

Note 9

If you are applying for an order for parental responsibility prior to adoption abroad alone and

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

Note 10

If you are applying alone for an order for parental responsibility prior to adoption abroad and you are married or you have a civil partner, you will need to satisfy the court that:

- your husband/wife or civil partner cannot be found, or
- you have separated from your husband/wife or civil partner, you are living apart, and the separation is likely to be permanent, or
- your husband/wife or civil partner is physically incapable of making an application or lacks capacity (within the meaning of the Mental Capacity Act 2005) to do so.

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

You should attach your marriage certificate (or other evidence of marriage) or certificate of civil partnership (or other evidence of civil partnership) to your application, together with any other documentary evidence on which you propose to rely, such as a decree of official separation, or medical evidence of physical incapability or a lack of capacity within the meaning of the Mental Capacity Act 2005. You should also supply the name and address (if known) of your husband/wife or civil partner.

Note 11

If you are applying alone for an order for parental responsibility prior to adoption abroad in respect of your own child you will need to satisfy the court that;

- the other natural parent has died, or
- the other natural parent cannot be found, or
- there is no person who is a parent is by virtue of section 28 of the Human Fertilisation and Embryology Act 1990, (disregarding subsections (5A) to (5I) of that section) and sections 34 to 47 of the Human Fertilisation and Embryology Act 2008 (disregarding sections 39, 40 and 46 of that Act) there is no other parent or
- there is some other reason (which you must set out on your application form) justifying the other parent's exclusion from your application.

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

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

Part 2 About the child

Note 12

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

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

Note 13

The court cannot make an order for parental responsibility prior to adoption abroad in relation to any person who is or has been married, or any person who is or has been a civil partner.