

Orders of the Royal Court.



I
1961

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 21st day of March, 1961, before William Henry Arnold, Esquire, C.B.E., Bailiff; present:—Sir John Leale, William Robert Freaque Clark, Esquire, Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, Stanley Walter Gavey, Esquires, and Gilbert Carey de Jersey, Esquire, C.B., Jurats.

THE ADOPTION RULES, 1961

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ORDER OF THE ROYAL COURT

ENTITLED

THE ADOPTION RULES, 1961

THE ROYAL COURT, in exercise of the powers conferred upon it by section ten of the Adoption (Guernsey) Law, 1960, and of all other powers thereunto enabling it, hereby orders:—

1. (1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpretation.

“adoption order” includes a provisional adoption order within the meaning of section thirty-seven of the Law;

“affidavit” means a declaration in writing which is deposed to on oath or by affirmation or solemn declaration by the declarant and which complies with the provisions of Rule 13 of these Rules;

“consular officer” has the meaning assigned to it by the Interpretation Act, 1889, registered on the twentieth day of March, nineteen hundred and twenty-six;

“the Court” means the Royal Court sitting as an Ordinary Court;

“Her Majesty’s Greffier” includes any Deputy Greffier;

“the Island” means the Island of Guernsey and includes the Islands of Herm and Jethou;

“interim order” means an interim order made under section nine of the Law;

“the Law” means the Adoption (Guernsey) Law, 1960;

“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, registered on the first day of September, nineteen hundred and fifty-six, the regular air force as defined by section two hundred and twenty-three of the Air Force Act, 1955, registered on the said first day of September, nineteen hundred and fifty-six, 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 (Guernsey) Law, 1948, shall apply to the interpretation of these Rules as it applies to the interpretation of an enactment.

(3) Except where the context otherwise requires, any reference in these Rules to any enactment shall be construed as including a reference to that enactment as amended, repealed, replaced, extended or applied by or under any other enactment.

Application
for adoption
order.

2. An application for an adoption order shall be in Form 1, and shall be made to the Court by delivering it, or sending it by post, to Her Majesty’s Greffier, together with all documents referred to in the application as attached thereto.

Serial
numbers.

3. If any person proposing to apply to the Court for an adoption order desires that his identity be kept confidential, he may, before making his application, apply to Her Majesty’s Greffier for a serial number to be assigned to him for the purposes of the proposed application, and Her Majesty’s Greffier shall assign a number to him accordingly.

4. 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 school age, every applicant for an adoption order shall supply to Her Majesty's Greffier at the same time as he makes his application the certificate of an authorised medical practitioner as to his health; and for the purposes of such certificate Form 2 may be used.

Medical certificate as to health of applicant.

5. Any report on the health of the infant which is to be used for the purposes of an application for an adoption order shall be supplied by the applicant to Her Majesty's Greffier at the same time as he makes his application; and for the purposes of such report Form 3 may be used.

Report on health of infant.

6. (1) Any document signifying the consent of any person to the making of an adoption order for the purposes of section seven of the Law shall be in Form 4.

Form and attestation of documents signifying consent.

(2) If the said document is executed outside the Island, it shall be sufficiently attested for the purposes of subsection (3) of the said section seven if it is attested by any of the following persons, that is to say—

- (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.

Restriction
on jurisdic-
tion of
Court.

7. If it appears that the applicant has previously made an application for an adoption order in respect of the same infant to the Court, and that the 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.

Appoint-
ment of
guardian
ad litem.

8. (1) Subject to the provisions of Rule 7 of these Rules, the Court shall, as soon as practicable after an application for an adoption order is made, appoint a guardian ad litem of the infant and Her Majesty's Greffier shall furnish him with a copy of the application together with the documents attached thereto.

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

- (a) if the Board consents, a member or servant of the Board;
- (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 like control over the infant as if he were a parent of the infant or has taken part in the arrangements for the adoption of the infant; or
- (ii) he is a member or servant of the Board and the Board or any Committee thereof has taken part in the arrangements for the adoption of the infant.

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—

Duties of guardian ad litem.

(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.

Fixing of time for hearing of application.

11. (1) After the time of the hearing of the application has been fixed, Her Majesty's Greffier shall serve a notice in Form 5 on the applicant.

Notice to applicant of time of hearing and attendance of infant.

(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, Her Majesty's Greffier shall serve on the applicant a notice in Form 6.

