

Application for a Convention adoption order Section 46 Adoption and Children Act 2002

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

Notes to applicants

- This form should only be used if you wish to apply for a Convention adoption order.
- You shall need to complete Form A61 (Application for parental responsibility prior to adoption abroad) if you intend to adopt a child who is habitually resident in the United Kingdom (or who is a Commonwealth citizen) in a place outside of the British Islands (and provided you do not already have an order to remove the child under the Adoption (Scotland) Act 1978 or the Adoption (Northern Ireland) Order 1987), even if you will be applying for a Convention adoption order in a place outside the British Islands.
- Before filling in this form, please read the guidance notes on completing the form.
- Please complete every Part. If you are not sure of the answer to any question, or you do not think that it applies to you, please say so.
- If there is not enough room on the form for your reply, you may continue on a separate sheet. Please put the child's full name, the number of the Part and the paragraph reference at the head of the continuation sheet.
- Please use black ink when filling in the form.

I/We the undersigned _____

(and _____)

wish to adopt _____

See Note 1

and give the following details in support of my/our application

I/We want my/our identity to be kept confidential and
wish to apply for a serial number

☐ Yes

☐ No

See Note 2

Part 1 About you

First applicant

a) Title

☐ Mr

☐ Mrs

☐ Miss

☐ Ms

☐ Other _____

b) My name is

First name(s) in full

Last name

Second applicant

a) Title

☐ Mr

☐ Mrs

☐ Miss

☐ Ms

☐ Other _____

b) My name is

First name(s) in full

Last name

See Note 3

c) My address is (including postcode)

c) My address is (including postcode)

d) My telephone number is

d) My telephone number is

e) My date of birth is

e) My date of birth is

f) My nationality is

f) My nationality is

Habitual Residence

See Note 4

Please indicate whether the United Kingdom is the receiving State or State of origin by ticking the relevant box and the statement that applies to you (or both of you):

☐ The United Kingdom is the receiving State and [I (in the case of an application by one person)][both of us] have been habitually resident in a part of the British Islands for a period of not less than one year ending with the date of the application.

☐ The United Kingdom is the State of origin and [I am (in the case of an application by one person)][both of us are] habitually resident in a Convention country outside the British Islands on the date of the application.

Note: If the United Kingdom is the receiving State and you are (or if you are applying as a couple, either of you is) not a British citizen, please complete the following statement. Otherwise delete the following statement:

The First Applicant/the Second Applicant is not a British citizen, but the Home Office has confirmed that the child is authorised to enter and reside permanently in the United Kingdom. Evidence of the authorisation from the Home Office is attached.

g) My occupation is

g) My occupation is

See Note 5

h) I am

☐ Male

☐ Female

h) I am

☐ Male

☐ Female

i) My relationship to the child is

i) My relationship to the child is

See Note 6

j) My/Our solicitor in these proceedings is

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

Status

If you are applying to adopt as a couple, please go straight to **Part 2 About the Child**. Paragraphs (k) to (p) do not apply to you

If you are applying to adopt alone, please tick the box at (k) to (p) below that applies to your circumstances. **If you tick (k), (l) or (p), please give the additional information asked for.**

- k) ☐ I am the partner of the child's
☐ Father ☐ Mother

If you have ticked box (k), please go straight to Part 2 About the Child. Paragraphs (l) to (p) do not apply to you.

See Note 7

- l) ☐ I am the partner (not the spouse or civil partner) of a person who is not the child's parent and I am applying to adopt alone because:

If you have ticked box (l), please go straight to Part 2 About the Child. Paragraphs (m) to (p) do not apply to you.

