



BERMUDA

ADOPTION OF CHILDREN RULES 2013

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## ADOPTION OF CHILDREN RULES 2013

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The Chief Justice, in exercise of the power conferred by section 61 of the Adoption of Children Act 2006, makes the following Rules:

### Citation

1 These Rules may be cited as the Adoption of Children Rules 2013.

### Interpretation

2 In these Rules, unless the context indicates otherwise—

“accredited body” means a body which has been accredited and performs the functions of an accredited body set out under Article 11 of the Hague Convention;

“the Act” means the Adoption of Children Act 2006;

“attested” means attested in accordance with regulation 15;

“application fee” means the application fee prescribed in the First Schedule to the Court Fees and Expenses Rules 1972;

“body of persons” includes a public authority or accredited body in a jurisdiction outside Bermuda;

“Form” means the Form prescribed in the Schedule;

“Hague Convention” means the Convention on Protection of Children and Co-Operation In Respect of Intercountry Adoption;

“public authority” means an authority of a country or territory which performs the functions of a public authority set out under the Hague Convention, and includes the Department of Child and Family Services;

“Regulations” mean the Adoption of Children Regulations 2013.

### Application to dispense with consent

3 An application to dispense with the consent of a person, pursuant to section 19 of the Act, must be made to the court in Form 1 and accompanied by the required application fee.

### General requirements regarding applications under rules 5, 6 and 7

4 (1) With respect to an application made under rule 5 (for an adoption order) the court shall not receive an application where—

(a) the court does not have jurisdiction to make an order under section 25 of the Act;

(b) the person making application for an adoption order, or the spouse of the person making application, has been granted an adoption order in respect of the child by a country or territory outside Bermuda, and the adoption has substantially the same effect under the law of that country or territory as an adoption in Bermuda under the Act;

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- (c) the application form is incomplete in a material aspect;
  - (d) the application is not accompanied by the required application fee or the required documents.
- (2) Paragraph (1)(c) and (d) applies with respect to—
- (a) an application made under rule 6 (for approval to bring a child into Bermuda for adoption);
  - (b) an application made under rule 7 (for an order to transfer the care and custody of a child from Bermuda for adoption by a person resident outside Bermuda).
- (3) The court may, after an application has been filed, require the applicant to provide any additional information or documents which the Court deems relevant, certified or attested (if required by the court).

### Application for an adoption order

- 5 (1) An application to the court for an adoption order, pursuant to Part 4 of the Act, may be made where—
- (a) the child is a resident of Bermuda or was born in Bermuda; or
  - (b) the child has been brought into Bermuda for the purpose of adoption pursuant to an approval granted by the court under section 47 of the Act.
- (2) An application shall be made by the prospective adoptive parent in Form 2, and accompanied by the following—
- (a) the required application fee;
  - (b) a copy of the notice of the Director that the name of the applicant has been entered in the Adopter's Register, pursuant to section 6 of the Act;
  - (c) a certified copy of any subsisting order made by a court (whether the court is in Bermuda or outside Bermuda) relating to the child, including any custody order, maintenance order, access order, enforcement order, garnishment order, care order, or supervision order;
  - (d) a copy of any agreement relating to maintenance of or access to the child;
  - (e) a copy of a report on the health of the child prepared by a registered medical practitioner who examined the child and prepared the report not more than six months preceding the date of the application;
  - (f) a copy of any agreement for continuing contact made pursuant to section 14(2) of the Act;
  - (g) in the case of a child who has been brought into Bermuda for the purpose of adoption, an official document certifying that permission has been granted under the Bermuda Immigration and Protection Act 1956 for the child to enter, remain and reside in Bermuda subject to an adoption order being made;

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- (h) two additional copies of—
  - (i) the completed application form; and
  - (ii) the documents referred to in subparagraphs (b) to (g).

(3) An application must be filed not less than twelve months before the date on which the child attains the age of eighteen years.

