☐ Mrs ☐ Miss  
☐ Ms ☐ Other .....

b) My name is<sup>3</sup>

First name(s) in full

Last name

c) My address is (including postcode)

d) My telephone number is

e) My date of birth is

f) My nationality is

g) My occupation is<sup>4</sup>

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<sup>2</sup> See Note 2

<sup>3</sup> See Note 3

h) I am

☐ Male   ☐ Female
i) My relationship to the child is<sup>5</sup>


j) My/Our advocate or solicitor in these proceedings is

Name of advocate or solicitor	
Name of firm	
Address (including postcode)	
Telephone no.	
Fax no.	
Email address	

**Domicile and residence<sup>6</sup>**

k) I am/We are/One of us, namely ..... is domiciled in Jersey or in another part of the British Islands

[If you are applying for a provisional order:<sup>6A</sup>

I am/We are/One of us, namely ..... is domiciled in .....]

**Status**

If you are applying to adopt **as a couple**, please confirm which of the following applies to you –

- ☐ We are married  
☐ We are in a civil partnership  
☐ We are not married/in a civil partnership (**See Note 6B**)

If you are applying to adopt **as a couple**, please go straight to **Part 2 About the Child**. Paragraphs (1) to (r) do not apply to you.

l) ☐ I am the partner of the child's

If you have ticked box (l), please go straight to Part 2 About the Child. Paragraphs (m) to (r) do not apply to

Footnote continued...

<sup>4</sup> See Note 4

<sup>5</sup> See Note 5

<sup>6</sup> See Note 6

<sup>6A</sup> See Note 6A if you are applying for a provisional order

☐ Father    ☐ Mother    you<sup>7</sup>.

- m) ☐ I am the partner (not the spouse or civil partner) of a person who is not the child's parent and I am applying to adopt alone because – If you have ticked box (m), please go straight to Part 2 About the Child. Paragraphs (n) to (r) do not apply to you<sup>8</sup>.

(please give reasons below, continuing on a separate sheet if necessary)

- n) ☐ I am not married/I do not have a civil partner<sup>9</sup>
- or**
- o) ☐ I am divorced/my civil partnership has been dissolved<sup>9</sup>
- or**
- p) ☐ I am a widow/a widower/a surviving civil partner<sup>9</sup>
- or**
- q) ☐ I am married/I have a civil partner, and my husband/wife/civil partner has agreed to the making of the adoption order (**See Note 10**)
- qq) ☐ I am married/I have a civil partner, and I can satisfy the Court that the agreement of my husband/wife/civil partner should be dispensed with because (**See Note 10A**) –
- ☐ my husband/wife/civil partner cannot be found
- or**
- ☐ my husband/wife/civil partner is incapable of giving agreement
- or**
- ☐ my husband/wife/civil partner is unreasonably withholding agreement
- or**
- ☐ the welfare of the child justifies the making of the adoption order without the agreement of my husband/wife/civil partner
- or**
- r) ☐ I am applying alone for an adoption order in respect of my own child and I can

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<sup>7</sup> See Note 7

<sup>8</sup> See Note 8

<sup>9</sup> See Note 9

satisfy the Court that<sup>10</sup> –

☐ the other natural parent has died

**or**

☐ the other natural parent cannot be found

**or**

☐ the other natural parent's exclusion from this application is justified  
(please give reasons below)

## Part 2 About the child

a) The child is a

☐ Boy ☐ Girl

b) The child was born on<sup>11</sup>

/ /

and is the person to whom the attached certified copy of the entry in the Register of Births or the Adopted Children Register relates

**or** To the best of my/our knowledge the child was born on or about<sup>12</sup>

/ /

in (give place and country of birth)

c) The child's nationality is

d) I/we confirm that the child is not and has never been married or been a civil partner<sup>12</sup>

☐ Yes ☐ No

e) The child has had his/her home with me/us continuously since

---

<sup>10</sup> See Note 11

<sup>11</sup> See Note 12

<sup>12</sup> See Note 13

□□/□□/□□□□

- f) The child was placed with me/us for adoption by the Fostering and Adoption Service on

□□/□□/□□□□

- g) I/We have notified in writing the Fostering and Adoption Service of my/our intention to apply for an adoption order (give details)<sup>13</sup>

Date notified	
Name of your contact in the Fostering and Adoption Service	
Telephone No.	

