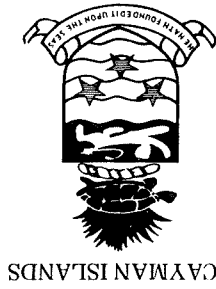


THE ADOPTION OF CHILDREN LAW
(Law 42 of 1967)
(Revised)

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THE ADOPTION OF CHILDREN LAW
(Law 42 of 1967)
(Revised)
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CAYMAN ISLANDS

THE ADOPTION OF CHILDREN LAW

(Law 42 of 1967)

(Revised)

Consolidated with Law 14 of 1968 and revised under the authority of the Law
Revision Law (No. 19 of 1975)

Originally enacted

Law 42 of 1967	30 December, 1967
Law 14 of 1968	12 August, 1968

Amended

Law 27 of 1977	15 December, 1977
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Published in revised form the fourth day of July, 1978 by authority of the Law
Revision Law, 1975 (No. 19 of 1975).

1. This Law may be cited as the Adoption of Children Law (Revised).

Short title.

Interpretation.

2. In this Law —

“adopter” means a person who is proposing to adopt, or who has adopted,
a child in pursuance of an adoption order;

“adoption order” means an order made under section 9;

“Board” means the Adoption Board referred to in section 3;

“child” means a person under the age of eighteen years who has never
been married;

“Court” means the Grand Court;

“father” in relation to an illegitimate child means the natural father;

“guardian” in relation to a child means a person appointed by deed or
will or by a court of competent jurisdiction to be his guardian;

“Judge” means a Judge of the Grand Court;

“member” means a member of the Board;

“Registrar” means the person having general responsibility for the
registration of births in the Cayman Islands;

“relative” in relation to a child, means a grandparent, brother, sister,
aunt or uncle, whether of the full blood or half blood or by affinity, and
includes —

(a) where an adoption order has been made in respect of the child
or any other person, any person who would be a relative of
the child within the meaning of this definition if the adopted
person were the child of the adopter born in lawful wedlock;

(b) where the child is illegitimate the father of the child and any

person who would be a relative of the child within the meaning of this definition if the child were the legitimate child of his father and mother.

3. (1) A Board called the Adoption Board is established which consists of a chairman and not more than five other members appointed by the Governor in Council.

(2) Each appointment is for a period of two years unless revoked by the Governor in Council.

(3) At meetings of the Board from which the chairman is absent the members present shall appoint one of their number to the chair.

(4) The quorum of the Board is three.

(5) The Governor may appoint any person to act in the place of a member who is absent or unable to act.

(6) The Board has power to regulate its own procedure.

(7) (a) The Board may with the approval of the Governor appoint and employ at such remuneration and on such terms and conditions as it thinks fit such officers, agents and servants as it deems necessary for the proper carrying out of this Law.

(b) The expenses of the Board (including the remuneration of its staff) are defrayed out of sums provided for the purpose by the Legislative Assembly.

(8) The Board may appear and be represented in court by one of its officers or by any person it authorizes in that behalf.

Restriction on making arrangements for the adoption of children.

4. (1) Subject to the provisions of section 5, whoever takes part in arranging an adoption for gain or reward or in the management or control of a body of persons other than the Board which exists wholly or in part for the purpose of making arrangements for the adoption of children, is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding \$400 or both.

(2) A person is deemed to make arrangements for the adoption of a child if he, not being the parent or guardian of the child, enters into or makes any agreement or arrangement for, or for facilitating, the adoption of the child by any other person, whether the adoption is effected or is intended to be effected, in pursuance of an adoption order or otherwise or if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangement in that behalf, or if he causes another so to do.

Duties of Board.

5. It is the duty of the Board to —

(a) make arrangements for the adoption of children and for that purpose to receive applications from parents, guardians and adopters;

(b) do such things and make such investigations concerning the adoption of children for the consideration of the Court as may be prescribed under section 8.

Arrangements

6. (1) Where arrangements are made by the Board for the adoption of a child,

an application to the Court for an adoption order in respect of the child shall not be made by the adopter until the expiration of a period of three months from the date upon which the child is delivered into the care and possession of the adopter pursuant to the arrangements and, at any time during that period —

(a) the adopter may give notice in writing to the Board of his intention not to adopt the child; or
(b) the Board may cause notice in writing to be given to the adopter of its intention not to allow the child to remain in the care and possession of the adopter, and, where a notice is so given, the adopter shall, within seven days of the date on which the notice was given, cause the child to be returned to the Board for the purpose of restoring the child to the parents or guardian.

(2) The Board shall appoint one or more persons whose duty shall be to keep the child under close supervision during the said period of three months in accordance with the Regulations.

(3) If, at the expiration of the said period of three months, no notice has been given as aforesaid, the adopter shall within three months from the date upon which that period so expired apply to the Court for an adoption order in respect of the child or shall give notice in writing to the Board of his intention not to apply for such an order, and, where notice is so given or where an application for an adoption order in respect of the child is refused by the Court, the adopter shall, within seven days of the date on which the notice was given or of the date upon which the application is so refused, as the case may be, cause the child to be returned to the Board for the purpose of restoring the child to the parents or guardian.

(4) Any person who contravenes the provisions of this section is guilty of an offence and liable on summary conviction to imprisonment for a term of six months, or to a fine of \$100 or both, and the Court by which the offender is convicted may order a child in respect of whom the offence is committed to be returned to his parents or guardian or to the Board.

7. Where a person has made representations to the Board with a view to the adoption of a child, and the Board is of the opinion that the adoption of the child by such person would not be in the best interests of the child, the Board shall notify such person accordingly, and such person may appeal from the decision of the Board to a Judge in Chambers.

8. (1) The Governor in Council may make regulations —
(a) for regulating the conduct of negotiations entered into by or on behalf of the Board with persons having the care and possession of children who are desirous of causing children to be adopted, and in particular for securing —

(i) that, where the parent or guardian of a child proposes to place the child at the disposition of the Board with a view to the child being adopted, he shall be furnished with a memorandum in the prescribed form explaining in ordinary language the effect, in relation to his rights as a parent or guardian, for the making of an adoption order in respect of the child, and calling attention to the provisions of this Law and of any rules made hereunder relating to the consent of a parent or guardian to the making of such an order, and

(ii) that, before so placing the child at the disposition of the Board,

made by Board.

Appeals by persons desirous of adopting children.

Regulations.

First Schedule.

the parent or guardian shall sign a document in the prescribed form verifying that he has read and understood the said memorandum;

(b) for requiring that the case of every child proposed to be delivered by or on behalf of the Board into the care and possession of an adopter shall be considered by a committee (to be called a "case committee") comprised of not less than three members of the Board;

(c) for prescribing, in the case of every such child as aforesaid, the inquiries which must be made and the reports which must be obtained by the Board in relation to the child and the adopter for the purpose of ensuring so far as may be, the suitability of the child and the adopter respectively, and, in particular, for requiring that a report on the health of the child and prospective adopter signed by a duly qualified medical practitioner must be obtained by the Board;

(d) for securing that no such child shall be delivered into the care and possession of an adopter by or on behalf of the Board until the adopter has been interviewed by the case committee or by some person on their behalf, until a representative of the committee has inspected any premises in the Islands in which the adopter intends that the child should reside permanently, and until the committee have considered the prescribed reports;

(e) for making provision for the care and supervision of children who have been placed by their parents or guardians at the disposition of the Board;

(f) generally for carrying out the purposes of this Law.

(2) Whoever contravenes a regulation made under this section is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 and, in the case of a second or subsequent conviction, to a fine not exceeding \$100.

(3) The Regulations prescribed in the First Schedule have application until varied by virtue of subsection (1).