(4) The court is not required to receive an application where the time requirement under paragraph (3) has not been complied with.

Application for approval to bring child into Bermuda for adoption

6 (1) An application to the court for approval, pursuant to section 47 of the Act, to bring a child into Bermuda for the purpose of adoption may be made where—

- (a) the prospective adoptive parent is a resident of Bermuda; or
- (b) in the case of a joint application by a married couple, one of the prospective adoptive parents is a resident of Bermuda.

(2) An application shall be made by the prospective adoptive parent in Form 2, and accompanied by the following—

- (a) the required application fee;
- (b) a copy of the notice of the Director that the name of the prospective adoptive parent has been entered in the Adopter's Register;
- (c) the documents referred to in rule 5(2)(c) to (f), certified or attested;
- (d) a copy of the documents referred to in regulation 6(2) of the Regulations, certified or attested;
- (e) a certified copy of the approval granted by the court in the country or territory in which the child is resident for the child to be transferred to Bermuda for the purpose of adoption by the prospective adoptive parent, pursuant to section 47(2)(e) of the Act;
- (f) two additional copies of—
  - (i) the completed application form; and
  - (ii) the documents referred to in paragraphs (b) to (e).

(3) An application must be filed not less than twelve months before the date on which the child attains the age of eighteen years.

(4) The court is not required to receive an application where the time requirement under paragraph (3) has not been complied with.

Application for order to transfer child out of Bermuda for adoption

7 (1) An application for an order, pursuant to section 48 of the Act, to transfer the care and custody of a child from Bermuda to a person who is resident outside Bermuda for

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the purpose of adoption by that person (“proposed adopter overseas”) may be made by a person, being a resident of Bermuda, who is the parent or guardian of the child and who has parental responsibility for the child.

- (2) An application shall be made in Form 2 and accompanied by the following—
  - (a) the required application fee;
  - (b) a copy of the notice of the Director that the name of the proposed adopter overseas has been entered in the Adopter’s Register;
  - (c) the documents referred to in rule 5(2)(c) to (f), certified or attested (if required by the court);
  - (d) a copy of the documents referred to in regulation 9(2) of the Regulations;
  - (e) a certified copy of the passport of the child or other official travel document;
  - (f) a copy of the written permission granted by the Director for the child to be placed with the proposed adopter overseas for the purpose of adoption, pursuant to section 11 of the Act;
  - (g) a certified copy of the passport of the proposed adopter overseas;
  - (h) a certified copy of immigration approval granted by the country or territory in which the proposed adopter overseas resides for the child to enter the country or territory for the purpose of placement with the proposed adopter overseas, and to remain and reside in that country or territory subject to an adoption order being made;
  - (i) two additional copies of—
    - (i) the completed application form; and
    - (ii) the documents referred to in paragraphs (b) to (h).

(3) An application must be filed not less than twelve months before the date on which the child attains the age of eighteen years.

(4) The court is not required to receive an application where the time requirement under paragraph (3) has not been complied with.

### Court to appoint Minister as guardian ad litem

8 (1) As soon as practicable after an application has been filed under rule 5, 6 or 7, the court shall appoint the Minister to act as guardian ad litem of the child, pursuant to section 61(2) of the Act.

(2) The appointment of the Minister as guardian ad litem shall be in writing, as prescribed in Form 3.

- (3) The court must forward to the Minister a copy of—
  - (a) the application form and the accompanying documents;
  - (b) the documents filed by the Director under rule 9;

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- (c) any order dispensing with consent;
- (d) any additional information or documents filed by the applicant pursuant to rule 4(3).

(4) The Minister may delegate the duties of guardian ad litem to such professional counsellor as he deems fit, including a public officer who is professional counsellor with the Department of Child and Family Services.