- h) ☐ No freeing order has been made in respect of the child<sup>14</sup>

**or**

- ☐ the following freeing order has been made in respect of the child

Court	
Case number	
Type of order	
Date of order	

### Care

- i) ☐ The Minister does not have parental responsibility for the child

**or**

- ☐ The Minister does have parental responsibility for the child

### Maintenance

- j) ☐ No maintenance order/agreement has been made in respect of the child<sup>15</sup>

**or**

- ☐ The following maintenance order/agreement has been made

<sup>13</sup> See Note 14

<sup>14</sup> See Note 15

<sup>15</sup> See Note 16

Person liable to pay maintenance	
Address (including postcode)	
Court and date of order	
Date of maintenance agreement	

**About other orders or proceedings that affect the child**

- k) ☐ To the best of my/our knowledge, no proceedings relating to the child (other than any freeing order, or any maintenance order as given above) have been completed or commenced in any court<sup>16</sup>.

**or**

☐ The following proceedings relating to the child have been completed/commenced (in addition to any freeing order, or maintenance order given above)

Type of order made (or applied for)	Date of order (or date of next hearing)	Name of court	Case number (or serial number)

**Case concerning a related child**

- l) ☐ To the best of my knowledge, no proceedings relating to a full, half or step brother or sister of the child have been completed or commenced in any court.

**or**

☐ The following proceedings relating to a full, half or step brother or sister of the child have been completed/commenced (please give details below and, if you were a party to any proceedings that have been completed, attach a copy of the final order)

Relationship to child (e.g. sister,	Type of order made	Date of order made (or date	Name of Court	Case number

---

<sup>16</sup> See Note 17



half-brother)	(or applied for)	of next hearing)		(or serial number)

**Agreement**

- m) ☐ the child has agreed to his or her adoption and Form No. 5, duly completed, is attached to this form. (See Note 17A)

**Part 3 About the child's parents or guardian****The child's mother<sup>17</sup>****The child's father<sup>18</sup>**

- a) The name of the child's mother is

- d) The name of the child's father is

First name(s) in full

First name(s) in full

Last name

Last name

- b) Her address is (if deceased, please write 'Deceased' in the address box)

- e) His address is (if deceased, please write 'Deceased' in the address box)

- c) Her nationality is

- f) His nationality is

- g) Does he have parental responsibility for the child?<sup>18</sup>

☐ Yes ☐ No

If No, does he intend to apply for an order under Article 5 of the Children (Jersey) Law 2002 (a parental

<sup>17</sup> See Note 18

<sup>18</sup> See Note 19

responsibility order) or a residence or contact order in respect of the child?

☐ Yes ☐ No

☐ Don't know

**The child's guardian<sup>19</sup>**

h) The name of the child's guardian is

First name(s) in full

Last name

i) His/Her address is

**Parent/guardian consent to adoption**

**Note:** You do not need to complete paragraph (j) or (k) if the child you are applying to adopt is the subject of a current freeing order<sup>20 21</sup>.

Instead, go straight to Part 4 General. You should give the details of the freeing order in Part 2 About the Child above. Otherwise, please tick the box that applies to your circumstances and give any further information requested.

j) ☐ The child's parent(s)/guardian(s) has/have consented to the making of an adoption order [*and if available* his/her/their written consent in Form 5 is attached]

---

<sup>19</sup> See Note 20

<sup>20</sup> See Note 21

<sup>21</sup> See Note 22

**or**

☐ The child was placed with me/us for adoption by the Fostering and Adoption Service with the consent of each parent/guardian (and the mother's consent was given when the child was at least 6 weeks old), and no parent/guardian opposes the making of an adoption order

**or**

- k) ☐ The following parent(s)/guardian(s) of the child has/have not consented to the making of an adoption order: (give name(s) below)

--

and I/we ask the Court to dispense with his/her/their consent on the following grounds: (please tick the grounds that apply)

- ☐ he/she/they cannot be found
- ☐ he/she is/they are incapable of giving consent
- ☐ he/she is/they are withholding consent unreasonably
- ☐ he/she/they has/have persistently failed without reasonable cause to exercise his/her/their rights, duties, obligations and liabilities as a parent or guardian in respect of the child
- ☐ he/she has/they have abandoned or neglected the child
- ☐ he/she has/they have persistently ill-treated the child and for that reason the rehabilitation of the child within his/her/their household is unlikely
- ☐ he/she has/they have seriously ill-treated the child
- ☐ he/she is/they are incapable of caring for the child or are of such habits or mode of life as to be unfit to have care of the child

**You must attach a brief statement of facts setting out a summary of the history of the case and any other facts to satisfy the Court that the grounds for your request apply.**

**IMPORTANT:** The Court will send a copy of your statement of facts to each parent or guardian of the child. If you intend to ask the Court to keep your identity confidential, you should make sure that the statement of facts does not include any information that

could identify you, where you live, or where the child goes to school or nursery.