12. (1) After the time of the hearing of the application has been fixed, Her Majesty's Greffier shall serve a notice in Form 7 on the following persons, that is to say—

Notice to respondents of application.

- (a) every person, not being an applicant, whose consent to the making of the adoption order is required under subsection (1) of section five of the Law;
- (b) any person having the like control over the infant as if he were a parent of the infant by virtue of Article fifteen of the Law entitled "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes" registered on the tenth day of February, nineteen hundred and seventeen;
- (c) any person liable by virtue of any order or agreement to contribute to the maintenance of the infant;
- (d) in any case where the applicant has given notice to the Board of his intention to apply for an adoption order under subsection (2) of section four of the Law, the Board;
- (e) in any case where the Board or any Committee thereof has taken part in the arrangements for the adoption of the infant, the Board;
- (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.

Attendance
of applicant.

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 affidavit—

- (i) made before a Jurat or a notary public; or
- (ii) if he is outside the Island, made before any person specified in Rule 6 (2) of these Rules.

14. Where the applicant has been served with a notice in Form 6, the Court shall not make an adoption order or an interim order unless— Attendance of infant.

- (a) the infant has attended personally before the Court 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 3 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. Concealment of identity of applicant during hearing.

16. Every application shall be heard and determined in camera. Hearing 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. Proof of identity of infant.

(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.

(3) Where the infant whom the applicant desires to adopt is identified in the application by

reference to a birth certificate which is the same, or relates to the same entry in the Register of Births, as a birth certificate exhibited to a form of consent, the infant whom the applicant desires to adopt shall be deemed, unless the contrary appears, to be identical with the infant to whom the form of consent refers.

(4) Where the infant has previously been adopted, the foregoing paragraph of this Rule shall have effect as if for 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 Register of Births there were substituted a reference to that Register.

Evidence of foreign law of adoption.

18. (1) An applicant for a provisional adoption order shall provide evidence of the law of adoption in the country in which he is domiciled.

(2) 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 in the Island or in the United Kingdom shall be supplied to Her Majesty's Greffier at the same time as the application for that order is made.

Fixing of time for further hearing, etc.

19. (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) After the time for the further hearing of an application has been fixed, Her Majesty's Greffier shall—

- (a) serve on the applicant a notice in Form 8; and
- (b) serve on each respondent to the application a notice in Form 9.

20. An adoption order shall be drawn up in Form 10 and within seven days after the making of the order Her Majesty's Greffier shall deliver or send an abridged copy of the order in Form 11 to the applicant. Form of adoption order, etc.

21. An interim order shall be drawn up in Form 12 and within seven days after the making of the order Her Majesty's Greffier shall deliver or send a copy of the order to the applicant. Form of interim adoption order, etc.

22. Her Majesty Greffier shall not supply a copy of an adoption order or of an interim order or an abridged copy of an adoption order except— Copies of orders.

- (a) in accordance with the provisions of Rule 20 and Rule 21 of these Rules; or
- (b) on the request of the applicant or one of the applicants; or
- (c) on the application of any other person under an order of the Court.

23. Where an adoption order is made or refused or an interim order made, Her Majesty's Greffier shall serve notice to that effect on all parties who were not present when the order was made or refused. Notice to certain parties of making or refusal to make an order.

24. 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 Costs.

thinks just, and in particular may order the applicant to pay—

- (a) the 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.

Amendment and revocation of adoption orders.

25. Any application made under section nineteen of the Law for the amendment of an adoption order or the revocation of a direction to the Registrar or under section twenty of the Law for the revocation of an adoption order may be made ex parte in the first instance but the Court may require notice of the application to be served on such persons as it thinks fit.

Keeping of documents.

26. All documents relating to proceedings under the Law, while they are in the custody of the Court, shall be kept in a place of special security.

Information.

27. 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 except so far as may be necessary for the proper execution of his duty.

Representation of Board in proceedings.

28. Where the Board is a respondent to an application for an adoption order it may appear and be heard at proceedings under the Law by any member or servant of the Board authorised in that behalf.

Service of notices.

29. Unless otherwise directed, any document under these Rules may be served—

- (a) on the Board by delivering it to, or sending it by post to, the Secretary to the

Children Board, St. Peter Port Hospital, St. Peter Port;

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

30. Her Majesty's Greffier shall serve on the guardian ad litem a copy of every notice served on an applicant or respondent.

Copies of notices for guardian ad litem.

31. 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.

Forms.

