PROCEDURE

1959 No. 504 (L. 5)

The Adoption (Juvenile Court) Rules, 1959

Made - - - -	19*th March*, 1959
Laid before Parliament	25*th March*, 1959
Coming into Operation	1*st April*, 1959

I, the Right Honourable David Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the power conferred on me by section fifteen of the Justices of the Peace Act, 1949(a), as extended by section one hundred and twenty-two of the Magistrates' Courts Act, 1952(b), and section nine of the Adoption Act, 1958(c), do hereby, after consultation with the Rule Committee appointed under the said section fifteen, make the following Rules:—

1.—(1) An application shall be in Form 1, and shall be made to a juvenile court acting for the petty sessions area in which the applicant or the infant resides at the date of the application by delivering it, or sending it by post, to the clerk to the justices for that area, together with all documents referred to in the application as attached thereto.

(2) The applicant shall supply to the justices' clerk a copy of his application at the same time as he makes his application.

2. If any person proposing to apply to a juvenile court for an adoption order desires that his identity be kept confidential, he may, before making his application, apply to the justices' clerk for a serial number to be assigned to him for the purposes of the proposed application, and the clerk shall assign a number to him accordingly.

3. Except where 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, every applicant shall supply to the justices' clerk at the same time as he makes his application the certificate of a fully registered medical practitioner as to his health; and for the purposes of such certificate Form 2 may be used.

4.—(1) Any report on the health of the infant which is to be used for the purposes of an application shall be supplied by the applicant to the justices' clerk at the same time as he makes his application.

(2) The report may, if the applicant so desires, be in Form 3.

5.—(1) Any document signifying the consent of any person to the making of an adoption order for the purposes of section six of the Adoption Act, 1958, shall be in Form 4.

(a) 12, 13 & 14 Geo. 6. c. 101. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55. (c) 7 & 8 Eliz. 2. c. 5.

(2) If the said document is executed outside the United Kingdom, it shall be sufficiently attested for the purposes of subsection (3) of the said section six if it is attested by any of the following persons:—

(*a*) any person for the time being authorised by law in the place where the document is executed to administer an oath for any judicial or other legal purpose;

(*b*) a British consular officer;

(*c*) a notary public; or

(*d*) if the person executing the document is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of those forces.

6. If it appears that the applicant has previously made an application in respect of the same infant to the High Court, a county court or a juvenile court, and that that court, after having heard the case, dismissed the application on its merits, the court shall not proceed with the application unless it is satisfied that there has been a substantial change in the circumstances since the previous application.

7. If owing to special circumstances any application appears to the court to be more fit to be dealt with by the High Court, the court may, at any stage of the proceedings, refuse, on that ground expressly, to proceed with the application.

8.—(1) Subject to the provisions of Rules 6 and 7 of these Rules, the court shall, as soon as practicable after an application is made, appoint a guardian ad litem of the infant and shall furnish him with a copy of the application, together with the documents attached thereto.

(2) The person appointed guardian ad litem shall be—

(*a*) if the local authority concerned consents, the children's officer of a local authority or an officer or servant of that authority who assists the children's officer in the exercise of his functions;

(*b*) a probation officer; or

(*c*) if in any particular case the court considers that it is not reasonably practicable, or that it would be undesirable, to appoint one of the aforesaid persons, some other person who appears to the court to be suitably qualified:

Provided that no person shall be appointed guardian ad litem if—

(i) he has the rights and powers of a parent of the infant, or has taken part in the arrangements for the adoption of the infant; or

(ii) he is a member, officer or servant of a local authority, adoption society or other body of persons which has the rights and powers of a parent of the infant or which has taken part in the arrangements for the adoption of the infant.

(3) Where the children's officer of a local authority is appointed guardian ad litem, he may carry out his duties and appear before the court personally or by any other officer or servant of that authority who assists the children's officer in the exercise of his functions.

