

**BERMUDA STATUTORY INSTRUMENT  
GN 111/1964**

**ADOPTION RULES 1964**

*[made under section 11(2) of the Adoption of Children Act 1963  
[title 27 item 22] and brought into operation on 1 April 1964]*

ARRANGEMENT OF RULES

1	Interpretation	20	Form of interim order
2	Form of application for an adoption order	21	Restriction on supply of copy
3	Anonymity	22	Notice to parties not present
4	Health certificate for applicant	23	Payment of expenses
5	Health certificate for infant	24	Application for revocation
6	Form of consent	25	Registers to be kept separate
7	Second application	26	Register of Adoptions
8	Minister as guardian ad litem	27	Secure place of keeping
9	Investigation and report	28	Information to be kept confidential
10	Fixing time for hearing	29	Appearance of body of persons by officer
11	Notice to applicant of hearing	30	Variation of forms
12	Notice to others of hearing	31	Application for licence to send child for adoption abroad
13	Personal attendance	32	Delegation to another Magistrate by Senior Magistrate
14	Protection of anonymity	33	Delegation by Minister
15	Hearing in camera	34	[omitted]
16	Proof of identity of infant	35	[omitted]
17	Postponement; interim order		
18	Form of adoption order		
19	Copy for Registrar General		

## **ADOPTION RULES 1964**

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### FIRST SCHEDULE

Forms

### SECOND SCHEDULE

Particular duties of guardian ad  
litem

### **Interpretation**

- 1 (1) In these Rules unless the context otherwise requires—
- "the Act" means the Adoption of Children Act 1963 [*title 27 item 22*];
- "application" means an application for an adoption order and "applicant" shall be construed accordingly;
- "Court" means a Special Court established under the Magistrates Act 1948 [*title 8 item 15*];
- "the Department" means the Department of Health and Social Services;
- "infant" means the infant whom the applicant is applying to adopt;
- "interim order" means an interim order made under section 9 of the Act;
- (2) [*omitted*]

### **Form of application for an adoption order**

- 2 (1) An application shall be in Form 1 and shall be made to a Court by delivering it to the Senior Magistrate together with all documents referred to in the application as attached thereto.
- (2) The applicant shall supply to the Senior Magistrate two copies of his application and of all documents attached thereto at the same time as he makes his application.

### **Anonymity**

- 3 If any person proposing to apply to a Special Court for an adoption order desires that his identity be kept confidential, he may, before making his application, apply to the Senior Magistrate in writing for a serial number to be assigned to him for the purposes of the proposed application, and the Senior Magistrate shall assign a number to him accordingly.

### **Health certificate for applicant**

- 4 Except where the applicant, or one of the applicants, is the father or mother of the infant or the infant has reached the upper limit of the compulsory school age, every applicant shall supply to the Senior Magistrate at the same time as he makes his application the certificate of a registered medical practitioner as to his health, together with two

copies thereof; and for the purposes of such certificate Form 2 may be used.

**Health certificate for infant**

5 (1) Any report on the health of the infant which is to be used for the purposes of an application shall be supplied by the applicant to the Senior Magistrate at the same time as he makes his application, together with two copies thereof

(2) The report may, if the applicant so desires, be in Form 3.

**Form of consent**

6 (1) Any document signifying the consent of any person to the making of an adoption order for the purpose of section 6 of the Act shall be in Form 4 and shall be attested by a magistrate or by a Justice of the Peace.

(2) If the said document is executed outside Bermuda, it shall be sufficiently attested for the purposes of paragraph (1) if it is attested by any of the following persons—

- (a) any person for the time being authorised by law in the place where the document is executed to administer an oath for any judicial or other legal purpose;
- (b) a British consular officer;
- (c) a notary public; or
- (d) if the person executing the document is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of those forces.

(3) Any document so attested shall be admissible as evidence of such consent without further proof of the signature of the person by whom it is executed and without further proof of the signature and due appointment of the person by whom it is attested.

(4) There shall be attached to such document a certificate under the hand of the person attesting the document that he is satisfied that the person who has executed such document understands the effect of giving such consent.

**Second application**

7 If it appears that the applicant has previously made an application in respect of the same infant to any Court, and that Court, after having heard the case, dismissed the application on its merits, the Court shall not proceed with the application unless it is satisfied that there has been a substantial change in the circumstances since the previous application.

## **ADOPTION RULES 1964**

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### **Minister as guardian ad litem**

8 (1) Subject to rule 7, the Senior Magistrate shall as soon as practicable after an application is made appoint the Minister to be guardian ad litem of the infant and shall furnish him with a copy of the application and of all other documents relating thereto which have been given to him. Such appointments shall be in writing in Form 5.

(2) The Minister may appear before a Court upon the hearing of any application under the Act by any officer of the Department duly authorised by the Minister in that behalf.

### **Investigation and report**

9 (1) With a view to safeguarding the interests of the infant before the Court the Minister shall, so far as is reasonably practicable—

- (a) investigate all the circumstances relevant to the proposed adoption, including the matters alleged in the application and those specified in the Second Schedule; and
- (b) perform such other duties as are specified in the Second Schedule or as the Court or the Senior Magistrate may direct.

(2) On completing his investigations the Minister shall make a confidential report in writing to the Court in Form 6.

(3) With a view to obtaining the direction of the Court or Senior Magistrate on any particular matter, the Minister may, at any time, make such interim report to the Court or Senior Magistrate as appears to him to be necessary.

### **Fixing time for hearing**

10 At the time when the Senior Magistrate appoints the Minister as guardian ad litem in accordance with rule 8, he shall fix a time for the hearing of the application by the Court.

### **Notice to applicant of hearing**

11 (1) After the time of the hearing of the application has been fixed, the Senior Magistrate shall cause a notice in Form 7 to be served on the applicant or his attorney.

(2) If the Minister reports to the Senior Magistrate that in his opinion the infant is able to understand the nature of an adoption order, the Senior Magistrate shall inform the applicant that the personal attendance of the infant at the hearing is required.