### Documents to be filed by Director

9 (1) Where the Director has been served notice of the hearing of an application filed under rule 5, 6 or 7, he shall file with the court the following documents in duplicate—

- (a) a report of the results of any investigation undertaken by the Director pursuant to section 6(3) of the Act;
- (b) the documents referred to in section 31 of the Act;
- (c) any other evidence or information pursuant to section 32(2) of the Act;
- (d) any reports ordered by the court pursuant to section 33 of the Act;
- (e) the information or documents provided by the parent or guardian to the Director under regulation 4(2)(a), (b) and (c), where these have not been filed by the applicant;
- (f) copies of any information or documents received from a public authority or accredited body under regulation 7(1) or, as the case may be, regulation 10(1) of the Regulations;
- (g) any report prepared by the Director pursuant to regulation 7(3) or, as the case may be, regulation 10(3) of the Regulations.

(2) Pursuant to section 34 of the Act, the court may direct or impose conditions relating to access by the applicant in respect of any report provided under the Act, either on its own motion or upon the written request of the Director.

### Setting date of hearing

10 The court must, as soon as practicable after it appoints the Minister to act as guardian ad litem, set a date for the hearing of an application filed under rule 5, 6 or 7.

### Notice to applicant of hearing

- 11 (1) The court must serve notice of the hearing on the applicant in Form 4.
- (2) Where an application has been filed under rule 5 or 7 in respect of a child who is at least 7 years of age and who has the capacity to understand and appreciate the nature of the application, the notice shall require the applicant to ensure the personal attendance of the child at the hearing.

### Notice to respondents of hearing

- 12 (1) The following persons are respondents to an application under rule 5, 6 or 7—

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- (a) the child, if the child is at least 7 years of age and has the capacity to understand and appreciate the nature of the application;
- (b) each parent of the child, or the guardian of the child;
- (c) the proposed adopter overseas;
- (d) the Director;
- (e) the Minister, acting as guardian ad litem;
- (f) any other person ordered by the court to give their consent pursuant to section 15(1) of the Act;
- (g) any person who has supported or maintained the child either under a court order or by agreement;
- (h) any person who has access to the child either under a court order or by agreement;
- (i) any person or body of persons who assisted in the placement of the child;
- (j) any other person who, in the opinion of the court, ought to be made a respondent to the application.

(2) The court must serve notice of the hearing on the respondents in Form 5.

(3) If a respondent is a body of persons, it may give written authorization to the court for an officer or agent of that body to be heard on its behalf at the hearing or at any related proceedings.

### Service of notice of hearing

13 (1) The court may serve notice of the hearing by—

- (a) delivering the notice personally;
- (b) leaving the notice with a responsible person at the person's usual or last known place of residence;
- (c) sending the notice to the person at his usual or last known place of residence, by any method of registered delivery;
- (d) sending the notice to the person by electronic means of communication which produces a document containing the text of the notice.

(2) If a respondent is a body of persons, the court must serve the notice on the registered office of the body or, if there is no registered office, the place where the body operates or carries on business.

### Replying to a notice of hearing by respondent

14 (1) Subject to paragraph (2), a respondent who does not wish to oppose an application made under rule 5, 6 or 7 and who does not wish to be heard on the question whether an adoption order, approval, or order to transfer should be made, must file a reply to the notice with the court in Form 6.

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(2) Paragraph (1) does not apply to the parent or guardian of the child, the child, or the proposed adopter overseas.

### Access to reports by applicant

15 (1) An applicant may make a request to the Director in writing if he wishes to have access to reports provided under the Act, pursuant to section 34 of the Act.

(2) Upon receiving a request, the Director shall—

- (a) file a copy of the request with the court; and
- (b) grant access to the applicant subject to—
  - (i) any direction or condition imposed by the court relating to access; and
  - (ii) any request that the previous identity or parentage of the child be kept secret.

### Procedure during hearing

16 (1) Every application and any related proceeding shall be heard in private.

(2) Where the previous identity or parentage of the child is intended to be kept secret, the court must ensure that the hearing and any related proceedings are conducted in a manner which protects the identity or parentage of the child.