9.—(1) With a view to safeguarding the interests of the infant before the court the guardian ad litem shall, so far as it is reasonably practicable—

(*a*) investigate all circumstances relevant to the proposed adoption, including the matters alleged in the application and those specified in the Second Schedule to these Rules; and

(*b*) perform such other duties as are specified in the said Schedule or as the court may direct.

(2) On completing his investigations the guardian ad litem shall make a confidential report in writing to the court.

(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 to be necessary.

10. At the time of appointing the guardian ad litem, the court shall fix a time for the hearing of the application.

11.—(1) After the time of the hearing of the application has been fixed, the court shall serve a notice in Form 5 on the applicant.

(2) If the guardian ad litem reports to the court that in his opinion the infant is able to understand the nature of an adoption order, the court shall inform the applicant that the personal attendance of the infant at the hearing of the application is required.

12.—(1) After the time of the hearing of the application has been fixed, the court shall serve a notice in Form 6 on the following persons:—

(*a*) every person, not being an applicant, whose consent to the making of the adoption order is required under subsection (1) of section four of the Adoption Act, 1958;

(*b*) any person having the rights and powers of a parent of the infant by virtue of section seventy-five of the Children and Young Persons Act, 1933(**a**), or sub-paragraph (1) of paragraph 12 of the Fourth Schedule to that Act or section three of the Children Act, 1948(**b**);

(*c*) any person liable by virtue of any order or agreement to contribute to the maintenance of the infant;

(*d*) the local authority to whom the applicant has given notice of his intention to apply for an adoption order under subsection (2) of section three of the Adoption Act, 1958;

(*e*) any local authority or adoption society 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.

(2) Any person on whom a notice is required to be served under the foregoing provisions of this Rule shall be a respondent to the application.

13. The court shall not make an adoption order or an interim order except after the personal attendance before the court of the applicant:

Provided that where the application is made by two 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 justice of the peace, a justices' clerk within the meaning of section twenty-one of the Justices of the Peace Act, 1949, or, if made outside the United Kingdom, by a person specified in paragraph (2) of Rule 5 of these Rules.

(**a**) 23 & 24 Geo. 5. c. 12. (**b**) 11 & 12 Geo. 6. c. 43.

14. If the applicant has been informed that the personal attendance of the infant at the hearing is required, the court shall not make an adoption order or an interim order unless—

(*a*) the infant has so attended or the court decides that there are special circumstances making his attendance unnecessary; and

(*b*) the court is satisfied that the infant has been informed of the nature of the order.

15. If a serial number has been assigned to the applicant under Rule 2 of these Rules, the proceedings shall be conducted with a view to securing that he is not seen by, or made known to, any respondent who is not already aware of his identity, except with his consent.

16. Notwithstanding anything in section forty-seven of the Children and Young Persons Act, 1933, every application shall be heard and determined in camera.

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

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

18.—(1) Where the determination of an application is postponed and an interim order is made, the court shall, on making the order or at any time thereafter but not less than one month before the expiration of the period during which the applicant has the custody of the infant in accordance with the interim order and whether or not the applicant makes an application for the purpose, fix a time for the further hearing of the application.

(2) On fixing a time for the further hearing of an application, the court shall—

(*a*) serve on the applicant a notice in Form 7; and

(*b*) serve on each respondent to the application a notice in Form 8.

19. An adoption order shall be drawn up in Form 9.

20.—(1) Within seven days after the making of an adoption order the justices' clerk shall send a copy of the order to the Registrar General.

(2) The copy sent to the Registrar General shall be drawn up on paper thirteen inches long by eight inches wide, and shall have a margin to be left blank, not less than one inch wide, on the left side of the face of the paper and a similar margin on the right side of the reverse of the paper.

21. Within seven days after the making of an adoption order the justices' clerk shall serve on the applicant an abridged copy of the adoption order in Form 10 signed by a member of the court.

22.—(1) An interim order shall be drawn up in Form 11.

(2) Within seven days after the making of an interim order the justices' clerk shall serve on the applicant a copy of the order.