### **Notice to others of hearing**

12 (1) After the time of the hearing of the application has been fixed, the Senior Magistrate shall serve a notice in Form 8 on the following persons—

- (a) every person, not being the applicant, whose consent to the making of the adoption order is required under section 6(1) of the Act;
- (b) the Director of Child and Family Services or any person having the rights and powers of a parent of the infant by virtue of the Minors Act 1950 [*title 27 item 21*], the Adoption of Children Act 1944, the Children Act 1998 [*title 27 item 26*], or the Act;
- (c) any person having the rights and powers of a parent of the infant by virtue of the law of the country of his or the infant's domicile;
- (d) any person liable by virtue of any order or agreement to contribute to the maintenance of the infant, or who has been adjudged by any court to be the natural father of the infant;
- (e) the Minister;
- (f) any person or body named in the application or in a form of consent as having taken part in the arrangements for the adoption of the infant;
- (g) the infant, where he is able to understand the nature of an adoption order;
- (h) the person in whose actual custody the infant was at the time of the making of the application;
- (i) any other person who, in the opinion of the Court or Senior Magistrate, ought to be served with notice of the hearing of the application.

(2) Any person on whom notice is required to be served under the foregoing provisions of this rule shall be a respondent to the application.

(3) Any notice under these Rules shall be served upon any respondent to whom it is addressed either by delivering a copy to him personally or by leaving a copy with some person for him at his last known or usual place of abode or by sending a copy by registered post to him at his last known or usual place of abode, whether such place of abode is in Bermuda or not:

Provided that where the respondent is a body the copy shall be sent to the registered office of that body or if there is no registered office, to the place where the body transacts or carries on its business.

*[Section 12 amended by 1998 : 38 effective 1 January 2000]*

## **ADOPTION RULES 1964**

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### **Personal attendance**

13 (1) Subject to this rule, an adoption order or an interim order shall not be made except after the personal attendance before the Court of the applicant and all the respondents.

(2) The Court may waive the requirements of paragraph (1)—

(a) in the case of the infant, if satisfied by a report from the Minister that special circumstances exist which render it inexpedient or unnecessary that the infant shall personally attend before the Court;

(b) in the case of an application made by two spouses jointly, if one such spouse attends before the Court and if there is produced to the Court a written verification of the application by the other spouse attested by one of the persons specified in rule 6 then in respect of the personal attendance of such other spouse: and to any such written verification rule 6(3) shall apply;

(c) in the case of any respondent other than the infant, if satisfied that in view of special circumstances it is right that the requirement should be waived, or if he or she has completed the Reply Form at the foot of Form 8 to the effect that he or she does not wish to oppose the application for the adoption order or interim order and does not wish to appear and be heard on the question whether an adoption order or interim order should be made.

### **Protection of anonymity**

14 If a serial number has been assigned to the applicant under rule 3, the proceedings shall be conducted with a view to seeing that he is not seen by, or made known to, any respondent who is not already aware of his identity, except with his consent.

### **Hearing in camera**

15 Every application and proceeding under the Act shall be heard and determined in camera.

### **Proof of identity of infant**

16 (1) Where proof of the identity of the infant is required for any purpose, any fact tending to establish his identity with an infant to whom a document relates may be proved by affidavit.

(2) Where any such fact is proved by affidavit, the attendance of a witness at the hearing to prove that fact shall not be compelled unless the fact is disputed or for some special reason his attendance is required by the Court.

**Postponement; interim order**

17 (1) Where the determination of an application is postponed and an interim order is made, the Court shall, on making the order or at any time thereafter but not less than one month before the expiration of the period during which the applicant has the custody of the infant in accordance with the interim order and whether or not the applicant makes an application for the purpose, fix a time for the further hearing of the application.

(2) On fixing a time for the further hearing of an application, the Court shall—

(a) serve on the applicant a notice in Form 9; and

(b) serve on each respondent to the application a notice in Form 9.

**Form of adoption order**

18 An adoption order shall be drawn up in Form 10.

**Copy for Registrar General**

19 Within seven days after the making of an adoption order the Senior Magistrate shall send a copy of the order to the Registrar-General.

**Form of interim order**

20 (1) An interim order shall be drawn up in Form 10.

(2) An order varying an interim order shall be drawn up in Form 11.

**Restriction on supply of copy**

21 (1) The Senior Magistrate shall not supply a copy of an adoption order or of an interim order except in accordance with the provisions of rule 20 or on the request of the Registrar-General or the applicant or one of the applicants.

(2) This rule applies to an adoption order or interim order made under the Adoption of Children Act 1944, as it applies in relation to an adoption order or interim order made under the Act.

**Notice to parties not present**

22 On the determination of an application or on the making of an interim order, the Senior Magistrate shall serve notice to that effect on all parties who were not present when the Court made its determination or order.

## **ADOPTION RULES 1964**

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### **Payment of expenses**

23 On the determination of an application or on the making of an interim order, the Court may make such order as to costs as it thinks just, and in particular may order the applicant to pay—

- (a) the out-of-pocket expenses incurred by the Minister; and
- (b) the expenses incurred by any respondent in attending the hearing, or such part of those expenses as the Court thinks proper.

### **Application for revocation**

24 (1) Any application made under section 20 of the Act for the revocation of an adoption order shall be in Form 12, and shall be made to the Court by delivering it to the Senior Magistrate.

(2) Notice of the application shall be given by the Senior Magistrate to such persons (if any) as he specifies.

(3) Where an adoption order is revoked under section 20 of the Act, the Senior Magistrate shall send to the Registrar-General a copy of the order of revocation.

(4) An order revoking an adoption order shall be drawn up in Form 13

### **Registers to be kept separate**

25 The registers kept in pursuance of section 17 of the Act shall be kept in a separate book; and the book shall not contain particulars of any other proceedings except proceedings under the Act, or any Act repealed by the Act.

### **Register of Adoptions**

26 The Senior Magistrate shall keep a Register of Adoptions which shall be kept in a separate book and shall contain the particulars specified in Form 14.

### **Secure place of keeping**

27 The books kept in pursuance of rules 25 and 26 and all other documents relating to any proceedings shall be kept in a place of special security.

### **Information to be kept confidential**

28 Any information obtained by any person in the course of, or relating to, proceedings under the Act, shall be treated as confidential and shall not be disclosed by him except so far as may be necessary for the proper execution of his duty.

**Appearance of body of persons by officer**

29 Any respondent, being a body of persons, may appear and be heard at proceedings under the Act, by any officer or servant of that body duly authorised in that behalf.

*[Section 29 amended by 1998 : 38 effective 1 January 2000]*

**Variation of forms**

30 In these Rules a form referred to by number means the form so numbered in the First Schedule or a form to the like effect, and any such form may be used with such variation as the circumstances may require.