(3) Where the court requires proof that a document relates to the child, any fact tending to establish the identity of the child to whom the document relates may be proved by affidavit.

(4) Where any such fact under paragraph (3) is proved by affidavit, the attendance of a witness at the hearing to prove that fact must not be compelled unless the fact is disputed, or for some special reason the attendance of the witness is required by the court.

(5) Where the hearing of an application under rule 5 or 7 is adjourned or the determination of an application is postponed the court may, after giving the applicant and each respondent an opportunity to be heard—

- (a) make an interim order for the care and custody of the child as it thinks fit; and
- (b) set a date for the further hearing, which must be not less than one month before the date on which the interim order expires.

### Determining application for adoption order

17 (1) The court shall not determine an application for an adoption order made under rule 5 except after the personal attendance before the court of the applicant and all the respondents, and each have been given an opportunity to be heard.

(2) Notwithstanding paragraph (1), the court may make an order where—

## ADOPTION OF CHILDREN RULES 2013

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- (a) the court is satisfied by a written report signed by the Director that circumstances exist which make it inexpedient or unnecessary that the parent or guardian be heard;
  - (b) the court is satisfied by a written report signed by the Minister as guardian ad litem that circumstances exist which make it inexpedient or unnecessary that the child be heard;
  - (c) in the case of all other respondents—
    - (i) the respondent has filed a reply to the notice indicating that he does not wish to oppose the application and does not wish to be heard on the question whether an adoption order should be made; or
    - (ii) the respondent has not filed a reply to the notice and the court is satisfied that an order should be made.
- (3) Where an order is made in respect of a child who was brought into Bermuda for the purpose of adoption—
- (a) the court shall serve a copy of such order on the court which made an order, pursuant to section 47(2)(e) of the Act, transferring the child to Bermuda for the purpose of adoption; and
  - (b) the Director shall notify the public authority or accredited body that the child has been adopted.

### Determining application to bring child into Bermuda for adoption

18 (1) The court shall not determine an application made under rule 6 for approval to bring a child into Bermuda for adoption except after the personal attendance before the court of the applicant and all the respondents, and each have been given an opportunity to be heard.

- (2) Notwithstanding paragraph (1), the court may make an order where—
- (a) the court is satisfied by a written report signed by the Director that circumstances exist which make it inexpedient or unnecessary that the parent, guardian, or the child be heard; or
  - (b) in the case of all other respondents—
    - (i) the respondent has filed a reply to the notice indicating that he does not wish to oppose the application and does not wish to be heard on the question whether approval should be granted; or
    - (ii) the respondent has not filed a reply to the notice and the court is satisfied that an order should be made.
- (3) The Director shall notify the public authority or accredited body where approval has been granted.

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### Determining application to transfer child out of Bermuda for adoption

19 (1) The court shall not determine an application made under rule 7 for an order to transfer a child to a proposed adopter overseas except after the personal attendance before the court of the applicant and all the respondents, and each have been given an opportunity to be heard.

(2) Notwithstanding paragraph (1), the court may make an order where—

- (a) the court is satisfied by a written report signed by the Director that circumstances exist which make it inexpedient or unnecessary that the parent or guardian be heard;
- (b) the court is satisfied by a written report signed by the Director that circumstances exist which make it inexpedient or unnecessary that the proposed adopter overseas be heard;
- (c) the court is satisfied by a written report signed by the Minister as guardian ad litem that circumstances exist which make it inexpedient or unnecessary that the child be heard;
- (d) in the case of all other respondents—
  - (i) the respondent has filed a reply to the notice indicating that he does not wish to oppose the application and does not wish to be heard on the question whether an order should be made; or
  - (ii) the respondent has not filed a reply to the notice and the court is satisfied that an order should be made.