23.—(1) The justices' clerk 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 20, 21 and 22 of these Rules; or

(*b*) on the request of the Registrar General or the applicant or one of the applicants; or

(*c*) on the application of any other person under an order of a juvenile court acting for the same petty sessions area as the juvenile court which made the adoption order or interim order.

(2) This Rule applies to an adoption order or interim order made under the Adoption Act, 1950(**a**), or any enactment repealed by that Act as it applies in relation to an adoption order or interim order made under the Adoption Act, 1958.

24. Where an adoption order is made in respect of an infant who is illegitimate, then, unless the applicant is his mother and she is a single woman, the justices' clerk shall serve notice of the order on any other court which appears to him to have made an affiliation order or decree of affiliation and aliment which is still in force with respect to the infant.

25. On the determination of an application or on the making of an interim order, the justices' clerk shall serve notice to that effect on all parties who were not present when the court made its determination or order.

26. On the determination of an application 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, and

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

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

27.—(1) Any application made under section twenty-four of the Adoption Act, 1958, for the amendment of an adoption order or the revocation of a direction to the Registrar General or under section twenty-six of the said Act for the revocation of an adoption order shall be in Form 12, and shall be made to a juvenile court acting for the same petty sessions area as the juvenile court which made the adoption order concerned by delivering it or sending it by post to the clerk to the justices for that petty sessions area.

(2) Notice of the application shall be given by the court to such persons (if any) as the court specifies.

(3) Where an adoption order is amended or a direction revoked under subsection (1) of the said section twenty-four or an adoption order revoked under the said section twenty-six, the justices' clerk shall send to the Registrar General a notice specifying the date of the adoption order and the names of the adopter and of the adopted person as given in the Schedule to the adoption order and either stating the amendments to the adoption order made by the court or informing him of the revocation of the direction or adoption order, as the case may be:

(**a**) 14 Geo. 6. c. 26.

Provided that where an order made under the Adoption of Children Act, 1926(a), is amended, the said notice shall specify in a form similar to the Schedule to Form 9 all the particulars to be entered in the Adopted Children Register.

28. Such part of the register kept in pursuance of rules made under the Magistrates' Courts Act, 1952, as relates to proceedings under Part I of the Adoption Act, 1958, shall be kept in a separate book and shall contain the particulars shown in Form 13 ; and the book shall not contain particulars of any other proceedings except proceedings under the Adoption Act, 1950 or any Act repealed by that Act.

29. The book kept in pursuance of Rule 28 of these Rules and all other documents relating to the proceedings mentioned in that Rule while they are in the custody of the court shall be kept in a place of special security.

30. Any information obtained by any person in the course of, or relating to, proceedings under Part I of the Adoption Act, 1958, shall be treated as confidential and shall not be disclosed by him except so far as may be necessary for the proper execution of his duty.

31. Any respondent, being a local authority or other body of persons, may appear and be heard at proceedings under Part I of the Adoption Act, 1958, by any officer or servant of that authority or body duly authorised in that behalf.

32. Unless otherwise directed, service of a document under these Rules—

(*a*) on a corporation or a body of persons may be effected by delivering it at, or sending it by post to, the registered or principal office of the corporation or body of persons;

(*b*) on any other person may be effected by delivering it to him or by sending it by post to him at his last known or usual place of abode.

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

34. The court shall serve on the guardian ad litem a copy of every notice served on an applicant or respondent.

35. In these Rules a form referred to by number means the form so numbered in the First Schedule to these Rules or a form to the like effect, and any such form may be used with such variation as the circumstances may require.

36. These Rules shall apply only to proceedings under Part I of the Adoption Act, 1958, before magistrates' courts.

(a) 16 & 17 Geo. 5. c. 29.

