



Jersey

## ADOPTION (AMENDMENT No. 4) RULES 2014

### Arrangement

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Jersey

## ADOPTION (AMENDMENT No. 4) RULES 2014

*Made**25th September 2014**Coming into force**2nd October 2014*

**THE SUPERIOR NUMBER OF THE ROYAL COURT**, in pursuance of Article 18 of the Adoption (Jersey) Law 1961<sup>1</sup>, has made the following Rules –

### 1 Interpretation

In these Rules “principal Rules” means the Adoption Rules 1962<sup>2</sup>.

### 2 Rule 1 amended

In Rule 1 of the principal Rules –

- (a) in paragraph (1), after the definition of “interim order” there shall be inserted the following definition –

“ ‘JFCAS’ means the Jersey Family Court Advisory Service;”;

- (b) after paragraph (2) there shall be added the following paragraph –

“(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.”.

### 3 Rule 8 amended

In Rule 8 of the principal Rules –

- (a) for the words “Minister shall, if he or she consents,” there shall be substituted the words “Judicial Greffier shall appoint JFCAS to”;
- (b) the proviso shall be deleted.

### 4 Rule 9 amended

In Rule 9 of the principal Rules –

- (a) in paragraph (1) for the words “the Minister or the senior probation officer” there shall be substituted the word “JFCAS”;

(b) for paragraph (2) there shall be substituted the following paragraph –

“(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.”.

#### **5 Rule 13 amended**

In Rule 13(d) of the principal Rules the words “he or she is not the guardian ad litem of the infant and” shall be deleted.

#### **6 Rule 14, and Form 6 (in Schedule 1), revoked**

Rule 14 of the principal Rules, and Form 6 (in Schedule 1 to the principal Rules), are revoked.

#### **7 Rule 17 substituted**

For Rule 17 of the principal Rules there shall be substituted the following Rule –

“17

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

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

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

(2) If the guardian ad litem does not believe that the infant 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 infant as the Court thinks fit.”.

#### **8 Rules 25A – 25E inserted**

After Rule 25 of the principal Rules there shall be inserted the following Rules –

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

25A

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**

- (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**

- (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**

- (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**

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.”.

**9 Schedule 1 amended**

In Schedule 1 to the principal Rules –

- (a) for Form 1 there shall substituted the Form 1 in the Schedule to these Rules; and
- (b) in Form 5 the footnote numbered (8) shall be deleted.

**10 Citation**

These Rules may be cited as the Adoption (Amendment No. 4) Rules 2014 and shall come into force on the seventh day after they are made.

**JUDY O’SULLIVAN**

*Family Division Registrar*

**SCHEDULE**

(Rule 9(a))

**“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



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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

<sup>4</sup> See Note 4

h) I am  Male  Female

h) I am  Male  Female

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

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 go straight to **Part 2 About the Child**. Paragraphs (l) to (r) do not apply to you.

If you are applying to adopt **alone**, please tick the box at (l) to (r) below that applies to you. **If you tick (l), (m), (q) or (r) please give the additional information asked for.**

l)  I am the partner of the child's  
 Father  Mother

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

<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

<sup>7</sup> See Note 7

<sup>8</sup> See Note 8

(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 I can satisfy the Court that<sup>10</sup> –

my husband/wife/civil partner cannot be found

**or**

I have separated from my husband/wife/civil partner, we are living apart and the separation is likely to be permanent

**or**

my husband/wife/civil partner is not capable of making an application due to ill-health

**or**

r)  I am applying alone for an adoption order in respect of my own child and I can satisfy the Court that<sup>11</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)

<sup>9</sup> See Note 9

<sup>10</sup> See Note 10

<sup>11</sup> See Note 11

**Part 2 About the child**

a) The child is a

Boy  Girl

b) The child was born on<sup>12</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>13</sup>

Yes  No

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

□□/□□/□□□□

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>14</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>15</sup>

**or**

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

<sup>12</sup> See Note 12

<sup>13</sup> See Note 13

<sup>14</sup> See Note 14

<sup>15</sup> See Note 15

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>16</sup>

**or**

- The following maintenance order/agreement has been made

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>17</sup>.

**or**

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

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<sup>16</sup> See Note 16

<sup>17</sup> See Note 17

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**

1)  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, half-brother)	Type of order made (or applied for)	Date of order made (or date of next hearing)	Name of Court	Case number (or serial number)

**Part 3 About the child’s parents or guardian**

**The child’s mother<sup>18</sup>**

**The child’s father<sup>18</sup>**

a) The name of the child’s mother is  
First name(s) in full

Last name

b) Her address is (if deceased, please write ‘Deceased’ in the address box)

d) The name of the child’s father is  
First name(s) in full

Last name

e) His address is (if deceased, please write ‘Deceased’ in the address box)

<sup>18</sup> See Note 18

c) Her nationality is

f) His nationality is

g) Does he have parental responsibility for the child?<sup>19</sup>

Yes  No

If No, does he intend to apply for an order under Article 5 of the Children (Jersey) Law 2002 (a parental responsibility order) or a residence or contact order in respect of the child?

Yes  No

Don't know

### The child's guardian<sup>20</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>21 22</sup>.

<sup>19</sup> See Note 19

<sup>20</sup> See Note 20

<sup>21</sup> See Note 21

<sup>22</sup> See Note 22

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]

**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>23</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>24</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*)

To the best of my/our knowledge, only person(s) or organisation(s) named in Part 2 of

<sup>23</sup> See Note 23

<sup>24</sup> See Note 24

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 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** If you are applying to adopt alone and you are married or you have a civil partner, you may need to satisfy the Court that:

- your husband/wife or civil partner cannot be found, or
- you have separated from your husband/wife or civil partner, you are living apart, and the separation is likely to be permanent, or
- your husband/wife or civil partner is physically incapable of making an application or lacks the mental capacity to do so.

You must show on the application form which of these three 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.

**Part 3 About the Child's Parent(s) or Guardian**

**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.”.



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- <sup>1</sup> *chapter 12.050*  
<sup>2</sup> *chapter 12.050.50*