**Application for licence to send child for adoption abroad**

31 These Rules shall apply mutatis mutandis to any application made under section 16(2) of the Act for such a licence as is mentioned therein, and any such licence shall be in Form 10.

**Delegation to another Magistrate by Senior Magistrate**

32 Any duties or powers conferred on the Senior Magistrate by these Rules may lawfully be delegated by him to a Magistrate appointed by him under section 12(2) of the Magistrates Act 1948 *[title 8 item 15]* Act to be the Chairman of a Special Court.

**Delegation by Minister**

33 Any duties conferred upon the Minister may lawfully be performed by an officer of the Department or other responsible person appointed by the Minister in that behalf and a certificate in writing purporting to be signed by the Minister shall be evidence of such appointment.

34 *[omitted]*

35 *[omitted]*

## **ADOPTION RULES 1964**

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### FIRST SCHEDULE

#### Rule 1

#### Form 1

#### APPLICATION FOR ADOPTION ORDER/LICENCE UNDER SECTION 16

This form and the documents attached to it must be delivered to the Senior Magistrate. At the same time as this form is delivered to him the applicant must also supply him with two copies of this form and of the documents attached to it.

Every paragraph of this form must be completed or deleted, as the case may be.

BERMUDA ISLANDS.

To the Special Court.

#### PART I

#### Particulars of applicant(s)

- 1 (a) Name of (first) applicant in full  
Address  
Occupation  
Date of birth  
Sex  
Relationship (if any) to infant  
Religious persuasion
- (b) Name of (second) applicant in full  
Address  
Occupation  
Date of birth  
Sex  
Relationship (if any) to infant  
Religious persuasion
- 2 (a) I am/We are domiciled in [*blank*]
- (b) Application has been/will be made to the proper authorities of that country for permission for the infant, if an adoption order be made, to enter the country of my/our domicile.

- (c) I am/We are normally resident outside Bermuda.
- 3 (a) I am a widow/widower/unmarried/married to [blank] of  
(b) We are married to each other and our marriage certificate (or other evidence of marriage) is attached.
- 4 (a) The consent of my husband/wife to the making of an adoption order authorising me to adopt the infant is attached.  
(b) I request the court to dispense with the consent of my husband/wife on the ground that he/she—  
(i) cannot be found;  
(ii) is incapable of giving his/her consent;  
(iii) we have separated and are living apart and the separation is likely to be permanent.
- 5 I/We attach a certificate as to my health/the health of each of us signed by a registered medical practitioner.

PART II

Particulars of Infant

- 6 Name in full
- 7 Sex
- 8 Religious persuasion
- 9 The infant is not and has not been married
- 10 The infant is the person to whom the attached birth certificate relates.
- 11 The infant was born at
- 12 The infant was—  
(a) born in Bermuda;  
(b) is the child of a person possessing Bermudian status under the provisions of the Bermuda Immigration and Protection Act 1956;  
(c) is resident in Bermuda with the specific permission of the Minister responsible for immigration affairs and related matters.
- 13 I/We attach a report as to the health of the infant signed by a registered medical practitioner.

## **ADOPTION RULES 1964**

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- 14 The infant is the child of—  
Name of mother  
Address  
Religious persuasion  
and Name of Father  
Address  
Religious persuasion
- 15 The guardian of the infant is—  
Name of guardian  
Address  
Religious persuasion
- 16 (a) I/We attach a document/documents signifying the consent of the infant's mother/father/guardian to the making of an adoption order authorising me/us to adopt the infant.  
  
(b) I/We also attach a document/documents signifying the consent of the person who has the actual custody of the infant who is liable to contribute to the support of the infant.
- 17 I/We request the court to dispense with the consent of the infant's mother/father/guardian on the ground that he/she—  
  
(a) has abandoned/neglected/persistently ill-treated the infant;  
  
(b) cannot be found/is incapable of giving his/her consent/is withholding his/her consent unreasonably;  
  
(c) has persistently failed without reasonable care to discharge the obligations of a parent/guardian of the infant;  
  
(d) is a person where consent ought, in all the circumstances of the case, to be dispensed with.
- 18 The following approved society/person has the rights and powers of a parent of the infant—  
Name  
Address  
Particulars of court order or agreement—  
Name of court  
Date of order/agreement

19 The following person is liable by virtue of an order or agreement to contribute to the maintenance of the infant/has been adjudged by a court to be the father of the infant—

Name

Address

Particulars of court order or agreement—

Name of court

Date of order/agreement

20 If an adoption order is made in pursuance of this application the infant is to be known by the following names—

Surname

Other names

PART III

21 The infant was received into my/our care and possession on the [blank] day of [blank] 19 [blank] and has been continuously in my/our care and possession since that date. Before that date the infant was in the care and possession of [blank] of [blank]

22 The infant is now in the actual custody of [blank]

23 I/We registered my/our names as a person/persons who intended to apply for an adoption order in relation to the infant in the Adopters' Register on the [blank] day of [blank] 19 [blank].

24 (a) I have not made/Neither of us has made a previous application for an adoption order in respect of the infant.

(b) I/We made an application to the [blank] court which was on the [blank] day of [blank] 19 [blank] dealt with as follows—

25 I/We have not received or agreed to receive and no person has made or agreed to make or give to me/us any payment or other reward in consideration of the adoption of the infant, except as follows—

26 As far as I/We know no person or body has taken part in the arrangements for the adoption of the infant except—

Name

Address

27 For the purposes of this application reference may be made to—

(a) Name

Address

**ADOPTION RULES 1964**

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Occupation

(b) Name

Address

Occupation

(c) Name

Address

Occupation

28 I/We desire that my/our identity should be kept confidential.

The serial number of this application is [blank]

I/We being desirous of adopting the infant hereby apply for an adoption order. I/We being desirous of adopting the infant abroad hereby apply for a licence authorising the care and possession of the infant to be transferred to me/us for that purpose.

Dated the [blank] day of [blank] 19 [blank]

Signature(s)

Form 2

MEDICAL CERTIFICATE AS TO HEALTH OF APPLICANT

I examined [blank] on [blank] and have formed the opinion that he is physically, mentally and emotionally suitable to adopt a child.