37.—(1) In these Rules the following expressions have the meanings hereby assigned to them unless the context otherwise requires:—

"application" means an application for an adoption order and "applicant" shall be construed accordingly;

"determination of an application" includes a refusal to proceed with the application under Rule 7 of these Rules or a withdrawal of the application;

"infant" means the infant whom the applicant is applying to adopt;

"interim order" means an interim order made under section eight of the Adoption Act, 1958;

"regular armed forces of the Crown" means the Royal Navy, the regular forces as defined by section two hundred and twenty-five of the Army Act, 1955(a), the regular air force as defined by section two hundred and twenty-three of the Air Force Act, 1955(b), the Women's Royal Naval Service, Queen Alexandra's Royal Naval Nursing Service and Voluntary Aid Detachments serving with the Royal Navy.

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

38.—(1) The Adoption of Children (Summary Jurisdiction) Rules, 1949(d), and the Adoption of Children (Summary Jurisdiction) Rules, 1952(e), are hereby revoked.

(2) These Rules shall apply in relation to an application made before 1st April, 1959, the hearing of which or any other duty or business in connection with which has not been completed before the said date as they apply to applications made on or after that date, so however that no inquiry or certificate shall be required which would not have been required by the rules in force immediately before that date and any inquiry, application, appointment or order made, notice issued, consent given, declaration made or attested or other thing done in relation to such an application shall be deemed to have been made, attested, issued, given or done under these Rules.

39.—(1) These Rules may be cited as the Adoption (Juvenile Court) Rules, 1959.

(2) These Rules shall come into operation on the first day of April, 1959.

Dated this 19th day of March, 1959.

Kilmuir, C.

(a) 3 & 4 Eliz. 2. c. 18. (b) 3 & 4 Eliz. 2. c. 19. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1949/2397 (1949 I, p. 15). (e) S.I. 1952/554 (1952 I, p. 509).

FIRST SCHEDULE

FORMS

Rule 1

Form 1

Application for adoption order

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

To the Juvenile Court

PART I

Particulars of applicant(s)

1. Name of [first] applicant in full.....
   Address.....
   Occupation .....
   Date of birth.....
   Relationship (if any) to infant.....
   [Name of second applicant in full.....
   Address.....
   Occupation .....
   Date of birth.....
   Relationship (if any) to infant.....]

2. I am/We are resident in England or Wales and domiciled in England or Wales/Scotland.

3. I am a widow/widower/unmarried/I am married to..... of...../We are married to each other and our marriage certificate (or other evidence of marriage) is attached.

*4. The consent of my husband/wife to the making of an adoption order authorising me to adopt the infant is attached *or* I request the court to dispense with the consent of my husband/wife on the ground that he/she cannot be found/is incapable of giving his/her consent/we have separated and are living apart and the separation is likely to be permanent.

*Delete if a joint application or if applicant not married.

5. I/We attach a certificate as to my health/the health of each of us signed by a fully registered medical practitioner[1].

PART II

Particulars of infant

6. Name in full[2].....

7. The infant is of the.....sex and is not and has not been married.

8. The infant is the person to whom the attached birth or adoption certificate relates/the infant was born in....., on or about .....[3].

9. I/We attach a report as to the health of the infant made by a fully registered medical practitioner[4].

10. The infant is the child[5] of

    Name of mother.....
    Address.....
and Name of father[6].....
    Address.....

11. The guardian[7], if any, of the infant is
    (Name) .....
    Address.....

12. I/We attach a document/documents signifying the consent of the infant's mother/father/guardian to the making of an adoption order authorising me/us to adopt the infant.

13. I/We request the court to dispense with the consent of the infant's mother/father/guardian on the ground that.....[8].

14. The following body or person has the rights and powers of a parent of the infant[9];—

Name.....

Address.....

15. The following person is liable by virtue of an order of a court or an agreement to contribute to the maintenance of the infant—

Name.....

Address.....

Particulars of court order or agreement:

Name of court .....

Date of order .....

or Date of agreement .....

16. If an adoption order is made in pursuance of this application the infant is to be known by the following names:—

Surname.....

Other names.....

PART III

General

17. The infant was received into my/our care and possession on the day of , 19 , and has been continuously in my/our care and possession since that date.