32. (1) These Rules may be cited as the Adoption Rules, 1961.

Citation and commencement.

(2) These Rules shall come into operation on the twenty-first day of March, nineteen hundred and sixty-one.

FIRST SCHEDULE

Forms to be used in adoption proceedings

FORM 1

Rule 2

No.

APPLICATION FOR ADOPTION ORDER

IN THE ROYAL COURT OF GUERNSEY

IN THE MATTER OF the Adoption (Guernsey) Law, 1960
and

IN THE MATTER OF⁽¹⁾ an infant

[This Form must be completed in duplicate and both copies must be delivered or sent by post to Her Majesty's Greffier but duplicates of the attached documents need not be so delivered or sent. Every paragraph must be completed or deleted, as the case may be.]

I, the undersigned/We, the undersigned
....., being desirous of adopting [or obtaining a
provisional adoption order in respect of]⁽¹⁾,
an infant, under the Adoption (Guernsey) Law, 1960, hereby
give the following particulars in support of my/our applica-
tion.

PART I

Particulars of the applicant[s]

- 1. Name of [first] applicant in full
- Address⁽²⁾
- Occupation
- Date of birth
- Relationship (if any) to the infant

- [2. Name of second applicant in full
 Address⁽²⁾
 Occupation
 Date of birth
 Relationship (if any) to the infant]
- 3. I am/We are resident and domiciled in Guernsey or Herm or Jethou [or I am/We are domiciled in Guernsey or Herm or Jethou but not ordinarily resident in Guernsey or Herm or Jethou]
 [or I am/We are not domiciled in Guernsey or Herm or Jethou].
- 4. I am unmarried/a widow/widower/I am married to
 of/We
 are married to each other and are the persons to whom the
 attached marriage certificate (or other evidence of marriage) relates.
- [5. The consent of my husband/wife to the making of an
 adoption order/a provisional adoption order in pursuance
 of my application is attached [or I request the Court to
 dispense with the consent of my husband/wife on the
 ground that(3)].(4)
- [6. A certificate as to my/our health, signed by an authorised
 medical practitioner, is attached.](5)

PART II

Particulars of the infant

- 7. The infant is of the sex and is not and has
 not been married. He/She was born on the
 day of, 19..., and is the person to whom
 the attached birth/adoption certificate⁽⁶⁾ relates [or was
 born on or about the day of
 19..., in].(7)

- [8. A report on the health of the infant,⁽⁸⁾ made by an authorised medical practitioner on the day of, 19...,⁽⁹⁾ is attached.]
9. The infant is the child/adopted child⁽¹⁰⁾ of⁽¹¹⁾ whose last known address was [or deceased] and⁽¹²⁾ whose last known address was [or deceased].
- [10. The guardian[s] of the infant is/are of [and of].]⁽¹³⁾
11. I/We attach a document/documents signifying the consent of the said⁽¹⁴⁾ to the making of an adoption order/a provisional adoption order in pursuance of my/our application.
- [12. I/We request the Court to dispense with the consent of on the ground that⁽¹⁵⁾.]
- [13. of [and of] has/have the like control over the infant as if he/she/they were a parent of the infant.]⁽¹⁶⁾
- [14. of is liable by virtue of an order made by the on the day of, 19..., [or by an agreement dated the day of, 19...,] to contribute to the maintenance of the infant.]⁽¹⁷⁾
15. If an adoption order/a provisional adoption order is made in pursuance of this application, the infant is to be known by the following names:—

Surname

Other names

PART III

General

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

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

Dated this day of, 19.....

Signature(s)

.....

Notes :

- (1) Enter the first name[s] and surname as shown in any certificate referred to in entry No. 7; otherwise enter the first name[s] and surname by which the infant was known before being placed for adoption.
- (2) Insert the applicant's present address and, where he is not ordinarily resident in Guernsey or Herm or Jethou, the place abroad where he ordinarily resides.
- (3) The consent of the applicant's spouse may be dispensed with if the Court is satisfied that he or she cannot be found or is incapable of giving his or her consent or that the spouses have separated and are living apart and the separation is likely to be permanent.
- (4) This entry should be deleted if the application is made jointly by husband and wife or the applicant is unmarried.
- (5) A separate medical certificate is required in respect of each applicant. There is an official form (Form 2) which may be used for this purpose. No certificate, however, need be supplied if the applicant, or one of the applicants, is the father or mother of the infant or the infant has reached the upper limit of the school age.
- (6) If the infant has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births.
- (7) Where a certificate is not attached, enter the place (including country) of birth, if known.