Signature

Date

Qualifications

Address

Form 3

MEDICAL REPORT AS TO HEALTH OF INFANT

Note: This Form is for a medical report on a child who may be adopted. The report is for the benefit of the adopters and the court. In order that the adopters may benefit fully from the report, it is important that the certifying doctor should explain to the adopters the nature and extent of any disability or abnormality disclosed by the examination which might affect their decision whether or not to adopt the child.

Child's name

Date of birth

Sex

Weight

Height

A. General condition.

Skin

Eyes (including vision)

Ears (including hearing)

Nose and throat

Speech

Cardio-vascular system

Respiratory system

Alimentary system

Genito-urinary system (including examination of urine for albumen, sugar and phenylpyruvic acid)

Skeletal and articular system (including examination for con

**ADOPTION RULES 1964**

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genital dislocation of hip)

Nervous system (including fits)

Lymphatic system

Any other comments

Is the child physically normal having regard to his age?

B Are there any items in the child's history or examination which suggest that he may be mentally abnormal having regard to his age?

C Particulars of any illness from which the child has suffered.

D If known,

Weight at birth (if child is under one year of age)

Details of birth, including result of mother's serological tests for syphilis

Particulars, with dates, of vaccination or immunization against—

Tuberculosis (state result of Mantoux test or whether child has been successfully vaccinated with B.C.G. vaccine).

Smallpox

Diphtheria

Whooping cough

Poliomyelitis

Tetanus (active)

Any other disease

E Result of suitable serological test of the child's blood for syphilis taken six weeks or later after birth (please specify test).

F I examined the child on the [blank] day of [blank] 19 [blank], and I have informed the adopters of the state of health of the child disclosed by the examination.

Signature

Address

Qualifications

Form 4

CONSENT TO ADOPTION ORDER

1 I understand that an application for an adoption order has been or is to be made in respect of [blank] to whom the birth/adoption certificate now produced and shown to me marked "A" relates (hereinafter called the infant) by [blank] by a person or persons identified

in the Special Court under the serial number [blank] (hereinafter called the applicant).

2 I am the mother/father/guardian of the infant.

3 I understand that the effect of an adoption order will be to deprive me permanently of my rights as a parent or guardian and to transfer them to the applicant: in particular I understand that, if an order is made, I shall have no right to see or get in touch with the infant or to have the infant returned to me.

4 I further understand that the court cannot make an adoption order without the consent of each parent or guardian of the infant unless the court dispenses with a consent on the ground that the person concerned has abandoned, neglected or persistently ill-treated the infant, or cannot be found, or is incapable of giving consent, or is unreasonably withholding consent or has persistently failed without reasonable cause to discharge the obligation of a parent or guardian.

5 I further understand that, when the application for an adoption order is heard, this document may be used as evidence of my consent to the making of the order unless I inform the court that I no longer consent.

6 I hereby consent to the making of an adoption order authorising the adoption of the infant by the applicant [on condition that the religious persuasion in which the infant is proposed to be brought up is]

7 As far as I know, no person or body has taken part in arranging for the infant to be placed in the care and possession of the applicant except—

Full name and address of person or body taking part in arrangements

Signature

Address

**ADOPTION RULES 1964**

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CERTIFICATE OF ATTESTOR

I hereby certify—

- (a) that I have verbally explained to [blank] (name of person giving consent) the effect of his/her signing this Form and that I am satisfied that he/she understands the effect of giving such consent.
- (b) that, paragraphs 1, 2, 6 and 7 of this Form having been duly completed, this Form was signed by the said [blank] (name of person giving consent) before me at [blank] on the [blank] day of [blank] 19 [blank].

Signature  
J.P.  
Full name  
Address  
Qualification  
(i.e. Justice of the Peace or other qualification)

Warning. It is an offence to receive or give any reward for, or in consideration of, the adoption of an infant or for giving consent to the making of an adoption order, other than a payment to an adoption society for their expenses incurred in connection with the adoption.

Form 5

APPOINTMENT OF GUARDIAN AD LITEM

BERMUDA ISLANDS

Before the Special Court sitting at [blank]

WHEREAS an application has been made by [blank] [and [blank] (his wife)] both of [blank] for an adoption order in respect of [blank] an infant of the [blank] sex (hereinafter called the infant).

THE COURT HEREBY APPOINTS The Minister responsible for health and welfare and related matters to be guardian ad litem of the infant.

Dated the [blank] day of [blank] 19 [blank]

Senior Magistrate and  
Chairman of the Special Court.

Form 6

REPORT OF GUARDIAN AD LITEM

CONFIDENTIAL

BERMUDA ISLANDS

ADOPTION OF CHILDREN ACT 1963

Report upon circumstances relevant to a  
proposed adoption order.

(a) APPLICANT(S)

- 1 Name of applicant(s)
- 2 Address
- 3 Date of Marriage
- 4 Marriage certificate seen?
- 5 If single application by married person—
  - (a) whether other spouse consents;
  - (b) reason not a joint application.
- 6 Number and age of children of applicants' marriage.  
Boys:  
Girls:
- 7 How many of such children are employed and at what wages.
- 8 Number, age, and relationship to applicants of other children in applicants' home.  
Boys:  
Girls:
- 9 Particulars of all other members of applicants' household and their relationship to applicants.
- 10 Number of bedrooms
- 11 Number of living rooms
- 12 Condition of home

## **ADOPTION RULES 1964**

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- 13 Rent
- 14 Means of applicant
- 15 Any serious illness of applicants
- 16 Any history in family of—
- (a) Tuberculosis;
  - (b) Epilepsy;
  - (c) Mental illness.
- 17 Are Referees to application responsible persons?
- 18 Do they recommend without reservation?
- 19 Do applicants understand—
- (a) adoption order is irrevocable (except under circumstances of section 20)?
  - (b) order renders them responsible for maintenance of infant?
- 20 Whether person from whom infant received confirms that fact?
- 21 Is guardian ad litem satisfied that no payment has been made or is to be made in consideration of the application?
- 22 Is guardian ad litem satisfied that applicants have never previously made an adoption application? If not so satisfied give particulars of other applications.
- 23 Has guardian ad litem or an agent satisfactorily interviewed—
- (a) each applicant;
  - (b) each respondent;
  - (c) each named referee?
- 24 Has guardian ad litem verified dates of birth of applicants?
- 25
- (a) Are applicants Commonwealth citizens?
  - (b) Were applicants born in Bermuda?
  - (c) How long have applicants lived in Bermuda?
  - (d) Do applicants have Bermudian status?
  - (e) Are applicants domiciled in Bermuda?
- 26 Where application is made under section 10—
- (a) nationality of applicants;
  - (b) birth-place of applicants;

- (c) where have applicants resided before application;
  - (d) where will applicants reside if order is made;
  - (e) domicile of applicants;
  - (f) has guardian ad litem verified from the consular representative of the applicant's country of domicile that the infant will, in the ordinary course of events, be permitted to enter that country if the infant is adopted under the Act?
- 27 (a) Religious persuasion of applicants.  
(b) In what religious persuasion do they propose to bring up the infant?
- 28 Date when applicant registered in Adoption Register.