9. (1) Subject to this Law, the Court may, upon an application made in the prescribed manner by a person domiciled in the Islands make an order authorising the applicant to adopt a child.

(2) An adoption order may be made on the application of two spouses authorising them jointly to adopt a child.

(3) An adoption order may be made authorising the adoption of a child by the mother or father of the child, either alone or jointly.

10. (1) An adoption order shall not be made in respect of a child unless the applicant or, in the case of a joint application, one of the applicants —
(a) has attained the age of twenty-five; or
(b) has attained the age of eighteen and is a relative of the child; or
(c) is the mother or father of the child.

(2) An adoption order shall not be made in respect of a child who is a female in favour of a sole applicant who is a male, unless the Court is satisfied

Restrictions on making adoption orders.

Power to make adoption orders.

First Schedule.

that there are special circumstances which justify making such an order.

(3) Except as provided by subsection (2) of section 9, an adoption order shall not be made authorising more than one person to adopt a child.

(4) Subject to the provisions of section 11, an adoption order shall not be made —

(a) in any case, except with the consent of every person who is a parent or guardian of the child or who is liable by virtue of any order or agreement to contribute to the maintenance of the child;

(b) on the application of a spouse, except with the consent of the other spouse.

(5) Subject to subsection (6) an adoption order shall not be made unless the applicant and the child reside in the Islands.

(6) An adoption order may be made on the application of a person who, though domiciled in the Islands, is not ordinarily resident in the Islands; so, however, that in relation to such an application the provisions of this Law shall be modified by the substitution in subsections (1), (2) and (3) of section 6 of the words "period of six months" for the words "period of three months."

Consent to adoption.

11. (1) The Court may dispense with any consent required by paragraph (a) of subsection (4) of section 10 if it is satisfied —

(a) in the case of a parent or guardian of the child, that he has abandoned, neglected or persistently ill-treated the child or has persistently failed without reasonable cause to —

(i) discharge the obligations of a parent or guardian of the child; or

(ii) demonstrate interest in the child;

(b) in the case of a person liable by virtue of an order or agreement to contribute to the maintenance of the child, that he has persistently neglected or refused so to contribute;

(c) in any case, that the person whose consent is required cannot be found or is incapable of giving his consent or that his consent is unreasonably withheld or for any other reason such consent should be dispensed with.

(2) The Court may dispense with the consent of the spouse of an applicant for an adoption order if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving the consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

(3) The consent of any person to the making of an adoption order in pursuance of an application (not being the consent of the child) may be given either unconditionally or subject to conditions with respect to the religious persuasion in which the child is to be brought up) without knowing the identity of the applicant for the order; and where consent so given by any person is subsequently withdrawn on the ground only that he does not know the identity of the applicant, his consent shall be deemed for the purposes of this section to be unreasonably withheld.

(4) While an application for an adoption order in respect of a child is pending in the Court, a parent or guardian of the child who has signified his

consent to the making of an adoption order in pursuance of the application shall not be entitled, except with the leave of the Court, to remove the child from the care and possession of the applicant; and in considering whether to grant or refuse such leave the Court shall have regard to the welfare of the child.

12. (1) Subject to this section, the Court may, upon an application for an adoption order, postpone the determination of the application and make an interim order giving the custody of the child to the applicant for a period not exceeding two years by way of a probationary period upon such terms as regards provision for the maintenance, education and supervision of the child and otherwise as the Court may think fit.

(2) All such consents as are required to an adoption order shall be necessary for an interim order but subject to a like power on the part of the Court to dispense with any such consent.

(3) An interim order is not an adoption order.

13. (1) Where any person whose consent to the making of an adoption order is required by paragraph (a) of subsection (4) of section 10 does not attend in the proceedings for the purpose of giving it, then, subject to subsection (3) of this section, a document signifying his consent to the making of such an order shall, if the person in whose favour the order is to be made is named in the document or (where the identity of that person is not known to the consenting party) is distinguished therein in the prescribed manner, be admissible as evidence of that consent, whether the document is executed before or after the commencement of the proceedings.

(2) Where any such document is attested by a Justice of the Peace the document shall be admissible as aforesaid without further proof of the signature of the person by whom it is executed; and for the purpose of this subsection, a document purporting to be attested as aforesaid shall be deemed to be so attested, and to be executed and attested on the date and at the place specified therein, unless the contrary is proved.

(3) A document signifying the consent of the mother of a child shall not be admissible under this section unless —
(a) the child is at least six weeks old on the date of the execution of the document; and
(b) the document is attested on that date by a Justice of the Peace.

14. (1) The Court before making an adoption order shall be satisfied —
(a) that every person whose consent is necessary and not dispensed with has consented to and understands the nature and effect of the order for which application is made, and in particular in the case of any parent, understands that the effect of the adoption order will be permanently to deprive him of his parental rights;
(b) that the order if made will be for the welfare of the child, due consideration being for this purpose given to the wishes of the child, having regard to its age and understanding; and
(c) that the applicant has not received or agreed to receive, and that no person has made or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except

Evidence of consent of parent or guardian.

Functions of Court as to adoption orders.

Interim orders.

such as the Court may sanction.
(2) The Court in an adoption order may require such terms and conditions as it may think fit, and in particular may require the adopter by bond or otherwise to make for the child such provision (if any) as in the opinion of the Court is just and expedient.

Rights and duties of parents and capacity to marry.

15. (1) Upon an adoption order being made, all rights, duties, obligations and liabilities of the parents or guardians of the child in relation to its future custody, maintenance and education, including all rights to appoint a guardian and to consent or give notice of dissolution of marriage, shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as if the child were a child born to the adopter in lawful wedlock; and in respect of the matters aforesaid the child shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock.

(2) In any case where two spouses are the adopters, the spouses shall in respect of the matters aforesaid, and for the purpose of the jurisdiction of the Court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the child in the same relation as they would have stood if they had been the lawful father and mother of the child and the child shall stand to them respectively in the same relation as to a lawful father and mother respectively.

(3) For the purpose of the law relating to marriage, an adopter and the person whom he has been authorised to adopt under an adoption order shall be deemed to be within the prohibited degrees of consanguinity; and the provisions of this subsection shall continue to have effect notwithstanding that some person other than the adopter is authorised by a subsequent order to adopt the same child.

Affiliation orders, etc.

16. (1) Where an adoption order is made in respect of a child who is illegitimate, then, subject to this section, an affiliation order or decree of affiliation in force with respect to the child, and any agreement whereby the father of the child has undertaken to make payments specifically for the benefit of the child, shall cease to have effect, but without prejudice to the recovery of any arrears which are due under the order, decree or agreement at the date of the adoption order.

(2) Where a child to whom any such order, decree or agreement as aforesaid relates is adopted by his mother, and the mother is a single woman, the order shall not cease to have effect by virtue of the foregoing subsection upon the making of the adoption order, but shall cease to have effect if she subsequently marries.

Intestacies, wills and settlements.

17. (1) Where, at any time after the making of an adoption order, the adopter or the adopted person or any other person dies intestate in respect of any real or personal property (other than property subject to an entailed interest under a disposition made before the date of the adoption order), that property shall devolve in all respects as if the adopted person were the child of the adopter born in lawful wedlock and were not the child of any other person.

(2) In any disposition of real or personal property made, whether by instrument *inter vivos* or by will (including codicil), after the date of an adoption order —
(a) any reference (whether express or implied) to a child of the adopter

shall, unless the contrary intention appears, be construed as, or as including, a reference to an adopted child;

(b) any reference (whether express or implied) to a child of the adopted person's natural parents or either of them shall, unless the contrary intention appears, be construed as not being, or as not including, a reference to the adopted person; and

(c) any reference (whether express or implied) to a person related to the adopted person in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to him in that degree if he were the child of the adopted born in lawful wedlock and were not the child of any other person.