18. I/We notified the Council on the day of , 19 ,of my/our intention to apply for an adoption order in respect of the infant[10].

19. I have not made/Neither of us has made a previous application for an adoption order in respect of the infant *or* (name of applicant) made an application No..... to the court on the day of , 19 , which was dealt with as follows [11].

20. 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 except as follows: [12].

21. 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:

Name.....

Address.....

22. For the purposes of this application reference may be made to of [13].

23. I/We desire that my/our identity should be kept confidential. The serial number of this application is [14].

I/We being desirous of adopting the infant hereby apply for an adoption order in respect of the infant.

(Signature(s))....

Dated the day of , 19 .

Notes:

[1] A separate medical certificate is required in respect of each applicant except that no certificate need be supplied if the applicant, or one of the applicants, is the father or mother of the infant or the infant is, at the date of the application, above the upper limit of the compulsory school age.

[2] Enter the surname and other names as shown in the infant's birth certificate, or, if the infant has previously been adopted, his adoption certificate. If the infant has no birth or adoption certificate, enter the surname and other names by which the infant was known before being placed for adoption.

[3] If the infant has a birth or adoption certificate, this should be attached. If the infant does not have any such certificate, enter the date and place of birth so far as is known.

[4] As the court may require up-to-date information about 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 is at the date of the application above the upper limit of the compulsory school age. If the infant is less than one year old at 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 at that date, the report should have been made not more than six months before that date. A form for this purpose is prescribed: Adoption (Juvenile Court) Rules, 1959, r. 4, Sch. 1, Form 3.

[5] If the infant has previously been adopted, give the names of his adoptive parents and not those of his natural parents.

[6] Enter the name of the father, if known.

[7] Guardian means a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts, 1886 and 1925, or by a court of competent jurisdiction to be the guardian.

[8] The consent of a parent or guardian may be dispensed with if the court is satisfied that that person 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 consent or is withholding his consent unreasonably.

[9] 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 section 75 of, or paragraph 12 (1) of the Fourth Schedule to, the Children and Young Persons Act, 1933, or section 3 of the Children Act, 1948.

[10] 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 be above the upper limit of the compulsory school age.

[11] The court cannot proceed with an 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.

[12] Any such payment or reward is illegal except payment to an adoption society or local authority in respect of their expenses incurred in connection with the adoption.

[13] Where the applicant, or one of the applicants, is a parent of the infant or a relative as defined in the Adoption Act, 1958, s. 57 (1), no referee need be named.

[14] If the applicant wishes his identity to be kept confidential, he may obtain a serial number from the justices' clerk and this should be entered; otherwise this entry should be deleted.

Form 2 Rule 3

Medical certificate as to health of applicant

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

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

Qualifications.....

Address.....

Form 3 Rule 4

Medical report as to 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 his age?

B Are there any items in the child's history or examination which suggest that he may be mentally abnormal having regard to his 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 six weeks or later after birth (please specify test).

F I examined the child on the.....day of....., 19..., and I have informed the adopters of the state of health of the child disclosed by the examination.

Signature..... Address.....

Qualifications..... .....

Rule 5 Form 4

Consent to adoption order

1. I understand that an application for an adoption order has been or is to be made in respect of A.B. [to whom the birth/adoption certificate now produced and shown to me marked "A" relates] [1] (hereinafter called the infant) by C.D./C.D. and E.D. *or* by a person or persons identified in the petty sessions area of under the serial number (hereinafter called the applicant) [2].

2. I am* the mother [3]/father [4]/guardian [5] of the infant.

*Delete all except the appropriate description.

3. I understand that the effect of an adoption order will be to deprive me permanently of my rights as a parent or guardian and to transfer them to the applicant: 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.

4. 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.

5. 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 [6].

6. I hereby consent to the making of an adoption order authorising the adoption of the infant by the applicant [on condition that the religious persuasion in which the infant is proposed to be brought up is] [7].

