



LEGAL NOTICE NO.

THE CHILDREN ACT
(No. 29 of 2022)

THE CHILDREN (ADOPTION PROCEEDINGS) RULES, 2023

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LEGAL NOTICE NO.

THE CHILDREN ACT
(No. 29 of 2022)

IN EXERCISE of the powers conferred by section 261 of the Children Act, 2022, the Chief Justice makes the following Rules—

THE CHILDREN (ADOPTION PROCEEDINGS) RULES, 2023

PART I — PRELIMINARY

Citation. 1. These Regulations may be cited as the Children (Adoption Proceedings) Rules, 2023.

Interpretation. 2. In these Rules unless the context otherwise requires –

“Act” means the Children Act, 2020;

“adoption order” has the meaning assigned to it under section 2 of the Act;

“adoption society” means an adoption society duly registered and licensed in accordance with the Act

“authorised officer” has the meaning assigned to it under section 2 of the Act;

"applicant" includes two or more joint applicants;

“child“ has the meaning assigned to it under section 2 of the Act;

“Council” has the meaning assigned to it under section 2 of the Act;

“Court” means High Court established under Article 165 of the Constitution;

“foreign national” means a person who is not a citizen of Kenya;

“guardian” has the meaning assigned to it under section 122(1) of the Act;

“guardian *ad litem*” has the meaning assigned to it under section 2 of the Act;

“kinship adoption” has the meaning assigned to it under section 2 of the Act;

“local adoption” has the meaning assigned to it under section 183(4) of the Act.

"Registrar" means the Registrar of the High Court, and includes a Deputy Registrar;

“Register” means the Adopted Children Register maintained pursuant to section 200 of the Act;

“relative” means a mother, father, brother or half -brother, sister, half-sister, maternal or paternal uncle or aunt or grandparent or step parent of a child as defined under section 2 of the Act;

“Secretary” has the meaning assigned to it under section 2 of the Act; and

“summons” means an originating summons lodged in respect of an application for adoption under these Rules.

Objectives and principles of these Rules.

3. (1) The objective of these Rules is to facilitate just and expeditious determination of adoption proceedings.

(2) The implementation of these Rules shall be guided by the following principles—

- (a) ensuring that the best interests of the child are upheld;
- (b) promoting the placement of the child in their own social-cultural environment; and
- (c) ensuring confidentiality of all adoption proceedings.

PART II – COMMENCEMENT OF ADOPTION PROCEEDINGS

Pre-requisites

General.

4. An application for adoption order under these rules shall be—

- (a) facilitated by adoption society duly registered and licensed by the Council in accordance with the Act;
- (b) unless otherwise provided, made in respect of a child who meets the pre-requisites for adoption specified under section 184 and 185 of the Act.

Confidentiality in adoption proceedings

5. To achieve confidentiality in adoption proceedings as required under section 183(2)—

- (a) the applicant shall not disclose their name on the pleadings but shall instead use initials of their name;
- (b) the child's name and identity shall not be disclosed in the pleadings; the applicants shall instead use their initials;
- (c) the court register shall not indicate the name of the applicant or the child but shall instead use their initials;
- (d) the proceedings shall be conducted in camera;
- (e) the court file and all documents relating to adoption proceedings shall be kept privately, separate from the other court files; and
- (f) the court shall give such directions as are necessary to ensure confidentiality of proceedings.

Local adoption

Eligibility (local adoption).

6. An application for a local adoption order shall be made—

- (a) by a sole applicant or jointly by two spouses who meet

the pre-requisites for adoption specified under section 186 of the Act; and

- (b) in respect of a child who meets the pre-requisites for adoption specified under section 184 and 185 of the Act.

Application for local adoption order.

7. (1) An application for a local adoption order shall be made by originating summons in Form No. AR1 set out in the Schedule accompanied by—

- (a) supporting affidavit indicating—
 - (i) evidence that the applicant is physically, psychologically, emotionally and financially suitable to adopt the child;
 - (ii) information relating to the social, medical and family history of the prospective adoptive child;
 - (iii) information relating to the social, medical and family history of the applicant; and
 - (iv) information relating to the reason the child was placed for adoption with the applicant;
 - (v) reasons why the applicant wishes to adopt a child;
- (b) the consents of the persons specified under section 186(8) of the Act in Form AR2 set out in the Schedule:

Provided that where consent has been dispensed with, a court order dispensing or withdrawing the consent of any person required under section 186 (8) of the Act;