(b) THE PARENTS

- 29 Does the mother consent to the application?
- 30 Does she identify the birth certificate as the birth certificate of this particular infant?
- 31 Does the father consent?
- 32 *[Omitted]*
- 33 Date parents parted with infant and to whom?
- 34 Reasons of parents for consenting to adoption.
- 35 Was consent given without pressure from any source?
- 36 Does parent (or both parents) understand that an Adoption Order is irrevocable (except under section 20)?
- 37 Do parents understand that Order will deprive them of all parental rights and duties (subject to section 15)?
- 38 If statement requests the consent of parent or parents to be dispensed with on the ground that he/she/they cannot be found, what steps have been taken to trace parent/parents?
- 39 Religious persuasion of parents.
- 40 Do parents give consent unconditionally or subject to the infant being brought up in a particular religious persuasion?
- 41 (a) Do the parents possess Bermudian status?  
(b) Has guardian ad litem verified this with Immigration?

## **ADOPTION RULES 1964**

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### (c) THE INFANT

- 42 Infant to be known as—
- 43 Date and place of birth of infant.
- 44 School attending.
- 45 Has infant any interest in property?
- 46 Is the infant of an age to understand the effect of an adoption order?

#### IF SO

- (a) has he/she been informed of the application and its effects?
- (b) does he/she wish the order to be made?
- 47 Has any order under the Children Act 1998 [*title 27 item 26*] ever been made or is now in force respecting the infant?
- 48 What insurance, if any, has been effected on the life of the infant?
- (a) Where was the infant born?
- (b) Is he resident in Bermuda with the specific permission of the Minister responsible for immigration affairs and related matters?
- If so, has the guardian ad litem verified this with the Minister?
- (c) Nationality of infant.
- 50 (a) Religious persuasion of infant.
- (b) Has the infant been baptized? If so, give particulars.
- 51 What treatment has the infant received with a view to immunising him/her against disease?

### (d) GENERAL

- 52 Is it desirable for the welfare of the infant that the court should be asked to make an interim order or, in making an adoption order, impose any particular terms or conditions or require the adoption to make any particular provisions for the infant?
- 53 Has the guardian ad litem interviewed or caused to be interviewed all persons who have taken part in the arrangements for the adoption?
- 54 If either parent of the infant is dead, does any other relative of the infant wish to be heard by the court?

55 Do all persons other than the parents whose consent is required to the application, consent to the adoption? Give a list of their names and relationship (if any) to infant.

(e) GENERAL REMARKS OF GUARDIAN AD LITEM

Dated the [blank] day of [blank] 19 [blank]

(Signature)

Guardian ad litem.

**ADOPTION RULES 1964**

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Form 7

NOTICE TO APPLICANT OF TIME OF HEARING/ADJOURNED HEARING  
BERMUDA ISLANDS

To A.B. of [blank]

I hereby give notice that your application for an adoption order to be made in respect of [blank] (name of infant) will be heard/further heard before the Special Court sitting at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock and that your attendance [and that of [blank] (name of infant)] is required.

Dated the [blank] day of [blank] 19 [blank]

(Signature)  
Senior Magistrate and Chairman  
of the Special Court.

Form 8

NOTICE TO RESPONDENT OF APPLICATION FOR ADOPTION ORDER  
BERMUDA ISLANDS.

To A.B. of [blank]

I hereby give notice that—

(1) an application has been made by (name and address of applicant) or under the serial number [blank] for an adoption order to be made in respect of [blank] (identify the infant);

(2) The Minister responsible for health and welfare and related matters has been appointed guardian ad litem;

(3) the application will be heard before the Special Court sitting at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock and you may then appear and be heard on the question whether an adoption order should be made.

OR

\* (3) the application will be heard before the Special Court sitting at [blank] .

You may appear before the court and be heard on the question whether an adoption order should be made. If you wish to appear, write to the Senior Magistrate at [blank] on or before the [blank] day of [blank] 19 [blank] , in order that a time may be fixed for your appearance.

<sup>\*\*</sup>(4) While the application is pending you are not entitled, if you have signified your consent to the making of an adoption order in pursuance of the application, to remove the infant from the care and possession of the applicant except with the leave of the court.]

Dated the [blank] day of [blank] 19 [blank]

(Signature)  
Senior Magistrate and Chairman  
of the Special Court.

It would assist the court, if you would complete and return the attached form.

<sup>\*</sup>The second alternative should be struck out except where the applicant desires that his identity should not be disclosed to the person to whom the notice is given, in which case the first alternative should be struck out.

<sup>\*\*</sup>Delete except where notice is addressed to a parent or guardian.

REPLY FORM

To the Senior Magistrate,  
Magistrate's Court,  
Hamilton, Bermuda.

I have received notice of the hearing of the application for an adoption order in respect of [blank] an infant.

<sup>\*</sup>I do/do not wish to oppose the application. I\* do/do not wish to appear and be heard on the question whether an adoption order should be made.

Date  
Signature  
Address

<sup>\*</sup>Delete one or other alternative.

**ADOPTION RULES 1964**

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Form 9

NOTICE TO RESPONDENT OF TIME OF FURTHER HEARING AFTER  
INTERIM ORDER MADE

BERMUDA ISLANDS.

To A.B. of [blank]

I hereby give notice that the application by [blank] (state name and address of applicant)/under the serial number [blank] for an adoption order to be made in respect of [blank] (identify the infant) will be further heard before the Special Court sitting at [blank] on the [blank] day of [blank] 19 [blank], at [blank] o'clock and you may then appear and be heard on the question whether an adoption order should be made

OR

\* and you may appear before the court and be heard on the question whether an adoption order should be made. If you wish to appear, write to the Senior Magistrate, Magistrates' Court, Hamilton, on or before the [blank] day [blank] of [blank] 19 [blank], in order that a time may be fixed for your appearance.