18. (1) For the purpose of the devolution of any property in accordance with the provisions of section 17, and for the purposes of the construction of any such disposition as is mentioned in that section, an adopted person shall be deemed to be related to any other person being the child or adopted child of the adopter or (in the case of a joint adoption) of either of the adopters —

(a) where he or she was adopted by two spouses jointly, and that other person is the child or adopted child of both of them, as brother or sister of the whole blood;

(b) in any other case as brother or sister of the half-blood.

(2) For the purposes of subsection (2) of section 17 and of subsection (4) of this section a disposition made by will or codicil shall be treated as made on the date of the death of the testator.

(3) Notwithstanding anything in section 18, trustees or personal representatives may convey or distribute any real or personal property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein, and shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution; but nothing in this subsection shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it.

(4) Where an adoption is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of section 17, in relation to the devolution of any property on the death of a person dying intestate after the date of the subsequent adoption order and in relation to any disposition of property made or taking effect on the death of a person dying after that date.

19. An adoption order or an interim order may be made in respect of a child who has already been the subject of an adoption order, and, upon any application for such further adoption order or interim order, the adopter or adopters under the adoption order last previously made shall be deemed to be the parent or parents of the child for all purposes of this Law.

20. (1) The Court having jurisdiction to make adoption orders under this Law is the Grand Court.

(2) Rules directing the manner in which applications to the Court are to be made for regulating appeals under section 7 and dealing generally with all the

Provisions supplementary to section 17.

Power to make subsequent order.

Jurisdiction and procedure.

matters of procedure and incidental matters arising out of this Law, and carrying this Law into effect shall be made by a Judge. Such rules may provide for applications for adoption orders being heard and determined otherwise than in open Court.

(3) Until varied or revoked by Rules made under the provisions of sub-section (2), the Rules contained in the Second Schedule are in force.

21. (1) It is not lawful for any advertisement to be published indicating that —
(a) the parent or guardian of a child is desirous of causing the child to be adopted; or

(b) a person is desirous of adopting a child, or any person (not being the Board) is willing to make arrangements for the adoption of a child.
(2) Any person who causes to be published, or knowingly publishes an advertisement in contravention of the provisions of this section is guilty of an offence and liable on summary conviction to fine not exceeding \$100.

Provisions as to existing de facto adoptions.

22. Where at the date of the commencement of this Law any child was in the custody of, and being brought up, maintained and educated by any person or two spouses jointly as his, her or their own child under any de facto adoption, and has for a period of not less than two years before such commencement been in such custody, and been so brought up, maintained and educated, the Court may, upon the application of such person or spouses, and notwithstanding that the applicant is male and the child a female, make an adoption order authorising him, her or them to adopt the child without requiring the consent of any parent or guardian of the child to be obtained, upon being satisfied after inquiry by the Board that in all the circumstances of the case it is just and equitable and for the welfare of the child that no such consent should be required and that an adoption order should be made.

Restrictions on sending children abroad for adoption.

23. (1) It is not lawful for a person, in connection with any arrangements made for the adoption of a child who is a British subject, to permit, or to cause or procure, the care and possession of the child to be transferred to a person who is not a citizen of a country listed in the Fifth Schedule or the guardian or a relative of the child and who is resident outside the Islands.

Fifth Schedule.

(2) It is not lawful for a person, in connection with any such arrangements as aforesaid, to permit, or to cause or procure, the care and possession of such a child as aforesaid to be transferred to a person who is a citizen of a country listed in the Fifth Schedule resident outside the Islands and who is not the guardian or a relative of the child, unless a licence has been granted in respect of the child under section 24.

(3) Whoever contravenes this section is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding \$100 or both.

(4) In any proceedings under this section, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer is admissible in evidence, and it is not necessary to prove the signature or official character of the person who appears to have signed such report or deposition.

Fifth Schedule.

(5) The Governor in Council may from time to time amend the Fifth Schedule.

License to send

24. (1) A Judge may grant a licence in the form appearing in the Third

child abroad for adoption. Third schedule. Fifth schedule. Schedule, and subject to such conditions and restrictions as he thinks fit, have been made to be transferred to a citizen of a country listed in the Fifth Schedule resident outside the Islands: but subject to this section no such licence shall be granted unless the Judge is satisfied —

(a) that the application is made by or with the consent of every person who is a parent or guardian of the child in question, or who has the actual custody of the child, or who is liable to contribute to the support of the child; and

(b) by a report of a British consular officer or any other person who appears to the Judge to be trustworthy that the person to whom the care and possession of the child is transferred is a suitable person to be entrusted therewith, and that the transfer is likely to be for the welfare of the child, due consideration being given to the wishes of the child, having regard to its age and understanding.

(2) The Judge may dispense with any consent required by paragraph (a) of subsection (1) if satisfied that the person whose consent is to be dispensed with has abandoned or deserted the child or cannot be found or is incapable of giving such consent or, being a person liable to contribute to the support of the child, either has persistently neglected or refused to contribute to such support or is a person whose consent ought, in the opinion of the Judge and in all the circumstances of the case, to be dispensed with.

(3) Where the Judge grants a licence under this section, he may authorize the making or receipt by any person of any payments in consideration of the transfer of the care and possession of the child in respect of whom the licence is granted.

(4) Rules governing the application for and grant of licences are prescribed in the Third Schedule, and those Rules may be added to, varied or revoked by Rules made under or by virtue of subsection (2) of section 20.

(5) In any proceedings under this section, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer is admissible in evidence, and it is not necessary to prove the signature or official character of the person who appears to have signed such report or deposition.

25. (1) The Registrar appointed under the Registration (Births and Deaths) Law maintains at his office a register called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries.

(2) Adoption orders shall contain a direction to the Registrar to make in the Adopted Children Register any entry recording the adoption in the form prescribed in the Fourth Schedule.

(3) For the purposes of compliance with subsection (2) —
(a) where the precise date of the child's birth is not proved to the satisfaction of the Court, the Court shall determine the probable date of its birth and the date so determined shall be specified in the order as the date of birth;
(b) where the name or surname which the child is to bear after the

adoption differs from its original name or surname the new name or surname shall be specified in the order instead of the original name, and where the country of birth of the child is not proved to the satisfaction of the Court, the particulars of that country may be omitted from the order and from the entry in the Adopted Children Register.

(4) The Court shall cause every adoption order to be communicated to the Registrar, and upon receipt of such communication the Registrar shall cause compliance to be made with the directions contained in such order in regard both to marking any entry in the Register of Births with the word "adopted" and in regard to making the appropriate entry in the Adopted Children Register.

(5) A certified copy of any entry in the Adopted Children Register if purporting to be signed by the Registrar shall, without any further or other proof of such entry where the entry is made in accordance with subsection (4), be received not only as evidence of the adoption to which it relates but also as evidence of the date of the birth of the child to which it relates in all respects as though the same were a certified copy of an entry in the Register of Births.

(6) The Registrar shall cause an index of the Adopted Children Register to be made and kept in his office, and every person shall be entitled to search such index and to have a certified copy of any entry therein in all respects upon, and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Births and Deaths Registration Law, 1978, in respect of searches in indices relating to births and deaths kept in the office of the Registrar, and in respect of the supply from such office of certified copies of entries in the Registers of Births and deaths.

