

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 adopt¹

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

**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 number² Yes No

Part 1 About You

First applicant

- a) Title
- Mr Mrs Miss
- Ms Other

- b) My name is³
- First name(s) in full

Last name

- c) My address is (including postcode)

- d) My telephone number is

Second applicant

- a) Title
- Mr Mrs Miss
- Ms Other

- b) My name is³
- First name(s) in full

Last name

- c) My address is (including postcode)

- d) My telephone number is

¹ See Note 1

² See Note 2

³ See Note 3

e) My date of birth is

f) My nationality is

g) My occupation is⁴

h) I am

Male Female

i) My relationship to the child is⁵

e) My date of birth is

f) My nationality is

g) My occupation is⁴

h) I am

Male Female

i) My relationship to the child is⁵

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	

⁴ See Note 4

⁵ See Note 5

Domicile and residence⁶

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: 6A

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

Status

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

- We are married
- We are in a civil partnership
- We are not married/in a civil partnership⁷

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), (qq) or (r) please give the additional information asked for.**

l) I am the partner of the child’s If you have ticked box (l), please go straight to Part 2 About the Child. Paragraphs (m) to (r) do not apply to you⁸.
 Father Mother

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 you⁹.

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

⁶ See Note 6

^{6A} See Note 6A if you are applying for a provisional order

⁷ See Note 6B

⁸ See Note 7

⁹ See Note 8

- n) I am not married/I do not have a civil partner¹⁰
or
- o) I am divorced/my civil partnership has been dissolved⁹
or
- p) I am a widow/a widower/a surviving civil partner⁹
or
- q) I am married/I have a civil partner, and my husband/wife/civil partner has agreed to the making of the adoption order¹¹
- qq) I am married/I have a civil partner, and I can satisfy the Court that the agreement of my husband/wife/civil partner should be dispensed with because¹² -
- my husband/wife/civil partner cannot be found
or
- my husband/wife/civil partner is incapable of giving agreement
or
- my husband/wife/civil partner is unreasonably withholding agreement
or
- the welfare of the child justifies the making of the adoption order without the agreement of my husband/wife/civil partner
or
- r) I am applying alone for an adoption order in respect of my own child and I can satisfy the Court that¹³ -

¹⁰ See Note 9

¹¹ See Note 10

¹² See Note 10A

¹³ See Note 11

the other natural parent has died

or

the other natural parent cannot be found

or

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

Part 2 About the child

a) The child is a

Boy Girl

b) The child was born on¹⁴

/

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 about¹²

/

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 partner¹⁵

Yes No

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

¹⁴ See Note 12

¹⁵ See Note 13

□□/□□/□□□□

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

□□/□□/□□□□

- g) I/We have notified in writing the Fostering and Adoption Service of my/our intention to apply for an adoption order (give details)¹⁶

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 child¹⁷

or

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

Court	
Case number	
Type of order	
Date of order	

Care

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

or

- The Minister does have parental responsibility for the child

¹⁶ See Note 14

¹⁷ See Note 15

Maintenance

j) No maintenance order/agreement has been made in respect of the child¹⁸

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 court¹⁹.

or

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

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

¹⁸ See Note 16

¹⁹ See Note 17

Case concerning a related child

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

or

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

Relationship to child (e.g. sister, 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)

- m) The child had agreed to his or her adoption and Form No.5, duly completed, is attached to this form²⁰.

Part 3 About the child's parents or guardian

The child's mother²¹

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

First name(s) in full

Last name

The child's father¹⁸

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

First name(s) in full

Last name

²⁰ See Note 17A

²¹ See Note 18

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

c) Her nationality is

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

f) His nationality is

g) Does he have parental responsibility for the child²²?

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 guardian²³

h) The name of the child's guardian is

First name(s) in full

Last name

²² See Note 19

²³ See Note 20

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 order²⁴ ²⁵.

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

²⁴ See Note 21

²⁵ See Note 22

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 order²⁶

If the adoption order is name, I/We want the child to be known as -

First name(s) in full

Last name

²⁶ See Note 23

Health reports²⁷

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

[Three empty rectangular boxes for dates]

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)*

[Large empty rectangular box for details]

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

Part 5 Statement of truth

I believe that the facts stated in this

I believe that the facts stated in this

²⁷ See Note 24

application are true.

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 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 HM Forces, you should give your rank and/or profession.

Note 5 Enter your relationship to the child you are applying to adopt, for example, step-parent, foster parent, grandparent, aunt, uncle, other relative (please specify). If you do not currently have any relationship to the child other than as prospective adopter, please enter 'none'.

Note 6 An adoption order cannot be made unless you are domiciled in a part of the United Kingdom, the Channel Islands or the Isle of Man. 'Domicile' is normally taken to mean the place where you have your permanent home. **If you are in any doubt as to whether you meet these conditions, you should seek legal advice.**

Note 6A You do not need to be domiciled in Jersey if you are applying for a provisional order. You must insert the country in which you are domiciled. You must provide evidence of the law of adoption in that country. For this purpose an affidavit as to that law, sworn by a person who is conversant with it and who practises, or has practised, as a barrister or advocate in that

country or is a duly accredited representative of the Government of that country, will be admissible if filed with the application.

Note 6B If you are adopting as a couple but are not married or in a civil partnership together it will be necessary, in considering the application for adoption, for the Court to be satisfied that you are living as a couple in an enduring family relationship. That will be a question of fact in each case.

Note 7 If you are applying to adopt alone and you are the partner (including husband, wife or civil partner) of the child's father or mother or other parent, you should complete paragraph (l) and then go straight to Part 2 About the Child. Paragraphs (m) to (r) do not apply to you.

Note 8 If you are applying to adopt alone and you are the partner (but not the husband, wife or civil partner) of a person who is not the parent of the child you wish to adopt, you should complete paragraph (m). Please give your reasons for applying to adopt alone. If there is not enough room for your reply, you may continue on a separate sheet. You should then go straight to Part 2 About the Child. Paragraphs (n) to (r) do not apply to you.

Note 9 If you are applying to adopt alone and

- you have never been married/had a civil partner, please complete paragraph (n);
- you are divorced, or your civil partnership has been dissolved, please complete paragraph (o) and attach a copy of the Decree Absolute or the Dissolution Order to your application;
- you are a widow or widower or a surviving civil partner, please complete paragraph (p) and attach the death certificate of your deceased husband, wife or civil partner to your application.

Note 10 Tick this box to signify that the agreement of your husband/wife/civil partner to the making of the adoption order has been obtained. Please attach a duly completed Form No.5A (Agreement of spouse or civil partner to an adoption order) to the application form.

Note 10A If you are applying to adopt alone and you are married or you have a civil partner, you will need to satisfy the Court that -

- your husband/wife or civil partner cannot be found, or
- your husband/wife or civil partner is incapable of giving agreement, or
- your husband/wife or civil partner is unreasonably withholding agreement, or
- the welfare of the child justifies the making of the order without the agreement of your husband/wife or civil partner.

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

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

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

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

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

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

Part 2 About the Child

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

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

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

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

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

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

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

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

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

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 of 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."