

THE FIRST DIRECTIONS HEARING – ADOPTIONS WITH A FOREIGN ELEMENT

This Practice Direction supplements Part 14, rule 14.8(3) of the Family Procedure Rules 2010

Application

- 1.1** This Practice Direction applies to proceedings for –
- (a) a Convention adoption order;
 - (b) a section 84 order;
 - (c) a section 88 direction;
 - (d) a section 89 order; and
 - (e) an adoption order where the child has been brought into the United Kingdom in the circumstances where section 83(1) of the Act applies.

The first directions hearing

- 2.1** At the first directions hearing the court will, in addition to any matters referred to in rule 14.8(1), –
- (a) consider whether the requirements of the Act and the Adoptions with a Foreign Element Regulations 2005 (S.I.2005/392) appear to have been complied with and, if not, consider whether or not it is appropriate to transfer the case to the High Court;
 - (b) consider whether all relevant documents are translated into English and, if not, fix a timetable for translating any outstanding documents;
 - (c) consider whether the applicant needs to file an affidavit setting out the full details of the circumstances in which the child was brought to the United Kingdom, of the attitude of the parents to the application and confirming compliance with the requirements of The Adoptions with A Foreign Element Regulations 2005;
 - (d) give directions about –
 - (i) the production of the child’s passport and visa;
 - (ii) the need for the Official Solicitor and a representative of the Home Office to attend future hearings; and
 - (iii) personal service on the parents (via the Central Authority in the case of an application for a Convention Adoption Order) including information about the role of the Official Solicitor and availability of legal aid to be represented within the proceedings; and
 - (e) consider fixing a further directions appointment no later than 6 weeks after the date of the first directions appointment and timetable a date by which the Official Solicitor should file an interim report in advance of that further appointment.