(7) The Registrar shall, in addition to the Adopted Children Register and the index thereof, keep such other registers and books, and make such entries therein as may be necessary, to record and make traceable the connexion between an entry in the Register of Births which has been marked "adopted" pursuant to this Law and any corresponding entry in the Adopted Children Register, but such last-mentioned registers and books shall not be nor shall any index thereof be open to public inspection or search, nor, except under an order of a court of competent jurisdiction, shall the Registrar furnish any person with any information contained in or with any copy or extract from any such registers or books.

FIRST SCHEDULE

Adoption of Children Regulations (Revised)
(Section 8(3))

1. These Regulations may be cited as the Adoption of Children Regulations (Revised).
Citation.

2. In these Regulations —
Interpretation.
"case committee" means the committee referred to in section 8(1)(b);
"Law" means the Adoption of Children Law (Revised); and
"section" means a section of the Law.

3. Every person desirous of adopting a child shall first make application to the Board according to Form A in the First Appendix and submit with such application the certificate of a registered medical practitioner according to Form B in the said Appendix as to the physical and mental health of such person:
Form B, First Appendix.
Provided that where the adopter is the natural father or mother of the child he or she shall not be required to submit a certificate as aforesaid unless requested by the Board so to do.

4. The Board shall furnish the parent or guardian of the child with a memorandum according to Form C in the First Appendix and shall not proceed further with any negotiations or arrangements for the adoption of the child unless the parent or guardian has signed and delivered to the Board a certificate (which the Board shall retain) according to Form D in the said Appendix to the effect that he has read and understood the memorandum and agrees to the terms of the last paragraph hereof.
Form D, Appendix: Form C, First Appendix, and furnished and receipt therefor.

5. The Board shall make enquiries and obtain reports on the matters set out in the Second Appendix and generally on all matters appertaining to the welfare of the child, and the report on the health of the child shall be signed by a registered medical practitioner. The case shall be considered by a case committee appointed by the Board for the purpose and consisting of not less than three members of the Board.
Enquiries by Board, Second Appendix.

6. No child shall be delivered by the Board into the care and possession of an adopter until —
Pre-requirements to delivery of child.
(a) the adopter has been interviewed, and any premises in the Islands in which the adopter intends that the child should reside permanently have been inspected by the case committee or by some person on their behalf;
(b) the case committee have considered the reports required by regulation 5.

7. At least once during every month of the probationary period of three months or six months, as the case may be, prescribed by section 6 or section 10, or, Representative of Board.
V I S I T S b y

where an interim order has been made under section 12, of the period of such order, a representative of the Board shall visit the child and also visit or otherwise make contact with the parents or guardian of the child and shall report upon the case and result of such visits and contact to the case committee. If the case committee so recommends, the Board shall immediately remove the child from the care and possession of the adopter.

FIRST APPENDIX

Form A APPLICATION TO BOARD

I (or We) the undersigned desire to make application to the Adoption Board in respect of a

* Male
or
child, approximately aged
Female
or the child named
now residing at

I (or We) hereby undertake that the particulars given below are true to the best of my (our) knowledge and belief.

1. Name(s)
2. Address(es)
3. Country of domicile
4. Date(s) of birth
5. Religion
6. Names and addresses of two responsible persons able to vouch the character of the adopter(s)

* Delete words which do not apply.

N.B.— Where the application is made by one or two spouses, their marriage certificate must be affixed to this form.

Form B

MEDICAL EXAMINATION OF THE APPLICANTS

(Where a joint application is made, an examination of each applicant is required).

Matters on which information should be obtained:

Name Age Occupation
Address

A. Whether the applicant has suffered at any time from:—

- (1) Any nervous or mental disorder
- (2) Fits of any kind
- (3) Tuberculosis

B. Whether he/she is now in good health

C. Whether there is any relevant family history of mental or physical disease

D. Whether there is any detectable abnormality in the

(1) Cardio-vascular system (including blood pressure)

(2) Respiratory system (including chest X-ray if thought desirable)

(3) Genito-urinary system (including urine tests for sugar and albumen.)

(4) Alimentary system

(5) Central nervous system

(6) Skin

(7) Eyes

(8) Ears and hearing.

If so, give particulars

E. General opinion of examining doctor in regard to the applicant's

(1) Physique

(2) Mental and emotional stability

(3) Psychological suitability to adopt a child.

F. Whether there is any reason to expect that the applicant's health may deteriorate before the child has reached the age of independence.

Signature.....
Date of Examination.....

Qualifications

Form C

MEMORANDUM TO BE FURNISHED BY BOARD TO PARENT OR GUARDIAN PROPOSING TO PLACE CHILD AT DISPOSITION OF BOARD.

ADOPTION OF CHILDREN LAW (REVISED)

If an adoption order is made in respect of your child, all your rights and duties with regard to the child will be transferred permanently to the adopter. If you have taken out an insurance policy against funeral expenses for the child, the insurers will be able to advise you whether the policy can be transferred to the adopters, as is often the case.

It is for the adopters to apply for an adoption order, but unless there is some special reason to the contrary, the court which deals with the application will not make an order without your consent. The main grounds on which an adoption order can be made without the consent of a child's parents or guardians are that they have deserted the child or cannot be found or are out of their proper senses or otherwise incapable of giving consent. You may have to appear before the court in private to tell them whether you agree to the adoption.

Form D.

CERTIFICATE OF RECEIPT OF MEMORANDUM TO BE FURNISHED TO BOARD BY PARENT OR GUARDIAN PROPOSING TO PLACE CHILD AT DISPOSITION OF BOARD.

To: The Adoption Board

I hereby certify that I received from the Adoption Board a memorandum, Form C, headed

"Adoption of Children Law (Revised)," from which I have detached this form of acknowledgment: that I have read the memorandum and understand it and agree to the terms thereof.

Signature:

Address:

Before

Justice of the Peace

Date

SECOND APPENDIX
PART I - PARTICULARS RELATING TO THE CHILD

1. Name
2. Address
3. (a) Date of birth
(b) Weight at birth
(c) Present weight
(d) Was the mother's confinement normal or instrumental?
4. Is the child a British subject?
5. If baptised, state place of baptism, and denomination
6. Full name, address and age of child's parents
If dead, state date of death
7. Parents' religion (s)
8. Has either parent any other children? If so, state age and sex of each
9. Is there any history of insanity, tuberculosis, or other disease in the family of either parent?
10. Why is the child offered for adoption?
11. Has the child any right or interest in property? If so, give full particulars.
12. Has any insurance been effected on the life of the child?
13. If the mother is alive —
(a) is she married? If so, to whom?
(b) does she consent to the adoption?
14. If the father is alive —
(a) is he married? If so, to whom?
(b) if not, is he otherwise liable to contribute to the child's maintenance? If so, give particulars. (If the parents are separated, state whether there is a separation order in force.)
(c) does he consent to the adoption?
15. If the child has guardians, state:
(a) their names and addresses;
(b) how and by whom they were appointed;
(c) whether they consent to adoption.
16. (a) Are any other persons liable to contribute to the support of the child?
(b) If so, do they agree to adoption?

17. If the answer to question 13(b), 14(c), 15(c), or 16(b) is "No", the reason should be stated.
18. Was the child:—
(a) entirely breast fed?
(b) partially breast fed; or
(c) entirely bottle fed?
19. (a) when did the child begin to walk?
(b) when did the child begin to talk?