- (8) As the Court may require up-to-date information as to the health of the infant, a medical report should be attached unless the applicant, or one of the applicants, is a parent or relative of the infant or the infant has reached the upper limit of the school age. There is an official form (Form 3) which may be used for this purpose.
- (9) If the infant is less than one year old on the date of the application, the report should have been made not more than one month before that date. If the infant is one year old or more on that date, the report should have been made not more than six months before that date.
- (10) If the infant has previously been adopted, give the names of his adoptive parents and not those of his natural parents.
- (11) Enter mother's name.
- (12) Enter name of father, if known.
- (13) Guardian means a person appointed by a court of competent jurisdiction to be a guardian.
- (14) Enter the names of the persons mentioned in entries Nos. 9 and 10 except, in the case of an illegitimate infant, his father.
- (15) The consent of a parent or guardian may be dispensed with if the Court is satisfied that the person whose consent is required has abandoned, neglected or persistently ill-treated the infant, or has persistently failed without reasonable cause to discharge the obligations of a parent or guardian, or cannot be found, or is incapable of giving his consent or is withholding his consent unreasonably.
- (16) This entry should be deleted except where some person has the like control over the infant as if he/she were a parent of the infant by virtue of Article fifteen of the Law entitled "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes" registered on the tenth day of February, nineteen hundred and seventeen.
- (17) This entry should be deleted except where some person or body is liable to maintain the infant under a court order or agreement.

- (18) Notice does not have to be given if the applicant or one of the applicants is a parent of the infant or if at the time of the hearing the infant will have reached the upper limit of the school age.
- (19) The Court cannot proceed with the application if a previous application made by the same applicant in respect of the same infant has been heard and dismissed on its merits, unless there has been a substantial change in the circumstances since the previous application.
- (20) Any such payment or reward is illegal except payment to the Children Board in respect of its expenses incurred in connection with the adoption.
- (21) Enter the name of any individual who has taken part in the arrangements for placing the infant in the care and possession of the applicant with a view to his adoption.
- (22) Where the applicant, or one of the applicants, is a parent of the infant or a relative as defined by subsection (1) of section one of the Adoption (Guernsey) Law, 1960, no referee need be named.
- (23) If the applicant wishes his identity to be kept confidential, the serial number obtained under Rule 3 of the Adoption Rules, 1961, should be given; otherwise this entry should be deleted.
- (24) Where the application is for a provisional adoption order, insert the country in which the applicant is domiciled. The applicant must provide evidence of the law of adoption in that country. For this purpose an affidavit as to that law, sworn by a person who is conversant with it and who practises, or has practised, as a barrister or advocate in that country or is a duly accredited representative of the Government of that country in Guernsey or the United Kingdom, will be admissible if attached to the application.
- (25) This entry should be deleted except where the application is for a provisional adoption order.

FORM 2

Rule 4 No.

THE ADOPTION RULES, 1961

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 5 No.

THE ADOPTION RULES, 1961

MEDICAL REPORT ON HEALTH OF INFANT

Note:

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

Child's name Date of birth

Sex Weight Height

A General condition

Skin

Eyes (including vision)

Ears (including hearing)

Nose and throat

Speech

Cardio-vascular system

Respiratory system

Alimentary system

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

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

Nervous system (including fits)

Lymphatic system

Any other comments

Is the child physically normal having regard to 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 Date

Qualifications

Address

FORM 4

Rule 6 (1) No.

CONSENT TO AN ADOPTION ORDER OR A PROVISIONAL ADOPTION ORDER

IN THE ROYAL COURT OF GUERNSEY

IN THE MATTER OF the Adoption (Guernsey) Law, 1960 and

IN THE MATTER OF(1) an infant

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

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

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

1. I understand that the effect of an adoption order will be to deprive me permanently of my rights as a parent/guardian and to transfer them to the applicant[s] [or I understand that the effect of a provisional adoption order will be to enable the applicant[s] to remove the infant from Guernsey, Herm or Jethou for the purpose of adopting him/her abroad and to give the applicant[s] custody of the infant pending his/her adoption]; and in particular I understand that, if an order is made, I shall have no right to see or get in touch with the infant or to have him/her returned to me.
2. I further understand that the Court cannot make an adoption order without the consent of each parent or guardian of the infant unless the Court dispenses with a consent on the ground that the person concerned has abandoned, neglected or persistently ill-treated the infant,

or cannot be found, or is incapable of giving consent, or is unreasonably withholding consent or has persistently failed without reasonable cause to discharge the obligations of a parent or guardian.