Dated the [blank] day of [blank] 19 [blank]

(Signature)  
Senior Magistrate and  
Chairman of the Special Court.

It would assist the court, if you would complete and return the attached reply form.

REPLY FORM

To the Senior Magistrate,  
Magistrates' Court,  
Hamilton, Bermuda.

I have received notice of the further hearing of the application for an adoption order in respect of [blank] an infant.

\*\* I do/do not wish to oppose the application. I do/do not wish to appear and be heard on the question whether an adoption order should be made.

Date  
Signature  
Address

\* The second alternative should be struck out except where the applicant desires that his identity should not be disclosed to the person to whom the notice is given, in which case the first alternative should be struck out.

\*\* Delete one or other alternative.

Form 10

ADOPTION ORDER/INTERIM ORDER/LICENCE

BERMUDA ISLANDS.

Before [blank] J.P., Senior Magistrate and [blank] Chairman and [blank] and [blank] members, sitting as a Special Court (hereinafter called the Court) sitting at [blank] in the Parish of [blank]

PART I

Nature of Application

WHEREAS an application has been made by [blank] of [blank] by occupation a [blank] (hereinafter called the male applicant) and [blank] of [blank] (hereinafter called the female applicant)—

- (a) for an adoption order in respect of [blank] an infant of the [blank] sex (hereinafter called the infant) the child/adopted child of [blank] (hereinafter called the mother of the infant) and [blank] of [blank] (hereinafter called the father/natural father of the infant);
- (b) for a licence authorising the care and possession of an infant of the [blank] sex (hereinafter called the infant) the child/adopted child of [blank] (hereinafter called the mother of the infant) and [blank] of [blank] (hereinafter called the father/natural father of the infant) to be transferred to the male and female applicants, being persons resident outside Bermuda, namely at for the purpose of the adoption of the infant by the male and female applicants abroad.

## **ADOPTION RULES 1964**

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### PART II

#### Facts Proved to the Satisfaction of the Court

AND WHEREAS the following facts have been proved to the satisfaction of the Court—

A. (as to the male and female applicants)—

- 1 (a) That the male and female applicants are domiciled in Bermuda;
- (b) That the male and female applicants are domiciled in [blank] and that the infant will, if adopted by the applicants, be permitted to enter that country.
- 2 (a) That the male/female applicant—
  - (i) is the father/mother of the infant;
  - (ii) is a relative of the infant, namely the [blank] of the infant, and has attained the age of eighteen years, having been born on the [blank] day of [blank] 19 [blank];
  - (iii) has attained the age of twenty-five years having been born on the [blank] day of [blank] 19 [blank].
- (b) That the male/female applicant has attained the age of eighteen years, having been born on the [blank] day of [blank] 19 [blank].
- 3 That the male and female applicants were registered in the Adopter's Register on [blank] day of [blank] 19 [blank], and that they have been continually so registered since that day for a period of not less than three months immediately preceding the above mentioned application.

B. (as to the infant)—

- 1 (a) That the infant was born in Bermuda, namely in the Parish of [blank]
- (b) That the infant is the child of [blank] and that the said [blank] is a person possessing Bermudian status under the provisions of the Bermuda Immigration and Protection Act 1956;
- (c) That the infant is now resident in Bermuda with the specific permission of the Minister responsible for immigration affairs and related matters.
- 2 That the infant has been continuously in the care and possession of the male and female applicants for a period of at least

three consecutive months (not counting any time before the date which appears to the Court to be the date on which the infant attained the age of six weeks, namely the [blank] day of [blank] 19 [blank]) immediately preceding the date of this order. The infant has been continuously in the care and possession of the male and female applicants since the [blank] day of [blank] 19 [blank].

3 That the date/probable date of birth of the infant is the [blank] day of [blank] 19 [blank].

4 That the infant is identical with [blank] to whom an entry numbered [blank] and made on the [blank] day of [blank] 19 [blank] in the General Register of Birth relates.

5 That the infant has been previously the subject of an adoption order dated the [blank] day of [blank] 19 [blank] of which particulars are entered in the Adopted Children's Register.

C. (Miscellaneous)

1 That the male and female applicants have not received or agreed to receive, and that no person has made or agreed to make or give to the applicant/applicants, any payment or other reward in consideration of the adoption/proposed adoption abroad [other than [blank] which said payment or reward the Court doth hereby sanction].

2 The sole applicant being of the male sex and the infant being of the female sex that special circumstances exist which justify as an exceptional measure the making of an adoption order, namely [blank]

PART III

Consents

A. AND WHEREAS the Court is satisfied—

1 That [blank] of [blank] the mother of the infant and [blank] of [blank] the father of the infant, and [blank] of [blank] the guardian of the infant have consented to and understand the nature and effect of an adoption order and the said [blank] being the parent(s) of the infant understand(s) that the effect of the adoption order will be permanently to deprive him/her/them of his/her/their parental rights; and that the consent of no other person is necessary under the Adoption of Children Act 1963, except [blank]

2 That [blank] of [blank] the mother of the infant and [blank] the father of the infant, and [blank] of [blank] the guardian of the infant and [blank] of [blank] a person having the actual custody of the infant and [blank] a person who is liable to contribute to the support of the infant

## **ADOPTION RULES 1964**

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have consented to the making by the male and female applicants of this application for a licence in respect of the infant under section 16 of the Adoption of Children Act and the consent of no other person is necessary under that Act except [blank]

3 That [blank] of [blank] the wife/husband of the applicant, not being an applicant himself/herself, has/has not consented to the making of the adoption order/the granting of the licence in respect of the infant for which application has been made by the applicant.

B. AND WHEREAS THE Court has dispensed—

1 With the consent of the said [blank] on the ground that he/she—

- (i) has abandoned/neglected/persistently ill-treated the infant;
- (ii) cannot be found/is incapable of giving his/her consent/is withholding his/her consent unreasonably;
- (iii) has persistently failed without reasonable cause to discharge the obligations of a parent/guardian of the infant;
- (iv) is a person whose consent ought, in the opinion of the Court and in all the circumstances of the case, to be dispensed with.