(3) When making an order transferring the care and custody of a child to a proposed adopter overseas for adoption, in addition to any other conditions and restrictions which the court may impose, the court shall impose the following conditions—

- (a) that the Director shall, from time to time as he thinks fit, request a written report from the public authority or accredited body assisting with the placement, on any of the matters provided for in section 32(3) of the Act; and
- (b) that the proposed adopter overseas shall serve on the court and the Director a certified copy of the adoption order made by a court in the country or territory in which the adopter resides, not later than three months from the date on which the adoption order was made.

(4) Where a copy of an adoption order is served on the court pursuant to paragraph (3)(b), the court shall give a direction to the Registrar-General in accordance with section 7(2) of the Act.

(5) The Director shall notify the public authority or accredited body where an order has been made.

### Form of orders and approval

20 The form of—

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- (a) an adoption order;
- (b) approval to bring a child into Bermuda for adoption; or
- (c) an order transferring the care and custody of a child to a person resident outside Bermuda for adoption,

shall be as prescribed in Form 7, and may be varied as the circumstances require.

### Repeal of Adoption Rules 1964

21 The Adoption Rules 1964 are revoked.

### Commencement

22 These Rules come into operation on such day as the Adoption of Children Act 2006 comes into operation.

SCHEDULE

FORMS

FORM 1

(rule 3)

BERMUDA  
IN THE MAGISTRATES' COURT  
SPECIAL COURT JURISDICTION

APPLICATION TO DISPENSE WITH CONSENT IN RESPECT OF AN ADOPTION

The Magistrate and Chairman  
The Special Court  
[address]  
Hamilton, Bermuda HM [blank]

With respect to an application for an adoption order in respect of [name of child], I hereby make application for an order of the special court dispensing with the consent of [the child] [the child's mother] [the child's father] [the child's guardian] on the ground that it is in the best interests of the child to do so, or that—

- (a) the child is 12 years of age or over and is not capable of giving an informed consent;
- (b) the [mother] [father] [guardian] whose consent is to be dispensed with is not capable of giving an informed consent;
- (c) reasonable but unsuccessful efforts have been made to locate the [mother] [father] [guardian] of the child;
- (d) the [mother] [father] [guardian]—
  - (i) has abandoned or deserted the child;
  - (ii) has not made reasonable efforts to meet their parental obligations to the child;
  - (iii) is not capable of caring for the child;
- (e) there are other circumstances which justify dispensing with the consent of the [mother] [father] [guardian], namely:

[signature]  
Applicant  
Date:

FORM 2

(rules 5, 6 and 7)

BERMUDA  
IN THE MAGISTRATES' COURT  
SPECIAL COURT JURISDICTION  
APPLICATION FOR

[AN ADOPTION ORDER]

[APPROVAL TO BRING A CHILD INTO BERMUDA FOR ADOPTION]

[AN ORDER TO TRANSFER A CHILD OUT OF BERMUDA FOR ADOPTION]

GENERAL NOTES:

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With respect to the adoption of a child, the Adoption of Children Act 2006 provides, among other things, that—

- A an applicant must be registered in the Adopter's Register for a period of at least three months immediately preceding an application for an adoption order (section 6(5));
- B no application shall be made for the adoption of a child by more than one person, except in the case of a joint application by a married couple (section 28);
- C a relative of a child may apply to the court to jointly become a parent of a child with a parent of the child so that the child has a mother and a father (section 28);
- D a married couple may apply to the court to adopt a child if they have been living together for a continuous period of not less than one year immediately before an application is made (section 28);
- E a person, other than a step-parent, may apply to adopt a child if the child has been placed with that person for at least three months prior to the application, or such shorter period as may be authorized by the court (section 28);
- F the step-parent of a child may apply to adopt a child without having to comply with the requirements regarding placement in paragraph E above (section 29). However, a step-parent must be registered in the Adopter's Register for at least three months immediately preceding the application (section 6).
- G an adoption order may be revoked as a result of an appeal (section 43);
- H an adoption order obtained by fraud may be revoked, if the court considers it to be in the child's best interests to do so (section 43);
- I if an adoption order is not made, the court may make such orders for the care and custody of the child as it thinks fit, including an order declaring the child to be in the care and custody of the Director (section 44);
- J an applicant may appeal to the Supreme Court where the special court refuses to make an adoption order in respect of his application (section 53);
- K a respondent whose consent has been dispensed with may also appeal to the Supreme Court where the court has subsequently made an adoption order (section 53);
- L after an adoption order is made the child may, through the Director, seek information about a relative or seek to make contact with a relative (sections 51 and 52);
- M the court appoints the Minister responsible for child and family services to act as guardian ad litem of the child upon the hearing of an application, with the duty of safeguarding the welfare of the child before the court (section 61).