## Part 4 General

### Child's name on the adoption order<sup>22</sup>

If the adoption order is made, I/We want the child to be known as –

First name(s) in full

Last name

### Health reports<sup>23</sup>

Separate reports on my/our health and the health of the child made by a registered medical practitioner on (give date(s))

are attached to this application

---

## Declarations

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

*[If you are applying for a provisional order:*

I/we intend to adopt the child under the law of or within [..... *name of country*] which is the country of my/our domicile, and evidence as to the law of adoption in that country is lodged with this application.

I/we desire to remove the child from Jersey.]

I/We have not received or given payment or reward in respect of the proposed adoption (except as follows –) (*give details below*)

---

<sup>22</sup> See Note 23

<sup>23</sup> See Note 24

--

To the best of my/our knowledge, only person(s) or organisation(s) named in Part 2 of this application have taken part in the arrangements for the child's adoption.

### Part 5 Statement of truth

I believe that the facts stated in this application are true.

I believe that the facts stated in this application are true.

#### Signature of first applicant

#### Signature of second applicant

Print full name

Print full name

--

--

Signed

Signed

--

--

Date

Date

--

--

### What to do now

Once you have completed and signed this form, you should take or send the form and **three copies** to the Court, [together with the court fee\*] and the following documents:

- a certified copy of the full entry in the Register of Births that relates to the child or, where the child has been adopted, a certified copy of the entry in the Adopted Children Register;
- a form of consent in Form 5 of any parent or guardian whose consent is required, or, if you are asking the Court to dispense with the consent of any parent or guardian to the adoption, a brief statement of the facts relied on in support of the request, and two copies of the statement;

- a copy of any freeing order relating to the child;
- if you were a party to any other proceedings relating to the child –
  - a copy of any other final order relating to the child that has effect and, if possible, a copy of any maintenance agreement or maintenance award relating to the child, and
  - a copy of any final order relating to a full, half or step brother or sister of the child that has effect;
- a copy of each of the reports by a registered medical practitioner on the health of the child and the applicant(s).
- **Note:** You do not have to supply health reports if:
  - he/she is your child, or the child of your spouse who is applying with you;
  - the child has reached the upper limit of the compulsory school age;
- where a parent of the child has died, a certified copy of the entry in the Register of Deaths;
- if you are submitting evidence of marriage or civil partnership, a certified copy of the entry in the Register of Marriages or the Register of Civil Partnerships;
- where your husband, wife or civil partner has died, a certified copy of the entry in the Register of Deaths;
- a copy of any decree absolute of divorce or decree of nullity of your marriage;
- in relation to a civil partnership, a copy of any dissolution order or nullity order of your civil partnership;
- any documentary evidence supporting the reasons why you are applying to adopt the child without your husband, wife or civil partner, such as a decree of judicial separation;
- if your name as entered on the application form is different from the name shown on any evidence of marriage or civil partnership you are sending with your application, any documentary evidence to explain the difference.

## **APPLICATION FOR AN ADOPTION ORDER (Form No. 1)**

### **Notes on completing the Form**

#### **Important**

In these notes, any reference to a birth certificate, death certificate, marriage certificate or certificate of civil partnership means a certified copy of the entry in the Register of Live Births, the Register of Deaths, the Register of Marriages or the Register of Civil Partnerships, as appropriate. A photocopy is not acceptable. The birth certificate you send to the Court for the child you are applying to adopt must be a certified copy of the full entry in the Register of Births.

Take or send the completed application form to the Judicial Greffe together with the

court stamps and any documents you are attaching in support of your application. If you are not sure about the court fee payable for your application, or you think that you may be exempt from paying all or part of the fee, you should contact the Judicial Greffe, or go to [www.gov.je/familycare](http://www.gov.je/familycare) for information.