See Note 8

(please give reasons below, continuing on a separate sheet if necessary)

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- m) ☐ I am not married/I do not have a civil partner
or
n) ☐ I am divorced/my civil partnership has been dissolved

See Note 9

- or**
o) ☐ I am a widow/a widower/a surviving civil partner
or

See Note 9

- p) ☐ I am married/I have a civil partner, and I can satisfy the court that:

See Note 10

- ☐ my husband/wife/civil partner cannot be found

or

- ☐ I have separated from my husband/wife/civil partner, we are living apart and the separation is likely to be permanent

or

- ☐ my husband/wife/civil partner is not capable of making an application due to ill-health

Part 2 About the child

a) The child is a

☐ Boy

☐ Girl

b) The child was born on

--	--	--	--	--	--	--	--

and is the person to whom the attached certified copy of the child's original birth certificate, or other evidence attached regarding the child's identity relates.

or To the best of my/our knowledge the child was born on or about

--	--	--	--	--	--	--	--

in (give place and country of birth)

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See Note 11

c) The child's nationality is

--

d) I/we confirm that the child is not and has never been married or a civil partner

☐ Yes

☐ No

See Note 12

e) The child has had his/her home with me/us continuously since

--	--	--	--	--	--	--	--

Habitual Residence

Please indicate whether the United Kingdom is the receiving State or the State of origin by ticking the relevant box and the statement that applies to the child:

☐ The United Kingdom is the receiving State and the child to be adopted was, on the date on which the Article 17(c) agreement was made, habitually resident in a Convention country outside the British Islands.

☐ The United Kingdom is the State of origin and the child to be adopted was, on the date on which the agreement under Article 17(c) was made, habitually resident in a part of the British Islands.

f) The child was placed with me/us for adoption by an adoption agency

☐ Yes (If you ticked this box, please complete paragraphs (g) and (h) and then go straight to paragraph (j). Paragraph (i) does not apply to you.)

☐ No (If you ticked this box, please go straight to paragraph (i). Paragraphs (g) and (h) do not apply to you.)

g) The child was placed with me/us for adoption on

--	--	--	--	--	--	--	--

by

Name of adoption agency	
Address (including post code)	
Name of your contact in the agency	
Telephone no.	

h) ☐ No other adoption agency has been involved in placing the child

or

☐ The following adoption agency has also been involved in placing the child

Name of adoption agency	
Address (including post code)	
Name of your contact in the agency	
Telephone no.	

i) I/we have notified in writing my/our local authority of my/our intention to apply for an adoption order (give details)

See Note 13

Name of local authority	
Address (including post code)	
Date notified	
Name of your contact in the local authority	
Telephone no.	

Care

j) ☐ No local authority or voluntary organisation has parental responsibility for the child

or

☐ The following local authority/voluntary organisation has parental responsibility for the child:

Name of local authority or voluntary organisation	
Address (including post code)	
Name of your contact in the authority/organisation	
Telephone no.	

Maintenance

- k) ☐ No maintenance order/agreement or award of child support maintenance under the Child Support Act 1991 has been made in respect of the child

or

- ☐ The following maintenance order/agreement/award of child support maintenance has been made

See Note 14

Person liable to pay maintenance	
Address (including post code)	
Court and date of order	
Date of maintenance agreement/child support maintenance award	

About other orders or proceedings that affect the child

- l) ☐ To the best of my/our knowledge, no proceedings relating to the child (other than any maintenance order given above) have been completed or commenced in any court, whether in the United Kingdom or elsewhere

or

- ☐ The following proceedings relating to the child have been completed/commenced (in addition to any maintenance order given above)

See Note 15

Type of order made (or applied for)	Date of order (or date of next hearing)	Name of court (and country if not in the UK)	Case number (or serial number)

Cases concerning a related child

- m) ☐ To the best of my knowledge, no proceedings relating to a full, half or step brother or sister of the child have been completed or commenced in any court, whether in the United Kingdom or elsewhere

or

- ☐ The following proceedings relating to a full, half or step brother or sister of the child have been completed/commenced (please give details below and, if you were a party to any proceedings that have been completed, attach a copy of the final order)

Relationship to child (eg. sister, half-brother)	Type of order made (or applied for)	Date of order (or date of next hearing)	Name of court (and country if not in the UK)	Case number (or serial number)

Part 3 About the child's parents or guardian

The child's mother

a) The name of the child's mother is

First name(s) in full

Last name

b) Her address is (if deceased, please write 'Deceased' in the address box)

c) Her nationality is

The child's father

d) The name of the child's father is

First name(s) in full

Last name

e) His address is (if deceased, please write 'Deceased' in the address box)

f) His nationality is

g) Does he have parental responsibility for the child?