PART II — MEDICAL CERTIFICATE

(The medical report must be signed by a registered medical practitioner)

1. State of nutrition of the child (good, fair, poor).
2. Are there any evidences of syphilis or other venereal diseases? State laboratory tests applied and their results.
3. Is there any evidence of tuberculosis?
4. Has the child had fits? If so, state nature.
5. Is there, or has there been any affection of the skin?
6. Is there, or has there been any affection of the eyes? Is the sight normal?
7. Has the child had any discharge from the ears, or any serious ear trouble, and can it hear well?
8. Are the nose and throat in healthy condition?
9. Is there any evidence of disease of heart or lungs?
10. Has the child normal control of bowels and bladder for its age?
11. Is the child now suffering from any infectious or contagious disease?
12. Has the child had malaria, typhoid fever, measles, chicken-pox, whooping cough, diphtheria, or mumps?
13. Has the child been vaccinated?
14. Is the child's mental and physical development normal for its age?
15. Has the child any physical deformities?
16. Are behaviour, speech and articulation normal for its age?
17. If the child has been neglected, or improperly fed, do you consider its constitution such that good nursing and proper care would make it suitable for adoption?
18. Give particulars of any condition, not mentioned above, about which you consider an adopter should be informed.

SECOND SCHEDULE

(Section 20 (3))

ADOPTION OF CHILDREN RULES (REVISED)

1. These Rules may be cited as the Adoption of Children Rules (Revised).

Citation.

2. In these Rules —

Interpretation.

“applicant” means the person or persons making an application for an adoption order under the Law;

“Law” means the Adoption of Children Law (Revised);

“section” means a section of the Law; and

section 2 applies.

3. (1) Every application for an adoption order shall be made by summons and shall be intitled in the matter, the child and in the matter of the Law and there shall be presented to the Court a written statement in duplicate according to Form A in the Appendix, accompanied by a statement of particulars according to Form B in the said Appendix and (except where the applicant is the mother or father of the child) written consents according to Form D in the said Appendix.

Application, etc.
Appendix: Forms
A, B, C and D.

(2) Except in a case where the applicant has made a previous application to a Court in respect of the same child, or the Court specially requires the attendance of the applicant the attendance in person of the applicant shall not be necessary for the purpose of lodging the aforesaid statement and documents. (3) The Board shall lodge in the Court on every application for an adoption order the certificate of the parent or guardian of the child referred to in regulation 4 of the Adoption of Children Regulations (Revised), and a statement with respect to the identity of the child in the Form C in the Appendix hereto.

(4) If any person proposing to apply to the Court for an adoption order desires that his identity shall be kept confidential, he may, before taking out the appropriate summons apply to the Clerk of the Court for a serial number to be assigned to him for the purposes of the proposed application and such a number shall be assigned to him accordingly.

(5) Unless it appears from the application, or is otherwise shown to the satisfaction of the Court, that the applicant does not desire that his identity should be kept confidential, the proceedings shall be conducted with a view to securing that he is not seen by or made known to any individual being a respondent (other than the child or spouse of the applicant); and in particular the Court shall direct that the applicant (unless his attendance is dispensed with under rule 7) shall attend and be heard and examined separately and apart from any such respondent.

4. If it appears to the Court that the applicant has made a previous application under the Law in respect of the same child, the Court shall not entertain the application unless satisfied that there has been a substantial change in the circumstances.

Circumstances in which Court will entertain second application for same child.

5. (1) The Court shall appoint some person to be guardian ad litem of the

Guardians ad litem

child in respect of whom the application is made.

(2) The following persons shall be made respondents, namely, the child in respect of whom the application is made, every person who is a parent or guardian of the child or has the actual custody of the child or is liable to contribute to the support of the child, and where the applicant has a spouse who is not also an applicant, the spouse of the applicant.

(3) The Court shall fix a time for the hearing of the application and shall issue a notice according to Form E in the Appendix addressed to the respondents and shall direct the Board to cause such notice to be served on each of them:

Provided that where the child is in actual custody of any person such notice need not be served on the child, but may require such person to produce the child to the Court, unless the Court is satisfied by a report from the Board that special circumstances exist which render it inexpedient or unnecessary that the child shall personally attend before the Court.

(4) Any notice under these Rules shall be served upon any respondent to whom it is addressed either by delivering a copy to him personally or by leaving a copy with some person for him at his last known or usual place of abode or by sending a copy by registered post to him at his last known or usual place of abode, whether such place of abode is in the Islands or elsewhere.

6. All proceedings under the Law shall be made, heard and determined in camera.

7. (1) Subject to the provisions of this rule, an adoption order or an interim order shall not be made except after the personal attendance before the Court of the applicant and the parent or guardian of the child; notwithstanding in the case of the parent or guardian, that written consent has been obtained or that the Court is asked to dispense with consent.

(2) The Court may waive the requirement under subrule (1) of this rule in the case of the parent or guardian of the child, if satisfied that any such person cannot be found or is incapable of giving consent or if for any reason the Court thinks it is right or desirable that this requirement should be waived.

(3) In any case where the Court dispenses with the personal attendance of any person the written consent of that person verified by a declaration purporting to be made before and signed by a Justice of the Peace shall be prima facie evidence of such consent.

(4) In the case of a joint application for an adoption order or an interim order, the Court may, if it thinks fit, dispense with the personal attendance of one spouse if his or her application be verified by a declaration purporting to be made before and signed by a Justice of the Peace.

8. Subject to the provisions of this rule and of rules 7(4) and 11(3) (b), the Court may direct that the applicant or any respondent shall attend and be heard and examined separately and apart from the other parties to the application: Provided that no such direction shall be given unless —

(a) the Court is satisfied that the giving of the direction is desirable and will not prejudice the determination of any question involved; and

(b) the consent of the applicant or respondent to whom it is proposed that the direction shall be given and of all other parties to the application is first obtained.

9. (In any adjournment of the hearing, the Court may issue to any respondent Notice of adjourned hearings.

Court may direct separate attendances.

Personal attendances.

Proceedings to be in camera.

not in attendance a notice of the time and place to which the hearing is adjourned and may direct the Board to cause it to be served.

10. (1) An adoption order or an interim order shall be drawn up in Form F or Form G in the Appendix as the case may require.

(2) No copy or duplicate of such order shall be given to or served upon any person other than the applicant and the Clerk of the Court as the case may be, except by special direction of the Court.

(3) An interim order shall include such provision for the maintenance and education of the child and such terms as regards the exercise of supervision by the Board or otherwise as the Court may think fit.

11. (1) Where the determination of an application has been postponed and an interim order has been made, the applicant shall at least two months before the expiration of the order apply to the Court which made the interim order to proceed with the determination of the application and it shall thereupon be lawful for the Court to fix a time for the further hearing of the application and to issue a notice in the Form H in the Appendix, addressed to the respondents and to direct the Board to cause such notice to be served on each of them: Provided that where the child is in the actual custody of the applicant the notice need not be served on the child.

(2) Subject to the provisions of this rule, where the applicant so applies, an adoption order shall not be made unless the applicant, the child and a representative of the Board have attended the further hearing.

(3) (a) The Court may waive the requirement under subrule (2) of this rule in the case of the child if satisfied by a report from the Board that special circumstances exist which render it inexpedient or unnecessary that the child shall personally attend before the Court:

(b) in the case of a joint application, the Court may, if it thinks fit, dispense with the personal attendance of one spouse, if his or her application be verified by a declaration purporting to be made before and signed by a Justice of the Peace.

12. (1) In the making of an interim order or on the determination of the application the Court may make such an order as to costs as it may think just and in particular may order the applicant to pay the out-of-pocket expenses incurred by the guardian ad litem or incurred in attending the Court by any other of the respondents, or such part thereof as the Court thinks proper, and such costs or expenses shall be recoverable summarily as a civil debt.

13. (1) Upon the making of an adoption order the Clerk of the Court shall within seven days from the date thereof send a duplicate or a certified copy of the order to the Registrar-General and shall also, subject to the payment by the applicant of any fee required by law, deliver or send a duplicate or certified copy to the applicant.