### **Notes on the application form**

- Note 1** Enter the name of the child you are applying to adopt, surname last. You must enter the full first name(s) and the surname of the child exactly as they are shown on the birth certificate (or, if the child has previously been adopted, the certified copy of the entry in the Adopted Children Register) you are sending with your application (see note 12).
- Note 2** If you do not want your identity to be made known to the parents or guardians of the child you are intending to adopt, the Court will issue you with a serial number. Any documents sent to the parents/guardians will show the serial number, not your personal details. If you are required to attend the same court hearing, the court will make arrangements to ensure that your identity is protected.

### **Part 1 About You**

- Note 3** If the name you have entered is different from your name as it is shown on any evidence of marriage or civil partnership you are sending with your application form (for example, because you have changed your name by deed poll), please attach a continuation sheet explaining the reason for the difference, and a copy of any supporting documents (such as the deed poll).
- Note 4** The occupation you give here will appear on the adoption order and will subsequently be entered in the Adopted Children Register. Please note that failure to give full details may result in a delay in issuing the child's adoption certificate. It is important that you enter the full title of your occupation (or former occupation if you are retired), for example, 'secondary school teacher' or 'ballet teacher', not 'teacher'; 'self-employed carpenter', not 'self-employed'; 'retired police officer', not 'retired'. Abbreviations or general descriptions such as 'self-employed', 'part-time worker', or 'retired', cannot be accepted. Please note also that company names cannot be entered in the Register and it is not sufficient to enter that you are an 'employee' or 'worker' with any particular company; you must give your occupation. If you are unemployed or currently unable to work because of disability, you should give your last occupation. If you are a member of H.M. Forces, you should give your rank and/or profession.
- Note 5** Enter your relationship to the child you are applying to adopt, for example, step-parent, foster parent, grandparent, aunt, uncle, other relative (please specify). If you do not currently have any relationship to the child other than as prospective adopter, please enter 'none'.
- Note 6** An adoption order cannot be made unless you are domiciled in a part of the United Kingdom, the Channel Islands or the Isle of Man. 'Domicile' is normally taken to mean the place where you have your permanent home. **If you are in any doubt as to whether you meet these conditions, you should seek legal advice.**

- Note 6A** You do not need to be domiciled in Jersey if you are applying for a provisional order. You must insert the country in which you are domiciled. You 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.
- Note 6B** If you are adopting as a couple but are not married or in a civil partnership together it will be necessary, in considering the application for adoption, for the Court to be satisfied that you are living as a couple in an enduring family relationship. That will be a question of fact in each case.
- Note 7** If you are applying to adopt alone and you are the partner (including husband, wife or civil partner) of the child's father or mother or other parent, you should complete paragraph (l) and then go straight to Part 2 About the Child. Paragraphs (m) to (r) do not apply to you.
- Note 8** If you are applying to adopt alone and you are the partner (but not the husband, wife or civil partner) of a person who is not the parent of the child you wish to adopt, you should complete paragraph (m). Please give your reasons for applying to adopt alone. If there is not enough room for your reply, you may continue on a separate sheet. You should then go straight to Part 2 About the Child. Paragraphs (n) to (r) do not apply to you.
- Note 9** If you are applying to adopt alone and
- you have never been married/had a civil partner, please complete paragraph (n);
  - you are divorced, or your civil partnership has been dissolved, please complete paragraph (o) and attach a copy of the Decree Absolute or the Dissolution Order to your application;
  - you are a widow or widower or a surviving civil partner, please complete paragraph (p) and attach the death certificate of your deceased husband, wife or civil partner to your application.
- Note 10** Tick this box to signify that the agreement of your husband/wife/civil partner to the making of the adoption order has been obtained. Please attach a duly completed Form No. 5A (Agreement of spouse or civil partner to an adoption order) to the application form.
- Note 10A** If you are applying to adopt alone and you are married or you have a civil partner, you will need to satisfy the Court that –
- your husband/wife or civil partner cannot be found, or
  - your husband/wife or civil partner is incapable of giving agreement, or
  - your husband/wife or civil partner is unreasonably withholding agreement, or
  - the welfare of the child justifies the making of the order without the agreement of your husband/wife or civil partner.



You must show on the application form which of these four grounds applies in your case by ticking the appropriate box.