☐ Yes

☐ No

If No, does he intend to apply for an order under section 4(1)(c) of the Children Act 1989 (a parental responsibility order) or a residence or contact order in respect of the child?

☐ Yes

☐ No

See Note 16

See Note 17

The child's guardian

h) The name of the child's guardian is

First name(s) in full

Last name

i) His/Her address is

See Note 18

Parent/guardian consent to adoption

The child's parent(s)/guardians has/have consented to a Convention adoption order being made.

See Note 19

Part 4 General

Child's name on adoption

See Note 20

If the adoption order is made, I/We want the child to be known as

First name(s) in full

Last name

Declarations

I/We have not received or given payment or reward in respect of the proposed adoption (except as follows:) (give details below)

To the best of my/our knowledge, only the person(s) or organisation(s) named in Part 2 of this application have taken part in the arrangements for the child's adoption.

Part 5 Statement of truth

I believe that the facts stated in this application are true.

I believe that the facts stated in this application are true.

Signature of first applicant

Signature of second applicant

Print full name

Print full name

Signed

Signed

Date

Date

If you attend the court for a hearing

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

See Note 21

☐ 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/either of 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)

3. Are there any dates on which you know you will not be able to attend the court, or any particular dates that would especially suit you? If so, please give details below

Unavailable dates	Preferred dates

(Please note that, although the court will try to fit in with your preferences, it may not be always be possible to do so)

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:

- where the UK is the State of origin, a certified copy of the full entry in the Register of Live Births that relates to the child or, where the child has been adopted, a certified copy of the entry in the Adopted Children Register;
- where the UK is the receiving State, a certified copy of the child's original birth certificate, any abandonment certificate/declaration, or where the child has been adopted, a certified copy of the entry in the register of adoptions as recognised in the State of origin or a certified copy of the adoption certificate;
- if you were a party to the proceedings, a copy of any final order relating to the child that has effect and, if possible, a copy of any maintenance agreement or maintenance award relating to the child;
- if you were a party to the proceedings, a copy of any final order relating to a full, half or step brother or sister of the child that has effect;
- where a parent of the child has died, a certified copy of the entry in the Register of Deaths;
- if you are submitting evidence of marriage or civil partnership, a certified copy of the entry in the Register of Marriages or the Register of Civil Partnerships;
- where your husband, wife or civil partner has died, a certified copy of the entry in the Register of Deaths;
- a copy of any decree absolute of divorce or decree of nullity of your marriage;
- in relation to a civil partnership, a copy of any dissolution order or nullity order of your civil partnership;
- any documentary evidence supporting the reasons why you are applying to adopt the child without your husband, wife or civil partner, such as a decree of judicial separation;
- where the UK is the receiving State and the applicant (or in the case of a couple, either or both of the applicants) is not a British citizen, the child's passport containing confirmation the Home Office authorisation for the child to enter and reside permanently in the United Kingdom;
- if your name as entered on the application form is different from the name shown on any evidence of marriage or civil partnership you are sending with your application, any documentary evidence to explain the difference.

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

Application for a Convention adoption order (Form A59)

Notes on completing the form

Important

This form should only be used if you wish to apply for a Convention adoption order.

You need to complete Form A61 (Application for parental responsibility prior to adoption abroad) if you are applying for a Convention adoption order but intend to adopt a child who is habitually resident in the United Kingdom (or who is a Commonwealth citizen) in a place outside of the British Islands (and provided you do not already have an order to remove the child under Adoption (Scotland) Act 1978 or the Adoption (Northern Ireland) Order 1987) even if you will be applying for a Convention adoption order in a place outside the British Islands.

‘Convention adoption order’ means an adoption order which, by virtue of regulations under section 1 of the Adoption (Intercountry Aspects) Act 1999, is made as a Convention adoption order.