(2) The duplicate or certified copy, if sent by post, shall be sent by Registered post.

14. Subject to the foregoing rules, the Rules of Court shall apply in respect of all proceedings under this Law *mutatis mutandis*.

APPEALS

15. The Board shall if so required by any person entitled under the Law to appeal (hereinafter called "the appellant") deliver to him and file in their

Appeals.

Rules of Court to apply.

Registrar to be sent copies.

Costs.

Appendix: Form H.

Hearing of postponed applications.

Adoption and Interim Orders, Appendix: Forms F and G.

proceedings a statement of the reasons for their decision.

16. The appellant who desires to appeal against a decision of the Board shall within fourteen days after the receipt by him of the notification of the Board's decision file with the Clerk of the Court a notice in writing to that effect in Form I in the Appendix (hereinafter called a "notice of appeal") stating therein —

- (a) the grounds of his appeal;
- (b) his address for service;
- (c) the names and addresses of the persons intended to be served.

17. In every notice of appeal the persons referred to in rule 5 (2), except the appellant, shall be named as respondents, each of whom shall be served with a copy of the said notice by the appellant within fourteen days after the receipt by him of the notification of the Board's decision.

18. (a) On the filing of a notice of appeal, the Clerk of the Court shall —
(a) enter the appeal in the Books of the Court and fix a day for the hearing of the appeal by the Judge in Chambers, and
(b) serve on the appellant and on each of the respondents a notice in the Form J in the Appendix by delivering it or posting the same to them at their respective addresses.

19. Forthwith upon the serving of the notice of appeal, or as soon as may be thereafter, the Clerk of the Court shall request the Board to furnish him immediately —

- (a) the reasons for the Board's decision;
 - (b) all the relevant reports and correspondence, and answers to the enquiries on the matters set out in the Second Appendix to the Regulations mentioned in the First Schedule to the Law or copies thereof;
 - (c) any other information on which the Board based its decision,
- and the appellant, should he desire to do so, may obtain copies of the same from the Clerk of the Court on payment of the fees prescribed by the Rules of Court for office copies of documents.

20. Every appeal shall be by way of rehearing, and the Rules of Court shall apply thereto unless it is otherwise provided in these Rules.

APPENDIX TO SECOND SCHEDULE

Form A. (Rule 3 (1))
Application for an Adoption Order in respect of a child named Case No. To the Court
I (or We), the undersigned
resident at
hereby state:

1. I am (or We) desirous of being authorised under the provisions of the Adoption of Children Law (Revised), to adopt a child of the sex, resident at

in the Islands hereinafter called "the child".

Delete except in the case of de facto adoption.

2. The child was on the date of coming into force of the said Law in my (our) custody and was being brought up, maintained and educated by me (or us) as my (or our) child under a de facto adoption and had been in (our) custody and had been so maintained and educated for a period of not less than 2 years before that date, to wit, from and after the day of 19 .

3. The child has been in my (our) care and has been brought up, maintained and educated by me (us) since

4. We are married to each other;

(or I am unmarried)

(or I am married to

to the making of the order is appended hereto).

whose written consent

5. I am (or We are) domiciled in the Islands.

6. I (or We) have not received or agreed to receive, and no person has made or given or agreed to make or give to me (or us), any payment or other reward in consideration of the adoption (except as follows:

).

7. I (or We) have made no previous application under this Law in respect of the child (other than the application made to the Court which was dealt with as follows, viz.:

8. The particulars furnished in this application and in the attached form are true and complete and I am (or we are) fit and proper person(s) to maintain and bring up the child suitably.

In witness whereof I (or we) have signed this statement on the day of 19 ,

Signature of Applicant (s)
(giving full Christian names).

Form B.

Rule 3 (1)

PARTICULARS TO BE FURNISHED WITH APPLICATION FOR ADOPTION ORDER

Name in full

Address

Occupation

Date of Birth

Relationship (if any) to the child

Age last birthday

These particulars are to be furnished by both male and female applicants, if the application is being made by two spouses.

Form C

Rule 3 (3)

Statement to be lodged in Court by Board on every application for an Adoption Order

STATEMENT BY ADOPTION BOARD OF IDENTITY OF CHILD NOW KNOWN TO THE ADOPTION BOARD AS CASE NO. NAMED

To the

Court:

1. I, _____, being a member of the Adoption Board hereby certify that the child above named Adoption Board Case No. _____, is the child formerly known as _____

2. The father of the child is _____, now resident at _____, whose written consent to the making of an adoption order is appended hereto; and the mother of the child is _____, now resident at _____, whose written consent to the making of the adoption order is appended hereto.

3. The child was born on the _____ day of _____, 19____, and is identical with the child to whom the attached certified copy of an entry in the Register of Birth relates.

4. The child has never been married.

* 5. The guardian (s) of the child is (or are) _____, whose written consent (s) to the making of an adoption order is appended hereto.

* 6. The child is in the actual custody of _____ of _____, whose written consent to the making of an adoption order is appended hereto.

* 7. _____, of _____, is (or are) liable to contribute to the support of the child and his (or their) written consent (s) to the making of an adoption order is (or are) appended hereto. Signature of Member of Adoption Board

Dated

* Delete whichever is not applicable.

Form D

Rule 3 (1)

CONSENT OF PARENT OR GUARDIAN OF CHILD

Consent to an Adoption Order in respect of a child formerly named and known to the Adoption Board as Case No. _____

An application to Court being made for an order authorising

the adoption, under the provisions of the Adoption of Children Law (Revised), of the said child.

I (We) the undersigned _____, of _____,

- (a) the father of the child
- (b) the mother of the child
- (c) a guardian of the child
- (d) a person (acting on behalf of a body) having the actual custody of the child
- (e) a person (acting on behalf of a body) being liable to contribute to the support of the child
- (f) the spouse of the applicant
- (g) serial number

hereby state that I (we) understand the nature and effect of the Adoption Order for which application is made (and that in particular I (we) understand that the effect of the order will be permanently to deprive me (us) of my (our) parental rights) and I (we) hereby consent to the making of an adoption order in favour of the applicant (on condition that the religious persuasion in which the child is brought up is)

In witness whereof I (we) have signed this consent on _____ day of _____, 19____,

(Signature) _____
 (Address) _____
 (Description) _____

Signed in the presence of:

(Signature) _____
 (Address) _____
 (Description) _____

Form E

Rule 5 (3)

NOTICE OF APPLICATION FOR AN ADOPTION ORDER IN RESPECT OF A CHILD NAMED (1) FORMERLY (2) KNOWN TO THE ADOPTION BOARD AS CASE NO. _____

In the _____ Court, _____ of _____ and _____, etc.

TAKE NOTICE:

(1) That an application has been made by (3) _____ under the Adoption of Children Law (Revised), authorising him to adopt the said child, being a child of the _____ sex, aged _____ years, resident at _____ on the _____ day of _____, 19____, at the hour of _____ in the _____ noon and that you are severally required to attend before

See Note 1.

See Note 2.

Delete all but one of these descriptions, except in the case of father and mother consenting jointly.

the Court (and in the case of the Court) to produce the said child before

Dated the

day of

19

Notes:—

(1) Insert name or names by which the child is to be known.

(2) Delete where there is no change of name. Where there is change of name insert former names, including surname.

(3) Where the application is made by two spouses jointly the form should be modified; and where under a serial number, the serial number should be inserted.