You should attach your marriage certificate (or other evidence of marriage) or certificate of civil partnership (or other evidence of civil partnership) to your application, together with any other documentary evidence on which you propose to rely, such as a decree of judicial separation, or medical evidence of physical incapability or a lack of capacity. You should also supply the name and address (if known) of your husband/wife or civil partner.

**Note 11** If you are applying alone for an adoption order in respect of your own child you will need to satisfy the court that:

- the other natural parent has died, or
- the other natural parent cannot be found, or
- there is some other reason (which you must set out on your application form) justifying the other parent's exclusion from your application.

You must show on the application form which of those grounds applies in your case by ticking the appropriate box.

You should also attach to your application any documentary evidence on which you propose to rely, such as the death certificate.

### **Part 2 About the Child**

**Note 12** If the child has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the full entry in the Register of Births. Where you are unable to attach a certificate, enter the place (including the country) of the child's birth, if known.

No application may be made in respect of a person who is aged 18 or more at the time of the application.

**Note 13** The Court cannot make an adoption order in relation to any person who is or has been married, or any person who is or has been a civil partner.

**Note 14** Except where the applicant or one of the applicant's is a parent of the child, you must notify the Fostering and Adoption Service in writing of your intention to apply for an adoption order. You must give notice of your intention not less than 3 months before the date of your application to the Court. If the child has been living outside the British Islands, or you are applying for a provisional order, this needs to be done 6 months before the date of your application to the Court.

**Note 15** Give details of the name of the court that made the freeing order, the nature of the order, the case number and the date the order was made.

**Note 16** If some person or body is liable to pay maintenance for the child under a court order, or a maintenance agreement, give the name and address of the person or body liable to pay. In the case of a maintenance order, give the name of the court and the date the order was made; otherwise, give the date

of the maintenance agreement.

**Note 17** If there are earlier, or current, court proceedings relating to the child you are applying to adopt (for example, proceedings for a care order, a contact order, a parental responsibility order or a residence order), give the name of the court, the nature of the proceedings and the date and effect of any order made, or the date of the next hearing if proceedings are current. You do not need to repeat the details of any freeing order, or maintenance order or agreement you have already given.

**Important:** if you have previously applied for an adoption order in respect of the same child and the order was refused, you will need to satisfy the court that there has been a change of circumstances since you last applied, or that there is some other reason why the court should hear your current application. Please set out your reasons for making this application on a separate sheet, explaining why you think the application should be heard. Please put the child's full name, the number of the Part and the paragraph reference at the head of the sheet and attach it to your application form.

**Note 17A** Tick this box to signify that the agreement of the child subject to the application for an adoption order has been obtained. Please attach a duly completed Form No. 5 (Agreement of child subject to an adoption order) to the application form.

**Note 18** If the child has previously been adopted, give the names of his/her adoptive parents, not those of his/her natural parents.

**Note 19** If the child's parents were not married to each other or not in a civil partnership at the time of his/her birth, the child's father may have parental responsibility because:

- the child's father and the child's mother have married since the child was born;
- the child's father has a parental responsibility agreement with the mother, or has been granted a parental responsibility order;

Give details of any court order or agreement in respect of parental responsibility in paragraph (k) of Part 2 About the child.

**Note 20** If the child has no guardian, enter 'not applicable'. Otherwise, enter the details of any person appointed to be the child's guardian by deed or will or otherwise in writing in accordance with Article 7 of the Children (Jersey) Law 2002. If the child has more than one guardian, please give the name and address of any other guardian(s) on a separate sheet, putting the child's full name, the number of the Part and the paragraph reference at the head of the sheet.

**Note 21** If the child you are applying to adopt is already the subject of a current freeing order, you do not need to ask the Court to dispense with the consent of the child's parent(s) or guardian(s) to your application. You do not have to complete paragraph (j) or (k), but please ensure that you have entered the details of the freeing order in Part 2, About the Child.

You do not need to ask the Court to dispense with the consent of the child's

parent(s) or guardian(s) to your application if:

- the child's parent(s)/guardian(s) has/have consented to the making of an adoption order; or
- the child was placed with you for adoption by an adoption agency with the consent of each parent/guardian (and the mother's consent was given when the child was at least 6 weeks old), and no parent/guardian opposes the making of an adoption order.

Please complete paragraph (j) showing which of these conditions applies in your case.

If the child's father does not have parental responsibility for the child, you do not need that parent's consent to your application for an adoption order.