‘the Convention’ means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993.

In these notes, any reference to a birth certificate, death certificate, marriage certificate or certificate of civil partnership obtained in England and Wales means a certified copy of the entry in the Register of Live Births, the Register of Deaths, the Register of Marriages or the Register of Civil Partnerships, as appropriate. A photocopy is not acceptable. Where the United Kingdom is the State of origin the birth certificate you send to the court for the child you are applying to adopt must be a certified copy of the full entry in the Register of Live Births.

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 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 that 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

Enter the name of the child you are applying to adopt, surname last.

Where the UK is the State of origin you must enter the full first name(s) and the surname of the child exactly as they are shown on the birth certificate (or, if the child has previously been adopted, the certified copy of the entry in the Adopted Children Register) you are sending with your application (see note 11 below).

Where the UK is the receiving State you must enter the full first name(s) and the surname of the child exactly as they are shown on the certified copy of the child’s original birth certificate, any abandonment certificate/declaration, or where the child has been adopted, the certified copy of the entry in the register of adoptions as recognised in the State of origin or a certified copy of the adoption certificate (see note 11 below).

Note 2

If you do not want your identity to be made known to the parents or guardians of the child you are intending to adopt, the court will issue you with a serial number. Any documents sent to the parents/guardians will show the serial number, not your personal details. If you are required to attend the same court hearing, the court will make arrangements to ensure that your identity is protected.

Part 1 About you**Note 3**

If the name you have entered is different from your name as it is shown on any evidence of marriage or civil partnership you are sending with your application form (for example, because you have changed your name by deed), please attach a continuation sheet explaining the reason for the difference, and a copy of any supporting documents (such as the deed).

Note 4

A Convention adoption order cannot be made unless:

- Where the United Kingdom is the receiving State, you (or in the case of two applicants, both of you) have been habitually resident in a part of the British Islands for a period of not less than one year ending with the date of the application, or
- Where the United Kingdom is the State of origin, you (or in the case of two applicants, both of you) have been habitually resident in a Convention country outside the British Islands on the date of the application.

The United Kingdom means England, Wales, Scotland and Northern Ireland.

'Habitual residence' is normally taken to refer to usual, or customary, residence in a particular place. If you are in any doubt as to whether you meet these conditions, you should seek legal advice.

If the United Kingdom is the receiving State and you are (or in the case a couple, either of you is) not a British citizen, you must obtain confirmation from the Home Office that the child is authorised to enter and reside permanently in the United Kingdom. You should attach the child's passport containing the Home Office authorisation to your application.

Note 5

The occupation you give here will appear on the Convention adoption order and will subsequently be entered in the Adopted Children Register. Please note that failure to give full details may result in a delay in issuing the child's adoption certificate. It is important that you enter the full title of your occupation (or former occupation if you are retired), for example, 'secondary school teacher' or 'ballet teacher', not 'teacher'; 'self-employed carpenter', not 'self-employed'; 'retired police officer', not 'retired'. Abbreviations or general descriptions such as 'self-employed', 'part-time worker', or 'retired', cannot be accepted. Please note also that company names cannot be entered in the Register and it is not sufficient to enter that you are an 'employee' or 'worker' with any particular company, you must give your occupation. If you are unemployed or currently unable to work because of disability, you should give your last occupation. If you are a member of HM Forces, you should give your rank and/or profession.

Note 6

Enter your relationship to the child you are applying to adopt, for example, step-parent, foster parent, grandparent, aunt, uncle, other relative (please specify). If you do not currently have any relationship to the child, other than as prospective adopter, please enter 'none'.

Note 7

If you are applying to adopt alone and you are the partner (including husband, wife or civil partner) of the child's father or mother, you should complete paragraph (k) and then go straight to Part 2 About the Child. Paragraphs (l) to (p) do not apply to you.

Note 8

If you are applying to adopt alone and you are the partner (but not the husband, wife or civil partner) of a person who is not the parent of the child you wish to adopt, you should complete paragraph (l). Please give your reasons for applying to adopt alone. If there is not enough room for your reply, you may continue on a separate sheet. You should then go straight to Part 2 About the Child. Paragraphs (m) to (p) do not apply to you.