Form F

Rule 10 (1)

ADoption ORDER IN RESPECT OF A CHILD NAMED (1)

See Note (1):

(FORMERLY (2)

See Note (2):

Before the Court sitting at

day of

19

Application has been made by (hereinafter called the male applicant), a person not under the age of 25 years, by occupation, resident at

in the Islands (and by his wife (hereinafter called the female applicant) being the mother of the child or a person not under the age of 25 years) (and the applicants being the mother) (father of the child) (by serial number.....) that he (or she) is (or they are) desirous of being authorised under the Adoption of Children Law (Revised), to adopt a

child of the sex aged years, resident at in the Islands, who has never been married, the child of (and of his wife) (herein called the child); And the male (and female) applicant (s) being (respectively not less than 25 years old);

See Note (3):

(And the male (and female) applicant (s) has (have) attained the age of 21 years and is (are) a relative (s) of the child);

Delete the words which are not applicable.

(And the male applicant being the putative father of the child); (And the female applicant being the mother of the child); And all consents required by the Law having been obtained or dispensed with; It is adjudged that the statements made in the application are true;

(And the following payment or reward is sanctioned, viz: (And it is ordered that the applicant(s) be authorised to adopt the child; (And as regards costs it is ordered that

And it is directed that the Registrar shall make an entry recording this adoption in the Adopted Children Register in accordance with the particulars set out in the Schedule hereto and shall enter the date of birth of the child in column 6 of the said Register as the day of 19 . And it having been proved to the satisfaction of the Court that the child was born on the date last mentioned and is identical with , to whom an entry numbered and made on the day of 19 , in the Register of Births

See Note (4):

for the Registrar's district of relates, it is further directed that the Registrar, in addition to making in the Adopted Children Register the entry of the date of birth directed above, shall cause the aforesaid entry in the Register of Births to be marked with the word "Adopted."

THE SCHEDULE TO FORM F.

Name of Adopted Child (See Note (1))	Sex of Adopted Child	Name and surname, address and occupation of Adopter or Adopters	Date of Birth of Child	Date of Adoption Order and Description of Court by which made

Notes:—
 (1) Insert name or names, including surname, by which the child is to be known.

(2) Delete where there is no change of name. Where there is change of name, insert former name including surname.

(3) Insert Christian name or names by which the child is to be known. The surname should not be stated here.

(4) Where no entry relating to the child is found in the Register of Births this paragraph should be deleted.

(5) An adoption order, or copy sent to the Registrar is required to be drawn up on paper of foolscap folio size, thirteen inches by eight inches, and to have a margin, to be left blank, not less than one inch wide on the left side of the face of the order, and a similar margin in the right side of the reverse if any.

Form G. (Rule 11 (1))

INTERIM ORDER IN RESPECT OF A CHILD NAMED (1)

(FORMERLY (2))

Before the Court sitting at _____, 19____ day of _____ the

See Note (2).

See Note (1).

Application has been made by (hereinafter called the male applicant) a person not under the age of 25 years, by occupation, resident at , in the Islands and domiciled in the Islands (and by his wife (hereinafter called the female applicant) being the mother of the child or a person not under the age of 25 years) (and the applicant being the mother of the child or a he (or she) is (or they) are desirous of being authorised under the Adoption of Children Law (Revised), to adopt (3) a child of the aged sex, years, resident at in the Islands, who has never been married, the child of (and his wife) (herein called the child): And the male (and female) applicant(s) being not less than 25 years old; (And the male (and female) applicant(s) has (have) attained the age of 18 years and is (are) a relative(s) of the child); (And the male applicant being the putative father of the child); (And the female applicant being the mother of the child); And all the consents required by the Law having been obtained or dispensed with;

It is adjudged that the statements made in the application are true; And the determination of the application is postponed and it is ordered that the custody of the child be given to the applicant(s) for a period not exceeding two years, viz., until the day of 19, by way of a probationary period upon the following terms, viz., and that the applicant(s) shall at least two months before that date apply for a determination of the application: (And as regards costs it is ordered that)

Notes:—
(1) Insert the name or names, including surname, by which the child is to be known.
(2) Delete where there is no change of name. Where there is change of name, insert former name including surname.
(3) Insert Christian name or names by which the child is to be known. The surname should not be stated here.

Form II. Rule 11 (1)

NOTICE OF FURTHER HEARING of an application for an Adoption Order in respect of a child named (1)

(Formerly (2))
Before the day of 19, and Court sitting at

To the day of 19, and of , etc.

TAKE NOTICE (a) That an application was made by (3) for an order under the Adoption of Children Law (Revised), authorising him

Delete the words which are not applicable.

See Note (3).

Delete words not applicable.

to adopt the said child, being a child of the sex, then aged years.

(b) That the determination of the said application was postponed and an interim order was made by the Court sitting at the on the day of 19, at the Court sitting on the day of 19, and that it

(c) That the said application will be further heard before the Court sitting at the day of 19, and that it is open to you to attend before the Court.

Dated this day of 19,

(1) Insert name or names, including surname by which the child is to be known.

(2) Delete where there is no change of name. Where there is change of name, insert former name, including surname.

(3) Where the application was made by two spouses jointly the form should be modified.

NOTICE OF APPEAL

Form I Rule 16

In the matter of the Appeal of (an Adopter or Parent or Guardian as the case may be) against a Decision of the Adoption Board and In the Matter of the Adoption of Children Law (Revised).

I, being aggrieved at the decision of the Board dated the day of 19, that the adoption of a male/female child would not be in the best interest of the child, do hereby appeal against such decision on the following grounds: —

(Here set out reasons for appeal).

I request you to enter my appeal for hearing. The name and address of the respondent are — My address for service is:

Dated this day of 19,

To:

(Signed)

Appellant.

(Name and address of Respondent).

Form J Rule 18 (b)

In the Matter of the Appeal of (an Adopter or Parent or Guardian as the case may be) against a Decision of the Adoption Board

and

In the Matter of the Adoption of Children Law (Revised).

TAKE NOTICE that the appeal in this matter from the decision of the Adoption Board dated the day of 19, will be heard by a Judge in Chambers on day of 19, at the hour of noon, and that if you do not attend at the time and place above mentioned, such order will be made as the Judge thinks fit.

Dated this day of , 19

Clerk of the Courts

THIRD SCHEDULE

(Section 24)

THE ADOPTION OF CHILDREN

(TRANSFER ABROAD) RULES (REVISED).

Citation.

1. These Rules may be cited as the Adoption of Children (Transfer Abroad) Rules (Revised).

Application for licence.

2. An application for a licence under section 24 authorising the care and possession of a child, being a British subject for whose adoption arrangements have been made to be transferred to a person resident outside of the Islands may be made by a parent or guardian of the child or by the Board.

Notice of application Appendix: Form 1.

3. Notice of the application shall be given in the form numbered 1 in the Appendix to the Clerk of the Court.

Report from consular officer, etc.

4. The Clerk of the Court shall cause a copy of the notice to be sent to a British consular officer or to some other person abroad who appears to the Clerk of the Court to be trustworthy, and shall request the officer or person to report whether the person to whom the care and possession of the child is proposed to be transferred is a suitable person to be entrusted therewith.

Fixture to be made.

5. Upon receipt of a report from the British consular officer or other person referred to in rule 4, the Clerk of the Court shall fix a time for the hearing of the application and shall send to the applicant a notice in the form numbered 2 in the Appendix.

Service of notices.

6. A copy of the notices referred to in rules 3 and 5 shall be served by the applicant upon the child, the Board and upon every person who is a parent or guardian of the child, or who has the actual custody of the child, or who is liable to contribute to the support of the child; Provided that the Clerk of the Court may dispense with the service required by this rule of a copy of the notices -- (a) upon any person other than the child, if he is satisfied that that person cannot be found, and (b) upon the child, if he thinks fit having regard to the age and un-

derstanding of the child.