- 3. I further understand that, when the application for an adoption order is heard, this document may be used as evidence of my consent to the making of the order unless I inform the Court that I no longer consent⁽⁹⁾.
- 4. I hereby consent to the making of an adoption order/a provisional adoption order in pursuance of the application [on condition that the religious persuasion in which the infant is proposed to be brought up is]⁽¹⁰⁾.
- 5. As far as I know the Children Board has/has not taken part in the arrangements for placing the infant in the care and possession of the applicant[s] and no person has taken part in such arrangements [except of]⁽¹¹⁾.

.....
(Signature)

This form, duly completed, was signed by the said
..... before me⁽¹²⁾ at on the
..... day of, 19.....

Signature
Address
Description

Warning. It is an offence to receive or give any reward or payment for, or in consideration of, the adoption of the infant or for giving consent to the making of an adoption order, other than a payment to the Children Board for its expenses incurred in connection with the adoption.

Notes :

- (1) Insert the name[s] and surname as known to the consenting party.
- (2) Insert either the name of the applicant or the serial number assigned to the applicant for the purpose of the application.

- (3) If the infant has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the original entry in the Register of Births; and the description of the consenting party should include the words "by adoption" where appropriate.
- (4) Delete the words in square brackets except where the consenting party is the mother or father of the infant and the birth certificate has not already been identified by the other parent.
- (5) Delete all but one of the descriptions which follow.
- (6) The mother's consent cannot be given before the infant is six weeks old.
- (7) "Father" does not include the natural father of an illegitimate child.
- (8) "Guardian" means a person appointed by a court of competent jurisdiction to be guardian of the infant.
- (9) Notice will be given of the making of the application. After the making of the application the consenting parent or guardian cannot remove the infant from the care and possession of the applicant except with the leave of the Court.
- (10) Delete the words in square brackets if the applicant is named or if, although the applicant is not named, the consenting party does not desire to impose a condition as to religious upbringing.
- (11) Enter the name of any person who is known to have arranged, or to have taken part in the arrangements, for the infant to be placed in the care and possession of the applicant.
- (12) In Guernsey, Herm and Jethou the document should be signed before a Jurat. Outside Guernsey, Herm and Jethou 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 (1)

No.

NOTICE TO APPLICANT OF TIME OF HEARING

IN THE ROYAL COURT OF GUERNSEY

IN THE MATTER OF the Adoption (Guernsey) Law, 1960

and

IN THE MATTER OF(1) an infant

To of

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

Take notice that the said application will be heard before the Royal Court on the day of, 19....., at o'clock and that your attendance is required.

Dated the day of, 19.....

Her Majesty's Greffier.

Note:

- (1) Enter the name[s] and surname of the infant as shown in the heading of Form 1.

FORM 6

Rule 11 (2)

No.

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

IN THE ROYAL COURT OF GUERNSEY

IN THE MATTER OF the Adoption (Guernsey) Law, 1960
and

IN THE MATTER OF(1) an infant

To of

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

And whereas the said application will be heard before the
Royal Court on the day of, 19.....,
at o'clock:

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

Dated the day of, 19.....

Her Majesty's Greffier.

Note:

- (1) Enter the name[s] and surname of the infant as shown in
the heading of Form 1.

FORM 7

Rule 12 (1)

No.

NOTICE TO RESPONDENT OF APPLICATION FOR ADOPTION ORDER OR PROVISIONAL ADOPTION ORDER

IN THE ROYAL COURT OF GUERNSEY

IN THE MATTER OF the Adoption (Guernsey) Law, 1960 and

IN THE MATTER OF(1) an infant

To of

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

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

Take notice:

A.(3) [That the said application will be heard before the Royal Court on the day of, 19....., at o'clock, and that you may then appear and be heard on the question whether an adoption order/a provisional adoption order should be made.]

B.(3) [That if you wish to appear and be heard on the question whether an adoption order/a provisional adoption order should be made, you should give notice to Her

Majesty's Greffier on or before the day of, 19....., in order that a time may be fixed for your appearance.]

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

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

Dated the day of, 19.....

Her Majesty's Greffier.