- (c) the report of the adoption society recommending the making of the adoption order as required under section 185(2) of the Act;
- (d) a certified copy of the birth certificate, birth notification or other document recording the birth of the prospective adoptive child;
- (e) a certified copy of the identity card or passport of the

- applicant;
- (f) in the case of a joint application, a certified copy of the applicant's certificate of marriage;
 - (g) where the prospective adoptive child who is abandoned—
 - (i) an advertisement published in at least two newspapers of daily circulation in the area where the child was found, calling upon any person to claim responsibility for the child;
 - (ii) an affidavit by an authorised officer or representative of an adoption society or charitable children's institution where the child alleged to be abandoned is accommodated, setting out the steps taken to trace the parent or guardian of the child;
 - (h) where the prospective adoptive child who is orphaned, a certified copy of the certificate of death of the parent of the child; and
 - (i) any relevant document in support of the application.

(2) An application for a local adoption order shall be lodged with the Registrar in the High Court within the local limits of the jurisdiction in which the child ordinarily resides

(3) Where an application for a local adoption order is made, by the same applicant, in respect of adoption of siblings, one record of proceedings shall be maintained.

Kinship adoption

Eligibility (kinship adoption).

8. An application for a kinship adoption order shall be made—

- (a) by sole applicant who is a relative of the prospective adoptive child; or
- (b) jointly by two spouses one of whom must be a relative of the prospective adoptive child.

9. (1) An application for a local adoption order shall be made by originating summons in Form No. AR1 set out in the Schedule accompanied by —

- (a) supporting affidavit indicating—
 - (i) evidence that the applicant is physically, psychologically, emotionally and financially suitable to adopt the child;
 - (ii) information relating to the social, medical and family history prospective adoptive child;
 - (iii) information relating to the social, medical and family history of the applicant;
 - (iv) in the case of a sole applicant, consent of a spouse, if any;
 - (v) information indicating the applicant's relationship to the child;
 - (vi) information relating to the reason the child was placed for adoption with the applicant
- (b) the consents of the persons specified in section 186(8) of the Act in Form AR 2 set out in the Schedule;

Provided that where consent has been dispensed with, a court order dispensing or withdrawing the consent of any person required under section 186 (8) of the Act;
- (c) the report of the adoption society recommending the making of the adoption order as required under section 185(2) of the Act;
- (d) a certified copy of the birth certificate, birth notification or other document recording the birth of the prospective adoptive child;
- (e) a certified copy of the identity card or passport of the applicant;

(f) any relevant document in support of the application.

(2) An application for a kinship adoption order shall be lodged with the Registrar in the High Court within the local limits of the jurisdiction in which the child ordinarily resides.

(3) Where the application for a kinship adoption order is made, by the same applicant, in respect of siblings, one record of proceedings shall be maintained.

Foreign adoption

Eligibility (Foreign adoption).

10. Pursuant to sections 183(4)(c) and 192 of the Act, an application for a foreign adoption order shall be made by a sole applicant or two spouses jointly—

- (a) who are Kenyan nationals with dual citizenship but who are not ordinarily residents in Kenya;
- (b) citizens of Kenya who are not ordinarily resident in Kenya;
- (c) persons who were once Kenyan citizens but who have lost their nationality by operation of the law of the host country to which they have a nationality;
- (d) foreign nationals who are biologically related to the child; and
- (e) foreign nationals who are ordinarily residents in Kenya.

Application for foreign adoption order.

11. (1) An application for a foreign adoption order shall be made by originating summons in Form No. AR1 set out in the Schedule accompanied by —

- (a) all the documents specified under rule 5 of these Regulations;
- (b) written confirmation from competent authorities of the matters specified in section 191(a) and (c) of the Act;
- (c) written authority and recommendation by a competent

governmental authority or court of competent jurisdiction in respect of the matters specified in section 191(d);

- (d) evidence that the applicant has been a resident in Kenya for a period of at least six months immediately prior to the application, or has fostered the child for at least three years under the supervision of an authorised officer; and
- (e) any relevant document in support of the application.

(2) An application for a foreign adoption order shall be lodged with the Registrar in the High Court within the local limits of the jurisdiction in which the child ordinarily resides.

(3) Where an application for a foreign adoption order is made, by the same applicant, in respect of adoption of siblings, one record of proceedings shall be maintained.

Inter-country adoption

Eligibility (Inter-country adoption).