**Note 22** If you are asking the court to dispense with the consent of any parent or guardian, the Court can only dispense with that person's consent on one or more of the grounds shown at paragraph (k) on the Form. You must –

- complete paragraph (k) indicating which of these grounds applies to your request, and
- provide a brief statement of the facts.

#### **Part 4 General**

**Note 23** Please enter the name by which you want the child to be known following the adoption. This is the name that will be entered on the Adopted Children Register. You may wish the child to have a new name following the adoption, but there is no obligation to change the child's name if you do not want to do so.

**Note 24** You do not need to send a medical report on your health (or the health of the other applicant, if there is one) or the health of the child with your application if:

- he/she is your child, or the child of your spouse, who is applying with you; or
- the child has reached the upper limit of the compulsory school age.

**In any other case** you must attach separate health reports in respect of each applicant and the child.

**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 .....<sup>(1)</sup>, an child of the ..... sex born on the ..... day of ....., 19/20....., has been made [by.....  
..... and .....]<sup>(2)</sup> or [under the serial number .....];

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

Take notice:

A.<sup>(3)</sup> [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.<sup>(3)</sup> [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 child 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 child from the care and possession of the applicant(s). Application for such leave may be made personally to the Court.]<sup>(4)</sup>

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 child 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 child.

**PERFORATION**

To ..... Advocate/Solicitor. No. ....

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

* 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 CHILD**

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 6weeks 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(2)

**AGREEMENT OF CHILD SUBJECT TO AN ADOPTION ORDER**

Whereas an application is to be/has been made by .....  
...../and..... [or under the  
serial number .....]<sup>(1)</sup> (the “**applicant**”/the “**applicants**”) for an adoption  
order in respect of .....<sup>(2)</sup>, a child.

I,.....<sup>(3)</sup>, of .....<sup>(4)</sup>,  
confirm that I was born on .....<sup>(5)</sup> and that, with full understanding  
of what is involved in, and the effect of, the order, freely agree to my adoption.

1. I understand that the effect of an adoption order will be to deprive my birth parents/guardian permanently of any rights as parents/guardian and to transfer them to the applicant(s).
2. I further understand that, when the application for an adoption order is heard, this document will be used as evidence of my agreement to the making of the order.

(Signature of child)

(Date)

*Notes:*

1. Insert either the name of the applicant(s) or the serial number assigned to the applicant(s) for the purposes of the application.
2. Insert the name and surname of the child.
3. Insert the name and surname of the child.
4. Insert the address of the child.
5. Insert date of birth of the child.

**FORM NO. 5A**

Rule 6(3)

**AGREEMENT OF SPOUSE OR CIVIL PARTNER TO AN ADOPTION ORDER**

Whereas an application is to be/has been made by .....  
..... [or under the serial number .....]<sup>(1)</sup> (the  
“**application**”) for an adoption order in respect of .....<sup>(2)</sup>, a  
child;

I,.....<sup>(3)</sup>, of .....<sup>(4)</sup>,  
confirm that, with full understanding of what is involved in, and the effect of, the order,  
freely agree to the making of an adoption order in pursuance of the application.

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

.....

(Signature)

.....

(Date)

*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 and surname of the child.
3. Insert the name and surname of the agreeing party.
4. Insert the address of the agreeing party.

**FORM NO. 6**

## 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 .....]<sup>(1)</sup> for an adoption order/a provisional  
 adoption order in respect of .....<sup>(2)</sup>,  
 an child;

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

I, the undersigned ....., of .....  
 being<sup>(5)</sup> the mother<sup>(6)</sup>/father<sup>(7)</sup>/guardian of the child, hereby state as follows  
 —

1. I understand that the effect of an adoption order will be to  
 deprive me permanently of 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 child from  
 Jersey for the purpose of adopting the child abroad and to give the  
 applicant(s) custody of the child pending the child’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 child or to have the child 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 child unless  
 the Court dispenses with a consent on the ground that the person  
 concerned has abandoned, neglected or persistently ill-treated the child,  
 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<sup>(8)</sup>.

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 child is proposed to be brought  
 up is .....]<sup>(9)</sup>.

