

Application for a recovery order

Section 41 Adoption and Children Act 2002

Name of court	
Case no./Serial no.	
Date received by the court	
Date issued	

Notes to applicants

- This form is only for use if you are applying for a recovery order under section 41 of the Adoption and Children Act 2002.
- Before filling in this form, please read the guidance notes on completing the form.
- Please complete all parts. If any part does not apply to your application, or you are not sure of the answer, please say so.
- If there is not enough room for your reply to any question, continue on a separate sheet. Please put the child's name, the part and question number at the head of the continuation sheet.
- Please use black ink when filling in the form.

Part 1 About you

a) I am a prospective adopter of the child and wish to keep my identity confidential and apply for a serial number

☐ Yes ☐ No

See Note 1

b) Title

☐ Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other _____

c) My name is

First name(s) in full

Last name

d) My address is (including post code)

e) My telephone number is

See Note 2

See Note 3

f) Are you applying as an officer of an adoption agency or local authority?

☐ Yes ☐ No

If Yes, please give below the name of the adoption agency/local authority and your position within the adoption agency/local authority

Name of adoption agency/ local authority	
Your position within the agency/local authority	

If No, please give below your relationship to the child

See Note 4

g) My solicitor in these proceedings is

Name of solicitor			
Name of firm			
Address (including postcode)			
Telephone no.		Fax no.	
DX no.			
E-mail address			

Part 2 About the child

a) The name of the child is

First name(s) in full

Last name

b) The child is a

☐ Boy

☐ Girl

c) The child was born on

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d) The child's usual address is

e) The child lives with (If you do not know the name of the person with whom the child lives with enter 'Not Known')

See Note 2

f) If the child is or has been the subject of continuing or previous court proceedings please give the details of the case and the court in which the proceedings are taking place or took place

Type of order made (or applied for)	Date of order (or date of next hearing)	Name of court	Case number (or serial number)

Part 3 Reason for application

Please read thoroughly the Guidance Notes for Part 3, which explain the different grounds for applying for a recovery order. Please then tick the box(es) that apply to your application and give full details. It is important to give as much information as possible about the whereabouts of the child, the person or persons who may have this information and the names and addresses of anyone who has removed or not returned the child. In every case give the name and address of the person referred to, their relationship to the child, the circumstances in which the child comes to be with them and any other information you think the court requires.

See Note 5

The child has:

- ☐ been removed by the person or persons whose name(s) and address(es) are given below in contravention of any of the provisions of sections 30 to 40 of the Adoption and Children Act 2002.

or

- ☐ not yet been removed, but there are reasonable grounds to believe that the person or persons whose name(s) and address(es) are given below intend(s) to remove the child in contravention of sections 30 to 40 of the Adoption and Children Act 2002.

or

- ☐ Prospective Adopters (whose details are given below or on form A65) have not returned the child to the adoption agency within 7 days of the agency giving them notice to return the child under section 31(4) or 35(2) of the Act
- ☐ Prospective Adopters (whose details are given below or on form A65) have not returned the child to the adoption agency within 14 days of the agency giving them notice to return the child under section 32(2) of the Act
- ☐ Prospective Adopters (whose details are given below or on form A65) have not returned the child to the local authority on the date set by the court under section 33(2) of the Act
- ☐ Prospective Adopters (whose details are given below or on form A65) have not returned the child to the local authority within the period determined by the Court under section 34(3) of the Act

Part 4 The order and directions applied for

Please indicate the type of order you will be asking the court to make:

- ☐ An order directing the person identified below or any person who is in a position to do so to produce the child to one of the following: (Please tick the box that applies)
- ☐ The person named in the order
- ☐ Any constable
- ☐ Any person authorised to exercise any power under the order by the adoption agency authorised to place the child for adoption

- ☐ An order that one of the following people do remove the child (please tick the box that applies):
- ☐ The person named in the order
- ☐ Any constable
- ☐ Any person authorised to exercise any power under the order by the adoption agency authorised to place the child for adoption.

Please give information below about the whereabouts of the child

- ☐ An order requiring the person(s) identified below to disclose information as to the child's whereabouts to any constable or officer of the court

- ☐ An order authorising a constable to enter into the premises specified below to search for the child (Include your grounds for believing the child to be on the premises.)

Is this application being made without notice being given to another party?

☐ Yes ☐ No

If Yes, please state why.

Statement of truth

Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified by a statement of truth.

*[I believe] [The applicant believes] that the facts stated in this application are true.

*I am duly authorised by the applicant to sign this statement.

Print full name

Signed

Date

*[Applicant] [Applicant's solicitor] [Litigation friend]

*delete as appropriate

If you attend the court for a hearing

1. Do you have a disability for which you require special assistance or special facilities?

☐ Yes

☐ No

If Yes, please say what your needs are below
(the court staff will get in touch with you about your requirements)

2. Do you want to use the services of an interpreter?

☐ Yes

☐ No

If Yes, please specify which language
(court staff will get in touch with you about your requirements)

What to do now

Once you have completed and signed this form, you should take or send the form and **three copies** to the court, together with the court fee* and the following documents:

- Copies of any relevant orders i.e. placement orders or contact orders.

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.

- Evidence of the basis on which a child is accommodated or placed
- Evidence as to how any necessary notices, requests or court orders have been served
- If appropriate, a recent photograph of the child which should be dated.
- If the application is being made without notice and it is not possible to obtain documents in advance, you will need to ask the court for directions when you make the application.

*If you are not sure about the court fee payable for your application, or you think that you may be exempt from paying all or part of the fee, you should contact the court for information.

See Note 6