12.(1) Pursuant to section 191 of the Act of the Act, an application for an inter-country adoption order shall be made —

- (a) on the joint application of two spouses who are not citizens or residents; and
- (b) in respect of a child who meets the pre-requisites for adoption specified under section 184 and 185 of the Act.

Application for inter-country adoption order.

13.(1) An application for an inter-country adoption order shall be made by originating summons in Form No. AR1 set out in the Schedule accompanied by—

- (a) all the documents specified under rule 5 of these Regulations;
- (b) written confirmation from competent authorities of the matters specified in section 191(a) and (c) of the Act;
- (c) written authority and recommendation by a competent governmental authority or court of competent jurisdiction in respect of the matters specified in section 191(d);

- (d) evidence that the applicant has been a resident in Kenya for a period of at least six months immediately prior to the application, or has fostered the child for at least three years under the supervision of an authorised officer;
- (e) notarized copies of the applicant's documents of identity;
- (f) a medical report indicating the applicant's health history and status issued by a medical practitioner duly registered in Kenya;
- (g) a clearance certificate from a law enforcement agency in the applicant's country of residence;
- (h) proof of citizenship and permanent residence in the country where the prospective adoptive parent intends to reside with the child immediately after the making of the adoption order;
- (i) information relating to the social, cultural, medical and family history the applicant;
- (j) particulars of the members of the applicant's immediate family;
- (k) proposed plans and documentary evidence that the child will be authorised to enter and reside permanently in the applicant's country of residence; and
- (l) any relevant document in support of the application.

(2) The documents and information required under sub-rule (1) shall be provided in respect of each applicant.

(3) An application for an inter-country adoption order shall be lodged with the Registrar in the High Court within the local limits of the jurisdiction in which the child ordinarily resides

(4) Where an application for an inter-country adoption order is made, by the same applicant, in respect of adoption of siblings, one record of proceedings shall be maintained.

PART III – SERVICE OF SUMMONS AND OTHER COURT PROCESSES

Service of summons
and other court process

14. (1) Unless otherwise ordered by the Court, the provisions of Order 5 of the Civil Procedure Rules shall apply to the service of the summons and other court process under these Rules.

(2) The summons shall be served on—

- (a) persons whose consent to the making of the order is required by section 186(8) (a) and (b) of the Act; and
- (b) an adoption society by whom arrangements for the adoption have been made.

Appearance.

15. Upon service of the summons under rule 14, the person served shall, within ten days of service, enter an appearance in Form No. AR 3 set out in the Schedule.

Amendment of
Pleadings.

16. The provisions of Order 8 Rule 4 of the Civil Procedure Rules shall apply to amendment of the pleadings under these Rules.

PART IV – PRE- HEARING CONFERENCE

Pre-hearing
conference.

17. (1) Within thirty days of close of pleadings, the court shall convene a pre-hearing conference to —

- (a) verify information relating to, and receive the adoption society’s report filed pursuant to section 185 (2) (b) of the Act;
- (b) determine who has to be notified of the application for adoption;
- (c) verify compliance with the requirements as to the form of application and requisite consents;
- (d) verify compliance with the requirements for adoption;
- (e) determine who has the right to appear and attend at the hearing;
- (f) deal with and dispose of all or any pending interlocutory

applications made in the proceeding;

- (g) verify compliance with interlocutory orders (if any) made in the proceeding;
- (h) give directions in respect of any other matter relating to the adoption of the child.

(2) The attendance of the child at the pre-hearing conference may be dispensed with.

Notice of hearing.

18. The notice of hearing of the application for an adoption order shall be in Form No. AR 4 and shall be served on—

- (a) all persons referred to in rule 15(2) (a), (b) and (c); and
- (b) all persons who have entered an appearance to the summons.

PART V – PROVISIONS RELATING TO HEARING

Attendance at hearing.

19. (1) A person served under rule 13 may appear before the Court to show cause why the adoption application may or may not be granted.

(2) Upon filing the application, the court shall issue directions on hearing.

(3) Attendance at all hearings shall be limited to—

- (a) the parties to the application;
- (b) the advocates representing the parties;
- (c) witnesses testifying during the proceedings; and
- (d) any other person whom the Court considers to have a legitimate interest in the proceedings.

Consequences of non-attendance.

20. Where any party to the proceeding fails to attend at the hearing, the Court may proceed to hear and determine the application.