7. As far as I know, no person or body has taken part in arranging for the infant to be placed in the care and possession of the applicant except—[8]

Full name .....

Address .....

.....

Signature .....

Address .....

.....

Paragraphs 1, 2, 6 and 7 of this Form having been duly completed, this Form was signed by the above-mentioned person before me at

on the day of , 19 .

Signature .....

Full name .....

Description [9] .....

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 a local authority or adoption society for their expenses incurred in connection with the adoption.

Notes:

[1] Insert the surname and other names of the infant as shown in the infant's birth certificate, or, if the infant has previously been adopted, his adoption certificate. If the infant has no birth or adoption certificate, enter the surname and other names by which the infant was known before being placed for adoption. The words in square brackets should be deleted except where the consenting party is the mother or father of the infant and the infant's birth or adoption certificate has not already been identified by the other parent.

[2] Insert either the name of the applicant or the serial number assigned to the applicant for the purpose of the application.

[3] The consent of the mother cannot be given before the infant is six weeks old.

[4] " Father " does not include the natural father of an illegitimate infant.

[5] " Guardian " means a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts, 1886 and 1925, or by a court of competent jurisdiction to be the guardian.

[6] Notice of the making of the application and of the court by which it is to be heard will be given. 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.

[7] Delete the words in square brackets if the applicant is named or if the applicant is not named but the consenting party does not desire to impose a condition as to the religious upbringing of the infant.

[8] Enter the name of any local authority, adoption society 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.

[9] In England or Wales the consent should be signed before a justice of the peace, or a justices' clerk or a duly authorised county court officer. In Scotland, it should be signed before a justice of the peace or a sheriff. In Northern Ireland it should be signed before a justice of the peace. Outside the United Kingdom, it should be signed before a person authorised 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 5 Rule 11

Notice to applicant of time of hearing

In the [county of . Petty Sessional Division of].

To A.B. of .

I hereby give notice that your application for an adoption order to be made in respect of (name of infant) will be heard before the Juvenile Court sitting at on the day of , 19 , at o'clock in the [county] aforesaid and that your attendance [and that of (name of infant)] is required.

[Take note that an adoption order or interim order cannot be made until the infant has been informed of the nature of the order.*]

* Delete unless attendance of infant is required.

Dated the day of , 19 .

(Signature)

Justice of the Peace for the [county] first above-mentioned or Clerk of the Court.

Rule 12 Form 6

Notice to respondent of application for adoption order

In the [county of . Petty Sessional Division of].

To A.B. of .

I hereby give notice that—

(1) an application has been made by (name and address of applicant) *or* under the serial number.....for an adoption order to be made in respect of (identify the infant);

(2) C.D. of has been appointed guardian ad litem;

*(3) the application will be heard before the Juvenile Court sitting at on the day of , 19 , at o' clock in the [county] aforesaid and you may then appear and be heard on the question whether an adoption order should be made.

OR

*(3) the application will be heard before the Juvenile Court sitting at . You may appear before the court and be heard on the question whether an adoption order should be made. If you wish to appear, write to the Clerk of the Court at on or before the day of , 19 , in order that a time may be fixed for your appearance.

†[(4) While the application is pending you are not entitled, if you have signified your consent to the making of an adoption order in pursuance of the application, to remove the infant from the care and possession of the applicant except with the leave of the court.]

*The second alternative should be struck out except where the applicant desires that his identity should not be disclosed *to the person to whom the notice is given*, in which case the first alternative should be struck out.

† Delete except where notice is addressed to a parent or guardian.

Dated the day of , 19 .

(Signature)

Justice of the Peace for the [county] first above-mentioned or Clerk of the Court.

It would assist the court, if you would complete and return the attached reply form.

Reply Form

To the Clerk of the Juvenile Court

(address) .....

.....

I have received notice of the hearing of the application for an adoption order in respect of an infant.

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 should be made.

* Delete one or other alternative.

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

Address .....

.....

Form 7 Rule 18 (2) (*a*)

Notice to applicant of time of further hearing after interim order made

In the [county of . Petty Sessional Division of].