### OFFENCES:

- N Your attention is drawn to the following sections of the Adoption of Children Act 2006 relating to offences—
  - Section 11 (Placement overseas)
  - Section 47 (Approval of overseas adoption of Bermudian child)
  - Section 56 (Payment prohibited)
  - Section 57 (Advertisement prohibited)
  - Section 58 (Making a false statement).

### INSTRUCTIONS:

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- O If this is a joint application for an adoption order, this application is to be completed by the First Applicant, except the following Parts—  
Part 3 (Particulars of Second Applicant)  
Part 10 (Statement of Truth) in respect of the Second Applicant.
- P This completed original application form must be filed with—  
The Magistrate and Chairman  
The Special Court  
[address]  
Hamilton, Bermuda HM [blank]  
together with two copies of the completed application, and two copies of the documents accompanying the application.
- Q In this application—  
“the Act” means the Adoption of Children Act 2006;  
“the child” means the child in respect of which this application is being made;  
“court”, unless the context indicates otherwise, means a special court established under the Magistrates Act 1948;  
“court approval” means approval by the court for a child to be brought into Bermuda for the purpose of adoption by the applicant;  
“transfer order” means an order of the court transferring the care and custody of a child from Bermuda to a person resident outside of Bermuda for the purpose of adoption by that person.

Part 1  
Type of Application

Yes No

1. This is an Application for—  
(a) an adoption order:  
(b) court approval (to bring a child into Bermuda for adoption):  
(c) a transfer order (to transfer a child out of Bermuda for adoption):

Part 2  
Particulars of Applicant

(or First Applicant, if this is a joint application for an adoption order)

2. Name of Applicant (or First Applicant):  
Address:  
Work telephone number:  
Home telephone number:  
Cell-phone number:  
Email address:  
Date of birth:  
Sex:  
Occupation:

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Yes No

- Relationship (if any) to the child:  
Religious persuasion (if any):
3. I have attained the age of 18 years:
  4. I am—
    - (a) a resident of Bermuda, as defined under section 2(3) of the Act:
    - (b) a resident of [please state country or territory]:
  5. My marital status is—  
single:  
married:  
divorced or separated:  
widow or widower:
  6. My name has been entered in the Adopter's Register:
  7. I am married to the Second Applicant (if any):
  8. I have been living together with the Second Applicant (if any) for a continuous period of not less than one year immediately before the date of this application:
  9. I am a relative of the child who is applying to the court to jointly become a parent of the child with—  
the mother of the child:  
the father of the child:
  10. I am the [step-mother] [step-father] of the child and am applying to adopt the child so that I become a parent of the child jointly with the child's [mother] [father] [guardian]:
  11. The Director—
    - (a) completed a home study of my [our] home:
    - (b) has given approval for me [us] to have a child placed in my [our] home on the basis of the home study report:
  12. I received a summary of information concerning—
    - (a) the background and circumstances of the child including his cultural heritage, medical history, and family history that might affect the child's rearing:
    - (b) the reason the child was placed for adoption:
  13. I have entered into a binding agreement for continuing contact with—  
the mother of the child:  
the father of the child:  
the guardian of the child:
  14. I am aware of the legal effect of an adoption order as set out in section 41 of the Act:
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Yes No