5. As far as I know, no other person or body has taken part in the  
 arrangements for placing the child in the care and possession of the  
 applicant(s) [except .....]  
 ....., of .....]<sup>(10)</sup>

.....  
 (Signature)

This form, duly completed, was signed by the said .....  
 .....before me<sup>(11)</sup> 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 child 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 child has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Registers of Births; 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 child 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 child is 6 weeks old.
- (7) "Father" does not include the natural father of an illegitimate child.
- (8) 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 child from the care and possession of the applicant except with the leave of the Court.
- (9) 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.
- (10) 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 child to be placed in the care and possession of the applicant.
- (11) 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. 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 .....<sup>(1)</sup>, an child of the ..... sex born on the ..... day of ....., 19/20 ....., was made [by ..... and ..... ]<sup>(2)</sup> or [under the serial number ..... ];

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

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<sup>(3)</sup> [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<sup>(3)</sup> [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 child 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 child.

<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] [and ....., that  
person's civil partner] (hereinafter called the applicant(s)) for an adoption  
order/a provisional adoption order in respect of .....<sup>(1)</sup>, an child 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 child 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 child [*or*  
that the applicant(s) be authorized to remove the child from Jersey for the  
purpose of adopting the child 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 child pending the child'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 child's birth has not been proved  
to the satisfaction of the Court but the Court has determined the probable  
date of the child's birth to be the day of ....., 19/20  
.....;]

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

[And whereas the child was born in 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  
child was born in ..... on the ..... day of  
....., 19/20 .....;]

[And whereas it has been proved to the satisfaction of the Court that the  
child is identical with ..... to whom the entry  
numbered ..... made on the ..... day of ....., 19/20 .....,  
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 child 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”]<sup>(2)</sup>.

Dated this ..... day of ....., 20 .....

*Judicial Greffier.*

## SCHEDULE

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

### Notes:

- (1) Enter the name(s) and surname of the child as shown in the heading of Form No. 1.
- (2) This paragraph should be deleted where the child is not proved to be identical with a child to whom an entry in the Registers of Births or Adopted Children Register relates.
- (3) Where the precise date of the child's birth is not proved, enter the date determined by the Court to be the probable date.
- (4) Where the country of the child's birth is not proved, the particulars of the country of birth may be omitted unless it appears probable that the child was born within the United Kingdom, the Channel Islands or the Isle of Man. In that event enter Jersey as the country of birth.
- (5) Where the child was born in Jersey but the parish in which the birth took place is not proved, or where the child 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 child is to be known or, if no name or surname is so stated, the original name or names of the child and the surname of the applicant.
- (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,] [and ....., that person's civil  
partner] for an adoption order/a provisional adoption order in respect of  
.....<sup>(1)</sup>, an child:

It is ordered that the applicant(s) be authorized to adopt the child [or  
that the applicant(s) be authorized to remove the child from Jersey for the  
purpose of adopting the child 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 child pending the child'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 of .....20 .....

*Judicial Greffier.*

SCHEDULE<sup>(2)</sup>

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 child 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] [and ..... that person's civil partner] (hereinafter called the applicant(s)) for an adoption order/a provisional adoption order in respect of .....<sup>(1)</sup>, an child;

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 child 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 child 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 child until that day by way of a probationary period] [upon the following terms, namely.....].

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

[And it is ordered that the application be further heard before the Court on the ..... day of ....., 20....., at .....o'clock.]

Dated this ..... day of ....., 20.....

*Judicial Greffier.*

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Note –

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

**FORM NO. 11**

Rule 28A(3)

**APPLICATION TO RECEIVE INFORMATION FROM COURT RECORDS**

I,..... of.....  
 .....<sup>(1)</sup> was born on ..... (the “**applicant**”). My  
 name on adoption was .....<sup>(2)</sup>

The name of my adoptive parent(s) is ..... and the  
 date of my adoption was.....<sup>(3)</sup>

I apply for a copy of the following documents –

- ☐ The application form for an adoption order (this will not include the documents attached to that form).
- ☐ The adoption order or any other order relating to the adoption proceedings, including a freeing order.
- ☐ Order(s) allowing any person contact with the child after the adoption order was made.
- ☐ Any transcript or written reasons of the court’s decision.
- ☐ A report made to the Court by –
  - ☐ the child’s guardian *ad litem*.
  - ☐ the Fostering and Adoption Service.

*Attached* is a full certified copy of –

- the entry in the Adopted Children Register which relates to me.
- my current [passport] [driving licence]<sup>(4)</sup>.

.....

(Signature)

.....

(Date)

*Notes:*

1. Insert your address.
2. Insert your name on adoption if different from your current name.
3. Insert the date of your adoption, if known.
4. Delete as appropriate.