7. The Clerk of the Court may issue a notice in the form numbered 3 in the Appendix requiring any person who has the actual custody of the child to produce the child at the hearing of the application and the applicant; unless he himself has the actual custody of the child) shall serve the notice upon that person.

Notice to produce child. Appendix: Form 3.

8. (1) The service of any document under rule 6 or 7 may be effected by delivering it to the person to be served or by sending it by registered post to him at his last known or usual place of abode.

Service: mode and proof thereof. Appendix: Form 4.

(2) The service of any such document as aforesaid may be proved by the production of a declaration in the form numbered 4 in the Appendix or in a form to the like effect purporting to be made before a Justice of the Peace.

Forms.

9. (1) The persons upon whom a copy of the notices referred to in rule 6 is required by that rule to be served may attend at the hearing of the application and shall be entitled to be heard.

(2) The consent of a person to the making of the application, if given in writing, may be proved by the production of a declaration in the form numbered 5 in the Appendix or in a form to the like effect purporting to be made and signed by that person before a Justice of the Peace.

Appendix: Form 5.

10. The Judge hearing the application may require any person attending for the purpose of making or opposing the application or giving evidence in the matter to be sworn.

Persons attending may be sworn.

11. Any licence granted under section 24 shall be in the form numbered 6 in the Appendix.

Form of licence. Appendix: Form 6.

APPENDIX 1.

Form 1. FORM OF NOTICE OF AN APPLICATION FOR A LICENCE UNDER SECTION 24 OF THE ADOPTION OF CHILDREN LAW (REVISED). (Rule 3).

To the Clerk of the Court:

I hereby give notice that I intend to apply for a licence under section 24 of the Adoption of Children Law (Revised), in respect of a male (female) child named _____ aged _____ years, born on _____ day of _____ 19____.

The child is a British subject and is the subject of arrangements for his (her) adoption as follows (here set out the arrangements):

* If the father or mother is dead the fact should be stated.

* The father of the child is _____ a _____ years aged _____

* The mother of the child is _____ a _____ years aged _____

** Strike out this paragraph if it does not apply.

** The guardian of the child is _____ a _____ years aged _____

subject,

subject,

subject,

aged _____ years.

The child is at present in the actual custody of _____ of _____

The following persons are liable to contribute to the support of the child.

-- If no persons are liable write none. If anyone is liable, state the reason for the liability

1. _____ of _____

The person to whom the care and possession of the child is proposed to be transferred is _____, a citizen of a scheduled country as defined in section 23 of the Law resident at _____

+ Give full particulars, if there are no arrangements write "None"

My full name, address and nationality are:— and I am making this application as + + +

+ + + Insert capacity, i.e. parent, guardian or person concerned in making arrangements for the adoption.

Signature of Applicant..... Date

Form 2.

FORM OF NOTICE OF HEARING

To the applicant for a licence under section 24 of the Adoption of Children Law (Revised), (to the child to whom the application relates); and to any person who is a parent or guardian of the child, or who has the actual custody of the child, or who is liable to contribute to the support of the child and to the Board:

Take notice that an application by _____ for a licence under section 24 of the Adoption of Children Law (Revised), authorising the care and possession of _____ for whose adoption arrangements have been made to be transferred to _____, a citizen of a country listed in the Fifth Schedule to the Law, resident outside the Islands at _____, will be heard at _____ Court on _____ day, _____ the _____ hour _____ at _____ in the fore (after) noon, and further take notice that you may attend the hearing of the said application, and may, if you wish, either support or oppose the granting of a licence.

Dated the _____ day of _____, 19 _____

Signature of the Clerk of the Court.

Form 3. FORM OF NOTICE REQUIRING PRODUCTION OF CHILD AT THE HEARING OF AN APPLICATION

(Rule 7)

To the person having the actual custody of the child in respect of whom an

application for a licence under section 24 of the Adoption of Children Law (Revised), is to be made:

Take notice that you are required to produce a child in your custody, at the hearing at Court on day of 19 at the hour of in the fore (after) noon in respect of an application for a licence under section 24 of the Adoption of Children Law (Revised), authorizing the care and possession of the said child for those adoption arrangements have been made to be transferred to a citizen of a country listed in the Fifth Schedule to the Law, resident outside the Islands at

Dated the

day of

19

Clerk of the Court

Form 4

FORM OF DECLARATION OF SERVICE

(Rule 8 (2))

I, of that I did on the day of 19 hereby declare

of the notice of application for a licence under section 24 of the Adoption of Children Law (Revised), in respect of the child named and of the notice of hearing on the said application at Court on the day of 19, at the hour of in the fore (after) noon, (* and a notice requiring the production of the said child at the said hearing) by:—

* Strike out words if they do not apply.

(i) delivering the said document(s) to personally, (ii) sending the said document(s) by registered post to being his (her) last known or usual place of abode. Declared before me the day of 19

Justice of the Peace

Form 5.

FORM OF CONSENT TO THE MAKING OF AN APPLICATION

(Rule 9)

I, of being ** the father, mother, guardian, person having the actual custody, a person liable to contribute to the support, of the child named with respect to whom the application is to be made at Court by on the day of 19, for the grant of a licence under section 24 of the Adoption of Children Law (Revised), authorizing the care and possession of the said child for whose adoption arrangements have been made to be tran-

** Strike out the words which do not apply.

sterned to a citizen of a country listed in the Fifth Schedule to the Law, resident outside the Islands at _____, DO HEREBY DECLARE THAT I consent to the making of the said application.

In witness whereof I have signed this consent on the _____ day of _____ 19____

Signature
Before

Justice of the Peace

Form 6.

FORM OF LICENCE

(Rule 11)

WHEREAS application has been made this _____ day of _____ 19____ by _____ of _____ for a licence under section 24 of the Adoption of Children Law (Revised), to authorize the care and possession of _____ a child aged _____ years, born as far as can be ascertained on the _____ day of _____, 19____, to be transferred to _____ a citizen of a country listed in the Fifth Schedule to the Law, resident outside the Cayman Islands, that is to say at _____

AND WHEREAS I, the undersigned, have heard the said application and am satisfied that all the consents required by the said section have been given or dispensed with, and am further satisfied by the report that _____ is a suitable person to be entrusted with the care and possession of the said child, and that the transfer is likely to be for the welfare of the said child:

AND WHEREAS I am further satisfied that the aforesaid application is made in connection with arrangements which have been made for the adoption of the said child by _____ of _____

NOW, THEREFORE I, the undersigned, do hereby grant, subject to the conditions and restrictions set out in the Schedule hereto, this licence authorising the care and possession of the said _____ to be transferred to the said _____ and I do hereby authorize the making and receipt of payments as follows:—

Judge of the Grand Court

SCHEDULE

The conditions and restrictions referred to above are —

FOURTH SCHEDULE
(Section 25(2))
ADOPTED CHILDREN REGISTER

(1) No. of Entry	(2) Date of Entry	(3) Name of Adopted Child (Enter name as stated in Adoption Order).	(4) Sex of Adopted Child. (Enter sex as stated in Adoption Order.)	(5) Name and Sur- name, and Occu- pation of Adopter or Adopters. (Enter name and address as stated in Adoption Order.)	(6) Date of Birth of Child and country of birth	(7) Date of Adoption Order and descrip- tion of Court by which made. (Entry to be made as appearing in the Adoption Order.)	(8) Signature of Officer deputed by Registrar to attest the Entry.

FIFTH SCHEDULE
(Section 23)

Commonwealth Countries
The United States of America
Switzerland

Publication in revised form authorized by the Executive Council this 27th day of
June 1978.

JENNY MANDERSON
Clerk of the Executive Council.