Notes :

- (1) Enter the name[s] and surname of the infant as shown in the heading of Form 1.
- (2) The name of the applicant[s] must not be given where a serial number is specified in the application for an adoption order (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 the Children Board or the spouse of the applicant, or where the applicant does not desire his identity to be kept confidential (see the application for an adoption order, entry No. 22). Where a serial number is specified in that entry and the notice

is addressed to an individual respondent other than the spouse of the applicant, paragraph A must be struck out and paragraph B completed.

- (4) Delete words in square brackets except where the notice is addressed to a parent or guardian of the infant.

..... Perforation

To Her Majesty's Greffier

No.

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

* Delete one or other alternative.

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

.....
(Signature)

.....
(Date)

.....
(Address)

FORM 8

Rule 19 (2) (a)

No.

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

IN THE ROYAL COURT OF GUERNSEY

IN THE MATTER OF the Adoption (Guernsey) Law, 1960

and

IN THE MATTER OF(1) an infant

To of

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

And whereas the determination of the said application was postponed and an interim order was made by the Royal Court on the day of, 19.....:

Take notice that the said application will be further heard before the Royal Court on the day of, 19....., at o'clock;

[And take notice that no order can be made unless the infant is present at the further hearing and the Court is satisfied that he has been informed of the nature of the order.](2)

Dated the day of, 19.....

Her Majesty's Greffier.

Notes:

- (1) Enter the name[s] and surname of the infant as shown in the heading of Form 1.
- (2) Delete except where the applicant has previously been served with a notice in Form 6 or where the Court otherwise directs.

FORM 9

Rule 19 (2) (b)

No.

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

IN THE ROYAL COURT OF GUERNSEY

IN THE MATTER OF the Adoption (Guernsey) Law, 1960
and

IN THE MATTER OF(1) an infant

To of

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

And whereas of
was appointed guardian ad litem of the said infant;

And whereas the determination of the said application was
postponed and an interim order made by the Royal Court
on the day of, 19.....:

Take notice:

A.(3) [That the said application will be further heard before the
Royal Court on the day of, 19.....,
at o'clock, and that you may then appear and
be heard on the question whether an adoption order/a
provisional adoption order should be made.]

B.(3) [That if you wish to appear and be heard on the question whether an adoption order/a provisional adoption order should be made, you should give notice to Her Majesty's Greffier on or before the day of, 19....., 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, 19.....

Her Majesty's Greffier.

Notes :

- (1) Enter the name[s] and surname of the infant as shown in the heading of Form 1.
- (2) The name of the applicant[s] must not be given where a serial number is specified in the application for an adoption order (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 the Children Board or the spouse of the applicant, or where the applicant does not desire his identity to be kept confidential (see the application for an adoption order, 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 Her Majesty's Greffier

No.

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

* 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 10

Rule 20

No.

ADOPTION ORDER OR PROVISIONAL ADOPTION ORDER (I)

IN THE ROYAL COURT OF GUERNSEY

IN THE MATTER OF the Adoption (Guernsey) Law, 1960 and

IN THE MATTER OF(1) an infant

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

And whereas the Royal Court is satisfied that the applicant is/applicants are qualified in accordance with the provisions of the Adoption (Guernsey) Law, 1960, to be granted an adoption order/a provisional adoption order in respect of the infant and that all conditions precedent to the making of such an order have been fulfilled:

It is ordered that the applicant[s] be authorised to adopt the infant [or that the applicant[s] be authorised to remove the infant from Guernsey/Herm/Jethou for the purpose of adopting him/her under the law of or within the country in which the applicant is/applicants are domiciled and that the applicant[s] do have the custody of the infant pending his/her adoption as aforesaid];

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

[And as regards costs it is ordered that;]

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

[And whereas the country of birth of the infant has not been proved to the satisfaction of the Court [but it appears probable that the infant was born within the British Islands];]

[And whereas it has been proved to the satisfaction of the Court that the infant is identical with to whom the entry numbered made on the day of, 19..., in the Register of Births relates [or with to whom the entry numbered and dated the day of, 19..., in the Adopted Children Register relates];]

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

It is directed that the Registrar of Births and Deaths of the Island of Guernsey 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 Register of Births/Adopted Children Register be marked with the word "Adopted"/"Re-adopted"/"Provisionally adopted"/"Provisionally re-adopted"].⁽²⁾

Dated this day of, 19...

Her Majesty's Greffier.

