

Application for an order to annul a Convention adoption or Convention adoption order or for an overseas adoption or determination under section 91 to cease to be valid (Form A63)

Notes on completing the form

Important

If you are attaching any order of the High Court or a county court to your application, it must be a sealed copy of the order (that is, a copy that has been stamped with the seal of the court). If you are attaching an order made by a magistrates' court, it must be a certified copy (a copy certified by the court officer to be a true copy of the original order), or a copy that bears the stamp of the originating court. An order issued by any other authority must be properly authenticated by that authority. If you are in any doubt about what is needed, please contact the court for assistance.

Take or send the completed application form, **and three copies**, to the High Court, together with the court fee and any documents you are attaching in support of your application. If you are not sure about the court fee payable for your application, or you think you may be exempt from paying all or part of the fee, you should contact the court for information.

Notes on the application form

Note 1

An application may be made to the High Court under section 89 of the Adoption and Children Act 2002 for:

- An order to annul a Convention adoption or Convention adoption order on the ground that the adoption is contrary to public policy;
- An order that an overseas adoption or a determination under section 91 cease to be valid on the ground that the adoption or determination is contrary to public policy or that the authority which purported to authorise the adoption or make the determination was not competent to entertain the case; or
- A decision about the extent, if any, to which a determination under section 91 has been affected by a subsequent determination under that section.

An 'overseas adoption' is one occurring in a place, under the law of that place, listed in the Schedule to the Adoption (Designation of Overseas Adoptions) Order 1973.

Note 2

If you do not want your private address and telephone number to be disclosed to any other party, do not enter those details on this application form. Instead you should enter the details on Form A65, which you must file at the court with your application. The information will not then be disclosed to any other person, except by order of the court.

Note 3

Enter your relationship to the child, for example, adopter, parent. If you are the child enter 'subject child'. If you do not have a relationship to the child enter 'none'.

Note 4

Please give the name of the child as it appears on the Convention adoption, Convention adoption order or other overseas adoption order or determination under section 91.
You must attach a copy of the order (or determination) to your application.

Note 5

If there are any other earlier, or current, court proceedings relating to the child, give the name of the court, the nature of the proceedings and the date and effect of any order made. You should attach a copy of any court order to the application. You do not need to enter here the details of the Convention adoption, Convention adoption order or other overseas adoption order or determination under section 91 you are asking the court to annul or declare invalid. Instead, you should enter those details in Part 4 'About this application'.

If you were a party to any proceedings that have been completed, you should attach a copy of the final order to your application.

If there are earlier, or current, court proceedings relating to a full, half or step brother or sister of the child, give the name of the court, the nature of the proceedings and the date and effect of any order made, or the date of the next hearing if proceedings are current.

If you were a party to any proceedings that have been completed, you should attach a copy of the final order to your application.

Note 6

Give the names of the child's adoptive parents.

Note 7

In Part 4 of the application please indicate the order(s) you are asking the court to make and complete the relevant additional details required. **You should ensure you attach a copy of the order (or determination) to this application.**

If you are applying for an order to annul the Convention adoption or Convention adoption order complete paragraph (a) in Part 4. You should then give your reasons for believing that the Convention adoption or Convention adoption order is contrary to public policy in paragraph (d).

If you are applying for an order that the overseas adoption or determination under section 91 should cease to be valid please complete paragraph (b) in Part 4. You should tick the appropriate box to indicate whether this is because:

- you believe the overseas adoption or determination to be contrary to public policy or
- the authority which purported to authorise the adoption or determination was not competent to do so;

and give your reason(s) for this in paragraph (d).

If you are asking the court to decide the extent to which a determination under section 91 has been affected by a subsequent determination under that section, complete paragraph (c) of Part 4. You should then give your reasons for the application in paragraph (d).

Note 8

An application to annul a Convention adoption or Convention adoption order can only be made if immediately before an application is made the person adopted or the adopter(s) were habitually resident in England and Wales. Please confirm that this is the case by ticking the appropriate box in paragraph (a) of Part 4.

Note 9

Please set out the reasons for your application. If there is not enough room for your reply, please continue on a separate sheet. Put the child's name, the number of the Part and the paragraph reference at the head of the continuation sheet.

If you have withheld your address or telephone number on the application form, you should make sure that the reasons you give for your application do not include any information that could lead to those details being disclosed.

Special assistance or facilities for disability if you attend court

Note 10

If you/either of you need special assistance or special facilities for a disability or impairment, please set out your requirements in full. The court staff will need to know, for example, whether you want documents to be supplied in an alternative format, such as Braille or large print. They will also need to know about any specific requirements you may have on the day of the hearing, such as wheelchair access, a hearing loop, or a sign language interpreter. The court staff will get in touch with you about your requirements. It is important that you make the court aware of all your needs. If you do not, the result may be that the hearing has to be adjourned.