Procedure at hearing where the child is

21. (1) Unless otherwise directed by the Court, the child to whom the adoption proceedings relates may not attend at the hearing.

participating.

(2) Where the child is above the age of ten years, and is able and willing to participate in the proceedings, the Court may –

- (a) provide the child an equal and inclusive opportunity to participate during the proceedings;
- (b) inform the child of their rights and their opportunity to participate in an age-appropriate manner;
- (c) explain to the child the process and procedure of the Court in language and manner that the child understands to enable him or her to and participate in the process;
- (d) ensure an enabling and safe environment for the child to participate in the process;
- (e) take appropriate measures to promote child participation in the proceedings, including the appointment of an intermediary, an interpreter or other person to ensure the comfort, and provide for the special needs (if any), of the child.

(3) The Court may make orders or give directions on how the child is to give evidence, including—

- (a) that a person be excluded from the courtroom while the child gives evidence;
- (b) that the child may have an intermediary to support the child throughout his or her evidence; and
- (c) if necessary, the child's evidence be given with the use of technology, including an audiovisual link or audio link.

Confirmation of consent.

22. (1) Pursuant to section 187 (7) of the Act, a person whose consent is required under section 186(8) of the Act may—

- (a) attend court at the adoption proceedings for the purpose of giving oral evidence in relation to their consent; or
- (b) deliver to the Court an affidavit attested by a judicial

officer or commissioner for oaths confirming the deponent's consent in that regard.

(2) Where the document signifying consent is made outside Kenya, the same shall be admissible in evidence only if it meets the requirements set out in section 187 (8) of the Act.

Withdrawal of consent.

23. (1) pursuant to section 187(6) (b) of the Act, a person who has given their consent under section 187(6) of the Act may withdraw their consent with the leave of court.

(2) An application for withdrawal of consent under subrule (1) may be made—

- (a) orally in court; or
- (b) by way of notice of motion in Form No. AR 5 set out in the Schedule supported by an affidavit deposing to the facts on which the applicant intends to rely on in support of the application.

(3) An application to dispense with a consent that has been unreasonably withheld under section 187 (4) of the Act shall be made in accordance to sub-rule (2)

(4) An application under this rule shall be served—

- (a) on the person who lodged the adoption proceeding in the case of an application under sub- rule (1); or
- (b) the person whose consent is to be dispensed with, in the case of an application under sub-rule (3),

unless it is shown to the satisfaction of the Court that such person cannot be found.

(5) The Court may dispense with the consent of any person specified in section 186 (8) of the Act on application on any of the grounds specified in section 187 (1) of the Act.

Considerations in making adoption order.

24. (1) In making a determination under these Rules, the Court shall consider —

- (a) the conditions set out in section 186 of the Act;
- (b) the conditions set out in section 194 of the Act;
- (c) the best interest of the child;
- (d) whether the child has been declared free for adoption as required by section 42 (cc) of the Act;
- (e) whether the applicant is a fit person to be entrusted with the full parental responsibility and rights in respect of the child;
- (f) the religious and cultural background, and preferences of the child, the child's parents and the applicant, as required by section 187 (4) of the Act; and
- (g) all reasonable preferences expressed by a parent, guardian or other person who is liable by virtue of an order of a competent jurisdiction or agreement to contribute to the maintenance of the child as expressed in their consent have been considered.

PART VI — PROVISIONS RELATING TO ORDERS

Adoption order.

25. (1) Upon hearing of the application for adoption order, the Court may—

- (a) allow the application and issue an adoption order; or
- (b) decline to make an adoption order, and may make such other orders as it deems fit for the welfare of the child in accordance with section 134 of the Act.

(2) Upon issuance of an adoption order under subrule (1), the Registrar shall draw the adoption order in Form No. AR11 and transmit a certified copy of the order for registration in accordance with section 201 of the Act.

Appointment of
Guardian *Ad Litem*

26. (1) An application for the appointment of a guardian *ad litem* pursuant to section 188 (1) of the Act shall be made *ex parte*.

(2) An application for the appointment of a guardian *ad litem*

shall be by way of notice of motion supported by—

- (a) an affidavit of fitness of the proposed guardian ad litem which shall disclose that the proposed guardian ad litem has no interest adverse to those of the child and has consented to be appointed as a guardian *ad litem*;
- (b) an affidavit of fitness sworn by someone vouching to the proposed guardian ad *litem*'s character and suitability to be appointed in that capacity.