SCHEDULE

Date (3) and Country (4) of birth of child	Name and Surname of child (5)	Sex of child (6)	Name and Surname, Address (7) and occupation of adopter or adopters	Date of adoption order (8)

Notes:

- (1) Enter the name[s] and surname of the infant as shown in the heading of Form 1.
- (2) This paragraph should be deleted where the infant is not proved to be identical with a child to whom an entry in the Register of Births or Adopted Children Register relates.
- (3) Where the precise date of the infant's birth is not proved, enter the date determined by the Court to be the probable date.
- (4) Where the country of the infant's birth is not proved, the particulars of the country of birth may be omitted unless it appears probable that the infant was born within the British Islands. In that event enter Guernsey as the country of birth.
- (5) Enter the name or names and surname stated in Form 1 as those by which the infant is to be known or, if no name or surname is so stated, the original name or names of the infant and the surname of the applicant.
- (6) Enter "male" or "female", as the case may be.
- (7) If the applicant is not ordinarily resident in Guernsey, Herm or Jethou, enter the place abroad where he ordinarily resides.
- (8) In the case of a provisional adoption order enter the words "Provisional adoption order" followed by the date of the order.

FORM 11

Rule 20

No.

ADOPTION ORDER OR PROVISIONAL ADOPTION ORDER (II)

IN THE ROYAL COURT OF GUERNSEY

IN THE MATTER OF the Adoption (Guernsey) Law, 1960 and

IN THE MATTER OF(1) an infant

Whereas an application has been made by of [and, his wife,] for an adoption order/a provisional adoption order in respect of(1), an infant:

It is ordered that the applicant[s] be authorised to adopt the infant [or that the applicant[s] be authorised to remove the infant from Guernsey/Herm/Jethou for the purpose of adopting him/her under the law of or within the country in which the applicant is/the applicants are domiciled and that the applicant[s] do have the custody of the infant pending his/her adoption as aforesaid];

And it is directed that the Registrar of Births and Deaths of the Island of Guernsey shall make in the Adopted Children Register an entry recording the particulars set out in the Schedule to this order.

Dated this day of, 19...

Her Majesty's Greffier.

SCHEDULE (2)

Date and Country of birth of child	Name and Surname of child	Sex of Child	Name and Surname, Address and occupation of adopter or adopters	Date of adoption order

Notes :

- (1) Enter the name[s] and surname of the infant as shown in the heading of Form 1.
- (2) Enter in the Schedule the particulars set out in the Schedule to Form 10.

FORM 12

Rule 21

No.

INTERIM ORDER

IN THE ROYAL COURT OF GUERNSEY

IN THE MATTER OF the Adoption (Guernsey) Law, 1960
and

IN THE MATTER OF⁽¹⁾ an infant

Whereas an application has been made by
of [and, his wife]
(hereinafter called the applicant[s]) for an adoption order/a pro-
visional adoption order in respect of⁽¹⁾,
an infant;

And whereas the Royal Court is satisfied that the appli-
cant is/the applicants are qualified in accordance with the pro-
visions of the Adoption (Guernsey) Law, 1960, to be granted
an adoption order/a provisional adoption order in respect of
the infant and that all conditions precedent to the making of
such an order have been fulfilled:

It is ordered that the determination of the application be
postponed and that the applicant[s] do have the custody of
the infant until the day of,
19..., by way of a probationary period [or that the determina-
tion of the application be postponed to the
day of, 19..., and that the applicant[s] do
have the custody of the infant until that day by way of a pro-
bationary 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 Royal Court on the day of , 19... , at o'clock.]

Dated this day of , 19...

Her Majesty's Greffier.

Note:

- (1) Enter the name[s] and surname of the infant as shown in the heading to Form 1.

Rule 9 SECOND SCHEDULE

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 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, in the opinion of the guardian ad litem, the infant is able to understand the nature of an adoption order, the guardian ad litem shall forthwith inform the Court 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 the purpose every individual who is a respondent or 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, 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 in pursuance of the application is freely given and with full understanding of the nature and effect of an adoption order.

8. Where either parent of the infant is dead, the guardian ad litem shall 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 the maintenance of the infant 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.

11. Where the applicant is not ordinarily resident in Guernsey, Herm or Jethou, 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 is ordinarily resident.

R. H. VIDELO,

Her Majesty's Greffier.

Copies may be purchased from
Her Majesty's Greffier, Royal Court. House, Guernsey

PRICE 4/-.