2 With the consent of the said [blank], the husband/wife of the applicant, on the ground that he/she—

- (i) cannot be found;
- (ii) is incapable of giving his/her consent;
- (iii) is living separate and apart from the applicant and that the separation is likely to be permanent.

### PART IV

#### Interests of Infant

AND WHEREAS

1 The Court is satisfied that the adoption order, if made, will be for the welfare of the infant.

2 The Court is satisfied by a report of [blank] a British Consular Official/a person appearing to the Court to be trustworthy that the applicant(s) is/are suitable person(s) to be entrusted with the care and possession of the infant for the purpose of the adoption of the infant abroad and that the transfer of such care and possession to the

applicant(s) is likely to be for the welfare of the infant and the applicant(s) intend(s) such transfer to be for the purpose of the adoption of the infant by him/her/them.

PART V

Terms of Order

A. IT IS ORDERED that the determination of the application be postponed and that the applicant(s) do have the custody of the infant until the [blank] day of [blank] 19 [blank] by way of a probationary period on the following terms, namely [blank] and, as regards costs, it is ordered that [blank] and that the application shall be further heard on [blank]

B. IT IS ORDERED—

1 That the applicant (s) be authorised to adopt the infant;

2 That the following terms and conditions be hereby imposed upon the applicant(s) namely [blank]

3 That the Registrar-General shall make in the Adopted Children Register an entry recording the particulars set out in the Schedule to this order; and shall mark the said entry in the General Register of Births with the word "Adopted"/the Adopted Children Register with the word "Re-adopted";

4 As regards costs [blank]

## **ADOPTION RULES 1964**

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C. THIS LICENCE IS HEREBY GRANTED by the Court and authorises the care and possession of the infant to be transferred to the applicant(s) being proposed adopter(s) abroad, within the meaning of section 10(1) of the Adoption of Children Act 1963, for the purpose of the adoption of the infant, SUBJECT to the following conditions and restrictions, namely [blank]

Dated the [blank] day of [blank] 19 [blank]

[blank] J.P.  
Senior Magistrate,  
Chairman of the Special Court.

### SCHEDULE

- 1 No. of entry
- 2 Date of Entry
- 3 Name and Surname by which infant to be known
- 4 Sex of Infant
- 5 Name and Surname, Address and Occupation of Adopter(s)
- 6 Date and Country of Birth of Infant
- 7 Date of Adoption Order and Court by which made
- 8 Signature of Registrar-General

Form 11

BERMUDA ISLANDS.

### VARIATION OF INTERIM ORDER

Before [blank]

and [blank] J.P., Senior Magistrate, Chairman,

members, sitting as a Special Court at [blank] and

WHEREAS on the [blank] day of [blank] 19 [blank], a Special Court made an interim order whereby it was ordered that the determination of a certain application of and [blank] (hereinafter called the applicant(s)) for an adoption order in respect of and infant of the [blank] sex (hereinafter called the infant) should be postponed and that the applicant(s) should have the custody of the infant until the [blank] day of [blank] 19 [blank], by way of a probationary period, on the following terms namely [blank] and that the application should be further heard on [blank]

IT IS HEREBY ORDERED that operation of the said interim order be extended until the [blank] day of [blank] 19 [blank], and as regards costs IT IS ORDERED [blank]

and IT IS FURTHER ORDERED that the application shall be further heard on the [blank] day of [blank] 19 [blank].

Dated the [blank] day of [blank] 19 [blank]

[blank] J.P.  
Senior Magistrate and Chairman of the  
Special Court.

Form 12

APPLICATION FOR REVOCATION OF AN ADOPTION ORDER

To the Special Court.

THE APPLICATION of [blank] who state(s)—

(1) That on the [blank] day of [blank] 19 [blank] a Special Court sitting at [blank] made an adoption order (hereinafter called "the adoption order") whereby [blank] of [blank] Parish was authorised to adopt [blank] then (and now) an infant.

(2) That the said [blank] is the father/mother of the said [blank] /the said infant.

(3) That one [blank] of [blank] Parish is the father/mother of the said [blank]

(4) That on the [blank] day of [blank] 19 [blank] the said [blank] and [blank] were lawfully married to each other at [blank] in the Parish of [blank]

(5) *[Omitted]*

(6) That the present applicant [blank] is the said father/mother of the said [blank]/the said infant

WHEREFORE the said [blank] now applies, pursuant to section 20 of the Adoption of Children Act 1963, for an order that the said Adoption Order be revoked and that the Registrar-General be directed to cancel the entry in the Adopted Children Register relating to the adoption of the person named in the said adoption order and the marking with the words "adopted" relating to that person in the General Register of Births.

Dated the [blank] day of [blank] 19 [blank]

Signature

**ADOPTION RULES 1964**

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Form 13

Order of Revocation

BERMUDA ISLANDS.

Before [blank] J.P., Senior Magistrate,  
Chairman, and [blank] and [blank] members,  
sitting as a Special Court [blank]

APPLICATION has been made by [blank] of [blank] Parish who states—

(1) That on the [blank] day of [blank] 19 [blank] a Special Court sitting at [blank] made an adoption order (hereinafter called "the adoption order") whereby [blank] of [blank] Parish was authorised to adopt [blank] then (and now) an infant.

(2) That the said [blank] is the father/mother of the said [blank]

(3) That one [blank] of [blank] Parish is the father/mother of the said [blank]

(4) That on the [blank] day of [blank] 19 [blank] the said [blank] and [blank] were lawfully married to each other at [blank] in the Parish of [blank]

(5) *[Omitted]*

(6) That the present applicant [blank] is the said father/mother of the said infant.

The Court having heard the said application doth adjudge that each one of the facts alleged therein is true,

AND the Court hereby orders—

(1) That the adoption order made on the [blank] day of [blank] 19 [blank] by a Special Court sitting at [blank] whereby [blank] of [blank] Parish was authorised to adopt [blank] be and hereby is revoked and

(2) That the Registrar-General shall cause to be cancelled—

(a) the entry in the Adopted Children Register relating to the person adopted by the adoption order; and

(b) the marking with the word "adopted" of any entry relating to such person in the General Register of Births.

Dated the [blank] day of [blank] 19 [blank]

[blank] J.P.  
Senior Magistrate and Chairman of  
the Special Court.