(3) An application under this rule shall be served on all parties to the adoption proceeding and the proposed guardian *ad litem*.

(4) The Court shall make an order appointing a guardian *ad litem* taking into consideration the fitness of the person and the best interest of the child.

(5) The duties of a guardian *ad litem* appointed under this rule shall be as set out in section 188 (2) of the Act.

(6) in the discharge of their duties under section 188(2) of the Act, the guardian ad litem shall uphold the confidentiality of all matters relating to the adoption proceeding.

Interim orders on custody, maintenance, etc.

27. (1) Pursuant to section 189(4) of the Act, the Court may, pending final determination of the adoption proceeding, make such interim orders in respect of legal custody, maintenance, access, education, residence, safety, welfare of the child and parental responsibility.

(2) An application for orders under sub-rule (1) shall be by way of notice of motion in Form No. AR7 supported by affidavit in form No. AR8.

(3) The application made under this rule shall be served on the parties to the proceeding and any other relevant party as the court may direct.

Subsequent applications.

28. (1) Where the Court dismisses an application for an adoption order, no further application for an adoption order shall be filed with the Court by or on behalf of the applicant until the expiration of a period of not less than two years after the date of the dismissal of the

application.

(2) Notwithstanding sub-rule (1), an application for an adoption order may be filed with leave of the Court, within the two-year period prescribed in sub-rule (1) if it is shown to the satisfaction of the Court that the reasons for dismissal of the previous application no longer exist.

(3) A subsequent application approved under subrule (2) for an adoption order under this rule shall be made in the respective manner set out under these Rules.

Variation of orders.

29. (1) The Court may, either on its own motion or upon an application, vary the adoption order to correct any defect in the particulars contained therein.

(2) An application under this rule shall be made by way of notice of motion supported by affidavit setting out the grounds on which the application is made.

(3) An order of the Court varying an adoption order shall be transmitted by the Registrar to the Principal Registrar accompanied by a notice specifying—

- (a) the date on which the adoption order was made;
- (b) the names of the adopter;
- (c) the names of the adopted child or children; and
- (d) the particulars of variations to be made in the order

Power to set aside an adoption order.

30. (1) Any person aggrieved by an order of the court under these Rules may—

- (a) apply to the Court to quash an adoption order pursuant to section 199 (3) of the Act; or
- (b) apply to the Court for review.

(2) An application to quash or review an adoption order shall be by way of notice of motion supported by affidavit setting out the grounds on which the application is made.

(3) An application under this rule shall be served by the applicant on—

- (a) the adopting parent or parents, if the adopting parent is not the applicant;
- (b) the adopting parent or parents, if the adopting parent is not the applicant;
- (c) the adoption society by whom the adoption was arranged, if the society is not the applicant; and
- (d) any other person who, in the opinion of the Court, should be served.

(4) Where the adoption order is quashed or reviewed, the applicant in whose favour the order is given shall serve a copy of the order on all persons set out in sub-rule (3).

(5) The Registrar shall transmit the order quashing or reviewing an adoption order to the Principal Registrar.

Procedure where inter-country adoption order is quashed.

31. (1) Where an inter-country adoption order is quashed or reviewed under rule 31, the registrar shall transmit the order quashing or reviewing an inter-country adoption order to the Council.

(2) Upon receipt of the notification under sub rule (1) the Council shall in consultation with the Central Adoption Authority of the country to which the child has relocated facilitate the return of the child to Kenya.

(3) The child shall be brought before the Court which determined the adoption application within seven working days after return of the child to Kenya.

(4) On presentation of the child before court, the Court shall—

- (a) determine whether it would be in the best interest of the child to be placed in a place of safety or other alternative care; or

- (b) order an investigation by the Secretary to determine whether the child is in need of care and protection in accordance with section 145 (11) of the Act; or
- (c) make any other order and give such directions as the Court considers to be in the best interest of the child.

Appeal.

32. An appeal against an order made under these Rules shall lie to the Court of Appeal and shall be made in accordance with the Court of Appeal Rules.

PART VII - MISCELLANEOUS PROVISIONS

Time.

33. The provisions of Order 50 of the Civil Procedure Rules, 2010 shall apply to time prescribed for the doing of any act or taking any proceedings under these Rules.

Attestation of documents.