Note 9

If you are applying to adopt alone and

- you have never been married/ had a civil partner, please complete paragraph (m);
- you are divorced, or your civil partnership has been dissolved, please complete paragraph (n) and attach a 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 (o) and attach the death certificate of your deceased husband, wife or civil partner to your application.

Note 10

If you are applying to adopt alone 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 incapable of making an application due to physical or mental ill-health.

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 incapacity. You should also supply the name and address (if known) of your husband/wife or civil partner.

Part 2 About the Child

Note 11

Where the UK is the State of origin, 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 the UK is the receiving State a certified copy of the child's original birth certificate, any abandonment certificate/declaration, or where the child has been adopted, a certified copy of the entry in the register of adoptions as recognised in the State of origin or a certified copy of the adoption certificate, should be attached.

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 12

The court cannot make a Convention adoption order in relation to any person who is or has been married, or any person who is or has been a civil partner.

Note 13

Where the United Kingdom is the receiving state you must give notice of your intention to apply for a Convention adoption order to the local authority where you have your home or last had your home within 14 days beginning with the date on which the child enters the United Kingdom.

Note 14

If some person or body is liable to pay maintenance for the child under a court order, or a maintenance agreement or child support maintenance awarded under the Child Support Act 1991, give the name and address of the person or body liable to pay. In the case of a maintenance order, give the name of the court and the date the order was made; otherwise, give the date of the maintenance agreement or child support maintenance award.

If possible, you should attach a copy of any maintenance order or a copy of the maintenance agreement or maintenance award to your application.

Note 15

If there are earlier, or current, court proceedings relating to the child you are applying to adopt (for example, proceedings for a care order, a contact order, a parental responsibility order or a residence order), 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. You do not need to repeat the details of any maintenance order or agreement you have already given.

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

Important: if you have previously applied for an adoption order in respect of the same child and the order was refused, you will need to satisfy the court that there has been a change of circumstances since you last applied, or that there is some other reason why the court should hear your current application. Please set out your reasons for making this application on a separate sheet, explaining why you think the application should be heard. Please put the child's full name, the number of the Part and the paragraph reference at the head of the sheet and attach it to your application form.

Part 3 About the child's parent(s) or guardian

Note 16

If the child has previously been adopted, give the names of his/her adoptive parents, not those of his/her natural parents.

Note 17

Where England and Wales is the State of origin, if the child's parents were not married to each other at the time of his/her birth, the child's father may have parental responsibility

- because he and the child's mother have married since the child was born;
- because he has a parental responsibility agreement with the mother, or has been granted a parental responsibility order, or
- because he registered the child's birth jointly with the child's mother (since 1 December 2003).

Give details of any court order or agreement in respect of parental responsibility in paragraph (l) of Part 2 About the Child.

Note 18

If the child has no guardian, enter 'not applicable'. Otherwise, enter the details of any person appointed to be the child's guardian by deed or will or otherwise in writing in accordance with section 5(5) of the Children Act 1989, or by an order made under section 5(1) or 14A of that Act. Where the United Kingdom is the receiving State please enter the name of any person who is regarded as the child's guardian by the Convention country. If the child has more than one guardian, please give the name and address of any other guardian(s) on a separate sheet, putting the child's full name, the number of the Part and the paragraph reference at the head of the sheet.

Note 19

In the case of an application for a Convention adoption order the consents of the persons, institutions and authorities whose consents are necessary for adoption, must be obtained prior to the child entering the United Kingdom. Confirmation of this should be included in the Article 16 information received from the Central Authority of the child's State of origin.

Part 4 General

Note 20

Please enter the name by which you want the child to be known following the adoption. This is the name that will be entered on the Adopted Children Register. You may wish the child to have a new name following the adoption, but there is no obligation to change the child's name if you do not want to do so.

Note 21

Special assistance or facilities for disability if you attend the court

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.