To A.B. of .

I hereby give notice that your application for an adoption order to be made in respect of (name of infant) will be further heard before the Juvenile Court sitting at on the day of , 19 , at o'clock in the [county] aforesaid and that your attendance [and that of (name of infant)] is required.

*Delete unless attendance of infant at further hearing is required.

*[Take notice that an adoption order or interim order cannot be made unless the court is satisfied that the infant has been informed of the nature of the order.]

Dated the day of , 19 .

(Signature)

Justice of the Peace for the [county] first above-mentioned or Clerk of the Court.

Form 8 Rule 18 (2) (*b*)

Notice to respondent of time of further hearing after interim order made

In the [county of . Petty Sessional Division of].

To A.B. of .

I hereby give notice that the application by (state name and address of applicant) *or* under the serial number for an adoption order to be made in respect of (*identify the infant*) will be further heard before the Juvenile Court sitting at

*on the day of , 19 , at o'clock in the [county] aforesaid; and you may then appear and be heard on the question whether an adoption order should be made.

OR

*and you may appear before the court and be heard on the question whether an adoption order should be made. If you wish to appear, write to the Clerk of the Court at on or before the day of , 19 , in order that a time may be fixed for your appearance.

*The second alternative should be struck out except where the applicant desires that his identity should *not be disclosed to the person to whom the notice is given*, in which case the first alternative should be struck out.

Dated the day of , 19 .

(Signature)

Justice of the Peace for the [county] first above-mentioned or Clerk of the Court.

It would assist the court, if you would complete and return the attached reply form.

Reply Form

To the Clerk of the Juvenile Court

(Address) .....

.....

I have received notice of the further hearing of the application for an 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 should be made.

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

Address .....

.....

Rule 19 Form 9

Adoption Order (*Adoption (J.C.) Rules, 1959, r. 19*)

In the [county of . Petty Sessional Division of].

Whereas an application has been made by
of
occupation (hereinafter called the applicant) for an adoption order in respect of (*enter names and surname as shown in birth certificate or Adopted Children Register or, if not so shown, by which infant was known before being placed for adoption*) an infant of the sex the child/adopted child of
(hereinafter called the infant);

And Whereas the name or names and surname by which the infant is to be known are ;

And Whereas the court is satisfied that the applicant is qualified in accordance with the provisions of the Adoption Act, 1958, to adopt the infant and that all conditions precedent to the making of an adoption order by the court have been fulfilled;

It is ordered that the applicant be authorised to adopt the infant;

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

[And the precise date of the infant's birth not having been proved to the satisfaction of the court, it is determined that the probable date of the infant's birth was ;

The country of birth of the infant not having been proved to the satisfaction of the court, the infant shall be treated as having been born in England [Wales]/ the particulars of the country of birth shall be omitted from the Schedule to this Order;

The registration district and sub-district in which the infant was born not having been proved to the satisfaction of the court, the infant shall be treated as having been born in the registration district and the sub-district;]

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

And it having 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 , in the Registers of Birth for the registration district of and sub-district of in the county of relates] [to whom the entry numbered made on the day of , 19 , in the Adopted Children Register relates] it is directed that the said entry in the Registers of Birth be marked with the word " Adopted "/the Adopted Children Register be marked with the word " Re-adopted ".

[The following payment or reward is sanctioned .]

Dated the day of , 19 .

(Signature)

Justice of the Peace for the [county] first above-mentioned

SCHEDULE

Date and country of birth	Registration district and sub-district	Name and surname of infant	Sex of infant	Name and surname, address and occupation of adopter or adopters	Date of adoption order and description of court by which made

Form 10 Rule 21

Adoption Order (*Adoption (J.C.) Rules, 1959, r. 21*)

In the [county of . Petty Sessional Division of].