34. (1) For the purposes of Part XIV of the Act and these Rules, a document shall be sufficiently attested—

- (a) if it is executed in Kenya, it is attested by a magistrate, Registrar or a Commissioner for Oaths;
- (b) if executed in any Commonwealth country, it is attested by a person for the time being authorised by law in that place to administer an oath for any judicial or other legal purposes; and
- (c) if it is executed in any country outside the Commonwealth, it is attested by a consular officer of Kenya or, if there is none, by a person duly designated as Notary Public or its equivalent under the law of that county.

Costs

35. Notwithstanding anything contained in these Rules, the Court may make such orders as to costs as it deems just.

Bond.

36. Where any person is required under Part XIV of the Act to enter into a bond, such bond shall be in Form No. AR12 set out in the Schedule.

Ongoing proceedings.

37. Any adoption proceedings pending in court before the coming into effect of these Rules shall be finalized in accordance

with these Rules.

Revocation .

38. The Children Adoption Rules, 1972 are hereby revoked.

DRAFT FOR PUBLIC CONSULTATION

SCHEDULE

FORMS

FORM No AR 1

(r. 7(1); r. 9(1); r. 11(1); r. 13(1))

ORIGINATING SUMMONS ON APPLICATION FOR AN ADOPTION ORDER

In the..... Court at.....

Adoption Cause No. of 20.....

Let of within 10 days of service on him or her enter an appearance to this Summons which is issued on the application of of (or, under the serial number) for an order -

(1) That of..... be appointed guardian *ad litem* in this cause.

(2) That the applicant(s) be authorized to adopt child (enter the forenames only of the child in accordance with the birth certificate).

Dated this day of 20.....

.....
Registrar

This summons was taken out by the applicant personally/the..... Adoption Society of on behalf of the applicant/..... advocate for the applicant.

Note:

If the person served does not enter an appearance within the time above mentioned the application will be dealt with without further reference to him unless that person is -

- (a) an adoption society which has made arrangements for the adoption; or
- (b) a person whose consent to the adoption is required but has not been given, and in either of the latter cases notice of further proceedings in the application will be served in accordance with rules 11(4), 15(2), or 18 of the Adoption Rules.

CONSENT TO AN ADOPTION ORDER IN RESPECT OF A CHILD NAMED A.B. (1)

Whereas an application is to be made (by CD and ED) (2) or (under the serial number) (Whereas the said AB (hereinafter called the child) is not less than six weeks old, having been born in on the day of 20.....) (3)

I the undersigned of being the mother of the child/the father of the child/a guardian of the child/the parent of the mother of the child (in a case where the mother of the child is unmarried and under the age of 18) / person liable by virtue of an order or agreement to contribute to the maintenance of the child/the spouse of CD, hereby state as follows -

(1) I understand that the effect of an adoption order will be to deprive me permanently of the rights of a parent/guardian and in particular I understand that, if an order is made, I shall have no right to see or get in touch with the child or have him/her returned to me;

(2) I understand that when the application for an adoption order is heard by the Court, this document may be used as evidence of my consent to the making of the order;

(3) I consent to the making of an adoption order (on condition that the religious persuasion in which the child is brought up is) (4)

.....

(Signature)

Signed at.....on theday of, 20....., by the said..... (who satisfied me that she fully understood the foregoing statement)

(3)

Before me..... (Signature)

of..... (address)..... (description)

Notes:

- (1) Insert name as known to consenting party.
- (2) Where the name of applicant is not known to the consenting party, and serial number has been obtained for the application under rule 6, complete the entry contained in second brackets.
- (3) Delete the words in brackets except where the consenting party is the mother of child.
- (4) Delete the words in brackets if no condition as to religious upbringing is to be imposed.

MEMORANDUM OF APPEARANCE

ENTER an **APPEARANCE** (in person) ⁽¹⁾ for
the Respondent herein whose address for service for the purposes of this cause shall be
.....
.....
.....

Dated at this day of..... 20.....

(Signed)
Respondent /Advocates for the Respondent ⁽²⁾

***Notes---**

1. Delete whichever is not applicable
2. If such is the case
3. As the case may be

HEARING NOTICE

(Heading as in Form No AR 1)

To: of.....

Whereas an application has been made (by CD/CD and ED) (1) or (under the serial number)

TAKE NOTICE that the application will be heard at the..... Court at o'clock in the forenoon on the day of..... 20..... and that you may appear to show cause why the adoption order should not be made.

Dated this day of 20.....