Form 14

SPECIAL COURT REGISTER OF ADOPTIONS

*[temporarily omitted]*

Form 15

CONSENT TO LICENCE AUTHORISING THE CARE AND POSSESSION  
OF AN INFANT TO BE TRANSFERRED TO A PROPOSED ADOPTER  
ABROAD FOR THE PURPOSE OF THE ADOPTION OF THE CHILD BY  
SUCH ADOPTER ABROAD

1 I understand that an application for a licence (hereinafter called "the licence") authorising the care and possession of *[blank]* (name of infant) *[blank]* to whom the birth/adoption certificate relates (hereinafter called "the infant") has been or is to be made by *[blank]* and *[blank]* or by a person or persons (identified in the Special Court under the serial number *[blank]*) (hereinafter called "the applicant(s)").

2 I am the mother/father/guardian/the person who has the actual custody of the infant/a person who is liable to contribute to the support of the infant.

3 I understand that the effect of the granting of a licence will be that the infant may be removed out of Bermuda and adopted by the applicant (s) abroad.

4 I further understand that, subject to any laws of the country wherein the adoption takes place, it is probable that the effect of such a foreign adoption order, if made abroad, will be to deprive me permanently of my rights as a parent or guardian of the infant and to transfer them to the applicant (s) ; in particular I understand that if a foreign order is made, it is probable that I shall have no right to see or get in touch with the infant or to have the infant returned to me.

5 I further understand that the court cannot grant a licence without the consent of each parent or guardian of the infant/and the person who has the actual custody of the child or who is liable to contribute to the support of the child unless the court dispenses with a consent on the ground that the person concerned has abandoned, neglected or persistently ill-treated the infant, or cannot be found, or is incapable of giving consent, or has persistently failed without reasonable cause to discharge the obligations of a parent or guardian or is a person whose consent ought in all the circumstances of the case to be dispensed with.

**ADOPTION RULES 1964**

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6 I further understand that when the application for a licence is heard, this document may be used as evidence of my consent to the granting of the licence unless I inform the court that I no longer consent.

7 I hereby consent to the granting of a licence allowing the care and possession of the infant by the applicant (s) [on condition that the religious persuasion in which the infant is proposed to be brought up is [blank]]

8 As far as I know, no person or body has taken part in arranging for the infant to be placed in the care and possession of the applicant(s) except [blank]

- Full name
- Address
- Signature of person consenting
- Address

Paragraphs 1, 2, 7 and 8 of this form having been duly completed, this form was signed by the above-mentioned person before me at [blank] on the [blank] day of [blank].

- Signature
- Full Name
- Description

**CERTIFICATE OF ATTESTOR.**

I hereby certify that I have verbally explained the effect to [blank] (name of person giving consent) of his/her signing the above form and I am satisfied that he/she understands the effect of giving such consent.

[blank] J.P.

*[First schedule amended by 1998:38 effective 1 January 2000; by 2001:20 s.7(1) & Sch 2 effective 1 November 2001; and by 2002:36 Sch para 2(a),(b) effective 19 January 2004]*

**SECOND SCHEDULE**

**Particular Duties of Guardian Ad Litem**

1 The guardian ad litem shall interview the applicant and shall ascertain —

- (a) particulars of all members of the applicant's household and their relationship (if any) to the applicant;
- (b) particulars of the accommodation in the applicant's home and the condition of the home;
- (c) whether the means and status of the applicant are such as to enable him to maintain and bring up the infant

suitably, and what right to or interest in property the infant has;

- (d) whether the applicant suffers or has suffered from any serious illness and whether there is any history of tuberculosis, epilepsy or mental illness in the applicant's family;
- (e) in the case of an application by one only of two spouses, why the other spouse does not join in the application;
- (f) whether any person specified in the application as a person to whom reference may be made is a responsible person and whether he recommends the applicant with or without reservations;
- (g) whether the applicant understands the nature of an adoption order and, in particular, that the order, if made, will render him responsible for the maintenance and upbringing of the infant;
- (h) whether any payment or other reward in consideration of the adoption has been received or agreed upon and whether it is consistent with the welfare of the infant;
- (i) what insurance, if any, has been effected on the life of the infant;
- (j) whether it is desirable for the welfare of the infant that the Court should be asked to make an interim order or, in making an adoption order, to impose any particular terms or conditions or to require the adopter to make any particular provision for the infant.

2 The guardian ad litem shall ascertain and inform the applicant—

- (a) whether the infant has been baptised and, if so, the date and place of baptism;
- (b) what treatment the infant has received with a view to immunising him against disease;
- (c) whether the infant has any right to, or interest in, any property;
- (d) whether an insurance policy for the payment on the death of the infant of money for funeral expenses has been effected.

3 (1) The guardian ad litem shall, as soon as is reasonably practicable, ascertain whether the infant is able to understand the nature of an adoption order.

## **ADOPTION RULES 1964**

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(2) If the guardian ad litem is of opinion that the infant is able to understand the nature of an adoption order, he shall forthwith inform the Court of his opinion and ascertain whether the infant wishes to be adopted by the applicant.

4 The guardian ad litem shall interview either in person or by an agent appointed by him for that purpose—

(a) every individual who is a respondent to the application;  
and

(b) every individual who appears to him to have taken part in the arrangements for the adoption of the infant.

5 (1) The guardian ad litem shall obtain from every respondent to the application, not being an individual, such information concerning the infant as they have in their possession and which they consider might assist the Court in deciding whether or not the infant should be adopted by the applicant.

(2) Where such information is given in the form of a written report, the guardian ad litem shall append it to his own report to the Court.

6 The guardian ad litem shall ascertain when the mother of the infant ceased to have the care and possession of the infant and to whom the care and possession was transferred.

7 The guardian ad litem shall ascertain that every consent to the making of an adoption order authorising the adoption of the infant by the applicant is freely given and with full understanding of the nature of an adoption order.

8 If either parent of the infant is dead, the guardian ad litem shall forthwith inform the Court if he learns of any relation of the deceased parent who wishes to be heard by the Court on the question whether an adoption order should be made.

9 *[Omitted]*

10 The guardian ad litem shall forthwith inform the Court if he learns of any other person or body who wishes, or ought in his opinion, to be heard by the Court on the question whether an adoption order should be made.

*[Second Schedule para 9 deleted by 2002:36 Sch para 2(c) effective 19 January 2004]*

[Amended by:

SR&O 23/1966

1968 : 136

1968 : 140

1971 : 22

1998 : 38

2001 : 20

2002 : 36]