Whereas an application has been made by of (hereinafter called the applicant) for an adoption order in respect of (*enter names and surname as shown in birth certificate or Adopted Children Register or, if not so shown, by which infant was known before being placed for adoption*) (hereinafter called the infant);

It is ordered that the applicant be authorised to adopt the infant;

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

Dated the day of , 19 .

Justice of the Peace for the [county] first above-mentioned.

SCHEDULE

Date and country of birth	Registration district and sub-district	Name and surname of infant	Sex of infant	Name and surname, address and occupation of adopter or adopters	Date of adoption order and description of court by which made

Form 11 Rule 22

Interim order

In the [county of . Petty Sessional Division of].

Whereas an application has been made by of (hereinafter called the applicant) for an adoption order in respect of (*enter name and surname of infant as shown in birth certificate or Adopted Children Register or, if not so shown, by which infant was known before being placed for adoption*), an infant of the sex (hereinafter called the infant);

And Whereas the court is satisfied that the applicant is qualified in accordance with the provisions of the Adoption Act, 1958, to adopt the infant and that all conditions precedent to the making of an interim order by the court have been fulfilled;

It is ordered that the determination of the application be postponed and that the applicant do have the custody of the infant until the day of , 19 , by way of a probationary period;

[On the following terms namely: *]

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

[And that the application shall be further heard on].

*Provision may be made for the maintenance, education and supervision of the welfare of the infant and otherwise.

Dated the day of , 19 .

(Signature)

Justice of the Peace for the [county] first above-mentioned.

Rule 27

Form 12

Application to amend or revoke adoption order

To the.....Juvenile Court.

1 Identification of adoption order to be amended or revoked—

Name of adopters.....

Date of adoption order.....

Name of infant adopted.....

2 Particulars of applicant—

Name.....

Address .....

.....

State relationship to adopted person or, if no such relationship, state reason for application.....

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

.....

.....

4. If application is made under s. 26 of the Adoption Act, 1958, state the facts relied on in support of the application.

.....

.....

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

Dated the day of , 19 .

(Signature)

Form 13 Rule 28

Register of Adoptions

In the [county of . Petty Sessional Division of].

No.	Date of decision	Name and address of applicant	Names of infant prior to adoption	Sex of infant	Age of infant	Names of infant after adoption	Minute of decision	Signature of justice adjudicating

SECOND SCHEDULE Rule 9

PARTICULAR DUTIES OF 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 two 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 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 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 him 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.—(1) The guardian ad litem shall, as soon as is reasonably practicable, ascertain whether the infant is able to understand the nature of an adoption order.

(2) If the guardian ad litem is of opinion that the infant is able to understand the nature of an adoption order, he shall forthwith inform the court of his opinion and ascertain whether the infant wishes to be adopted by the applicant.

4. The guardian ad litem shall interview either in person or by an agent appointed by him for that purpose—

(*a*) every individual who is a respondent to the application; and

(*b*) every individual who appears to him to have taken part in the arrangements for the adoption of the infant.

5.—(1) The guardian ad litem shall obtain from every respondent to the application, 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 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 authorising the adoption of the infant by the applicant is freely given and with full understanding of the nature of an adoption order.

8. If either parent of the infant is dead, the guardian ad litem shall forthwith inform the court if he 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 his maintenance by virtue of any order or agreement, the guardian ad litem shall forthwith inform the court if he 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 forthwith inform the court if he learns of any other person or body who wishes, or ought in his opinion, to be heard by the court on the question whether an adoption order should be made.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules make provision for the procedure to be followed in proceedings under Part I of the Adoption Act, 1958, in magistrates' courts. They revoke and replace the Adoption of Children (Summary Jurisdiction) Rules, 1949, as subsequently amended. Certain changes have been made in consequence of the amendments to the Adoption Act, 1950, made by the Children Act, 1958. Other changes have also been made. In particular persons who may be appointed guardian ad litem have been specified by Rule 8: Rule 18 has varied the procedure for fixing the time for the further hearing of an application for an adoption order after an interim order has been made: and Rule 21 provides that the adopters are to be supplied with an abridged copy of the adoption order.