Applicant/

Advocate for the Applicant/

Adoption Society acting for the Applicant

Note:

(1) The name of the applicant must not be given when the notice is addressed to an individual and a serial number has been obtained under rule 6

APPLICATION FOR AN ORDER DISPENSING WITH CONSENT

(Heading as in Form No AR 1)

To:

TAKE NOTICE that an application will be made to theon
..... the day of 20..... at o'clock for an order dispensing
with your consent to the adoption order being made.

The grounds on which the application will be made are that the cause falls within the
following provisions of section 190 of the Act, that is to say

.....

A statement of the facts on which the applicant intends to rely in support of the
application accompanies this summons.

If you do not appear to answer to this summons at the time and place stated above the
application will be determined in your absence.

Applicant/

*Adoption Society acting for the
Applicant/*

Advocate for the Applicant.

ADOPTION ORDER
(Heading as in Form No AR 1)

An application having been made by CD by occupation a resident at and ED his wife (hereinafter called the applicant/applicants) for an order under the Act authorizing him/her/them to adopt AB child, the child/adopted child of FB/FB and GB.

And the said AB (hereinafter called the child) being of the..... sex and never having been married;

And the applicant/one of the applicants having attained the age of twenty-five years and being at least twenty-one years older than the child; Having attained the age of twenty-one years and being a relative of the child within the meaning of the Act; Being the mother/father of the child;

(And the names by which the child is to be known being FD) (1);

(And it having been proved to the satisfaction of the Court that the child is identical with AB, to whom an entry numbered and made on the 20 in the County of..... relates) And the (probable) (2) date and place of birth of the child appearing to be the day of at

(And the child having been previously the subject of an adoption order dated theday of20..... of which particulars are entered in the Adopted Children Register) (3)

IT IS HEREBY ORDERED that the applicant/applicants be authorized to adopt the child;

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

(And it is further directed that the Registrar-General shall cause the said entry in the Register of Births to be marked with the word "Adopted");

(And it is further directed that the Registrar-General shall cause the previous entry in the Adopted Children Register relating to the child to be marked with the word "readopted");

(And it is further directed that the applicant shall comply with the following terms and conditions referred to in section 196 (2) of the Act, that is to say).

SCHEDULE

Date and place of birth of the child (4)	Name of the child (5)	Sex of the child	Name and surname Address and occupation of adopter or	Date of adoption order and Court by which made
--	-----------------------	------------------	---	--

			adopters	
--	--	--	----------	--

Notes:

- (1) Delete where there is no change of name.*
- (2) Delete "probable" where the precise date of the child's birth is proved.*
- (3) Delete except where the child has been previously adopted.*
- (4) Where a probable date and place of birth are specified in the body of the order, enter that date and place without qualification.*
- (5) Enter only the names by which the child is to be known.*

FORM No AR 7

(r. 22)

APPLICATION FOR INTERIM ORDERS

(Heading as in Form No AR 1)

To:

TAKE NOTICE that an application will be made to the at the court
on..... the day of, 20..... at
o'clock for an order that the applicant(s) may be granted custody of the
 child..... until the disposal of the application for adoption.

You may appear at the time and place stated above to show cause why the application for custody should not be granted.

Applicant /
Adoption Society acting for the Applicant /
Advocate for the Applicant.

(Heading as in Form No AR 1)

AFFIDAVIT IN SUPPORT OF APPLICATION FOR INTERIM ORDERS

Iof make oath and state -

(1) I am the applicant herein.

(2) The child who is the subject of my application for adoption has been lawfully in my care since.....

(3) The circumstances in which the child came into my care are as follows -
.....
.....

(4) I request that this Court grant me custody of the child..... until such time as my application to adopt him/her is finally disposed of.

SWORN at this day of..... 20..... etc.

Note. - In the case of a joint application substitute the plural.

(Heading as in Form No AR 1)

BOND

BY THIS BOND, I/We the person(s) in whose favour an adoption order relating to the child was made by the Court on the day of 20..... acknowledge myself/ourselves to be firmly bound to do the several things set out hereunder in pursuance of the direction of the Court made under section 196 (2) of the Act.

(set out the conditions)
.....
.....
.....

And I/We understand that should I/We fail to undertake any of the obligations of this bond such failure will constitute contempt of court and be punishable as such.

Dated this day of 20.....

Signed, sealed and delivered
by the above named

.....

in the presence of

.....

Made on the, 2023

MARTHA KOOME,
Chie Justice.

DRAFT FOR PUBLIC CONSULTATION