**SCHEDULE 2<sup>37</sup>**

## 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, or one only of 2 civil partners, why the other spouse or civil partner, as the case may be, 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 child.
2. The guardian *ad litem* shall ascertain and inform the applicant –
  - (a) whether the child has been baptised and, if so, the date and place of baptism;
  - (b) what treatment the child has received with a view to immunising the child against disease;
  - (c) whether the child has any right to, or interest in, any property;
  - (d) whether an insurance policy for the payment on the death of the child of money for funeral expenses has been effected.
3. The guardian *ad litem* shall ascertain whether the child 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 child.
- 5.(1) The guardian *ad litem* shall obtain from every respondent, not being an individual, such information concerning the child as they have in their possession and which they consider might assist the Court in deciding whether or not the child should be adopted by the applicant.

- (2) Where such information is given in the form of a written report, the guardian *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 child ceased to have the care and possession of the child 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 child 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 child is illegitimate but no one is liable as the putative father to contribute to the maintenance of the child 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
Adoption (Amendment No. 3) Rules 2012	R&O.44/2012	2 April 2012
Adoption (Amendment No. 4) Rules 2014	R&O.165/2014	2 October 2014
Adoption (Amendment No. 5) Rules 2015	R&O.129/2015	29 October 2015

### Table of Renumbered Provisions

Original	Current
31	spent, omitted from this revised edition <sup>38</sup>
32	spent, omitted from this revised edition
33	31
First Schedule	Schedule 1
Second Schedule	Schedule 2

### Table of Endnote References

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- <sup>1</sup> *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*
- <sup>2</sup> *chapter 12.050*
- <sup>3</sup> *chapter 12.050*
- <sup>4</sup> *Rule 1(1) amended by R&O.165/2014*
- <sup>5</sup> *Rule 1(3) added by R&O.165/2014*
- <sup>6</sup> *Heading amended by R&O.129/2015*
- <sup>7</sup> *Rule 4 amended by R&O.129/2015*
- <sup>8</sup> *Rule 5(1) amended by R&O.129/2015*

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- <sup>9</sup> Rule 6 substituted by R&O.129/2015
- <sup>10</sup> Rule 6A inserted by R&O.129/2015
- <sup>11</sup> Rule 7 amended by R&O.129/2015
- <sup>12</sup> Rule 8 amended by R&O.4666, R&O.165/2014, R&O.129/2015
- <sup>13</sup> Rule 9 substituted by R&O.4666
- <sup>14</sup> Rule 9(1) amended by R&O.165/2014
- <sup>15</sup> Rule 9(2) substituted by R&O.165/2014
- <sup>16</sup> Rule 11(1) amended by R&O.129/2015
- <sup>17</sup> Rule 11(2) substituted by R&O.5995
- <sup>18</sup> Rule 12 substituted by R&O.5995
- <sup>19</sup> Rule 13 amended by R&O.5995, R&O.165/2014, R&O.129/2015
- <sup>20</sup> Rule 14 revoked by R&O.165/2014
- <sup>21</sup> Rule 16 substituted by R&O.44/2012
- <sup>22</sup> Rule 17 substituted by R&O.165/2014
- <sup>23</sup> Rule 17(1) amended by R&O.129/2015
- <sup>24</sup> Rule 17(2) amended by R&O.129/2015
- <sup>25</sup> Rule 19(1) amended by R&O.129/2015
- <sup>26</sup> Rule 19(2) amended by R&O.129/2015
- <sup>27</sup> Tome 1946-1948, page 237
- <sup>28</sup> Rule 25A inserted by R&O.165/2014
- <sup>29</sup> Rule 25B inserted by R&O.165/2014
- <sup>30</sup> Rule 25C inserted by R&O.165/2014
- <sup>31</sup> Rule 25D inserted by R&O.165/2014
- <sup>32</sup> Rule 25E inserted by R&O.165/2014
- <sup>33</sup> Tome 1946-1948, page 237
- <sup>34</sup> Rule 28A inserted by R&O.129/2015
- <sup>35</sup> Rule 29 amended by R&O.5995
- <sup>36</sup> Schedule 1 amended by R&O.44/2012, R&O.165/2014, R&O.129/2015
- <sup>37</sup> Schedule 2 amended by R&O.44/2012, R&O.129/2015
- <sup>38</sup> 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.”