15. Have you previously filed an application for an adoption order, or court approval, or transfer order with a court, either in Bermuda or outside Bermuda, in respect of the child, or any other child?:
- If yes, please state the—  
type or order applied for:  
Name of court:  
Address:  
Telephone number:  
Web address:  
Name of court Registrar:  
Date of application:  
If your application was dismissed, on what grounds was it dismissed?:  
If not, how did the court determine your application?:  
If the court determined that an order not be made, did you appeal the court's determination?:  
If yes, please state how the court determined your appeal:
16. You may, if you wish, make additional comments below with respect to any of the answers given under this Part.

Part 3

Particulars of Second Applicant

(to be completed if this is a joint application for an adoption order)

17. Name of Second Applicant:  
Address:  
Work telephone number:  
Home telephone number:  
Cell-phone number:  
Email address:  
Date of birth:  
Sex:  
Occupation:  
Relationship (if any) to the child:  
Religious persuasion (if any):
18. I have attained the age of 18 years:
19. I am—  
(a) a resident of Bermuda, as defined under section 2(3) of the Act:  
(b) a resident of [please state country or territory]:
20. I am married to the First Applicant:

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Yes No

21. I have been living together with the First Applicant for a continuous period of not less than one year immediately before the date of this application:
22. My name has been entered in the Adopter's Register:
23. The Director—
- (a) completed a home study of our home:
  - (b) has given approval for us to have a child placed in our home on the basis of the home study report:
24. I received a summary of information concerning—
- (a) the background and circumstances of the child including his cultural heritage, medical history, and family history that might affect the child's rearing:
  - (b) the reason the child was placed for adoption:
25. I have entered into a binding agreement for continuing contact with—
- the mother of the child:
  - the father of the child:
  - the guardian of the child:
26. I am aware of the legal effect of an adoption Order, as set out in section 41 of the Act:
27. Have you previously filed an application for an adoption order, or court approval, or transfer order with a court, either in Bermuda or outside Bermuda, in respect of the child, or any other child?:
- If yes, please state the—
- type of order applied for:
  - Name of court:
  - Address:
  - Telephone number:
  - Web address:
  - Name of Court Registrar:
  - Date of application:
  - If your application was dismissed, on what grounds was it dismissed?:
  - If not, how did the court determine your application?:
  - If the court determined that an order not be made, did you appeal the court's determination?:
  - If yes, please state how the court determined your appeal:
28. You may, if you wish, make additional comments below with respect to any of the answers given under this Part.

Part 4  
Particulars of Parents or Guardian of the Child

ADOPTION OF CHILDREN RULES 2013

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Yes No

29. The mother of the child (if known) is—

Name:

Address:

Work telephone number:

Home telephone number:

Cell-phone number:

Email address:

Date of birth:

Occupation:

Religious persuasion (if any):

30. The father of the child (if known) is—

Name:

Address:

Work telephone number:

Home telephone number:

Cell-phone number:

Email address:

Date of birth:

Occupation:

Religious persuasion (if any):

31. The guardian of the child (if known) is—

Name:

Address:

Work telephone number:

Home telephone number:

Cell-phone number:

Email address:

Date of birth:

Sex:

Occupation:

Religious persuasion (if any):

32. You may, if you wish, make additional comments below with respect to any of the answers given under this Part.

Part 5

Particulars of the Child

33. Name of the child (as stated on the birth certificate):

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Yes No

Address:

Date of birth:

Sex:

Religious persuasion (if any):

34. Is the child at least six weeks old?:
35. Is the child 12 years of age or over?:
36. Is the child under 18 years of age?:
37. Is the child married?:
38. Has the child been married?
39. The child was born in [please state country or territory]:
40. The child is—
- (a) a resident of Bermuda, as defined under section 2(3) of the Act:
  - (b) a resident of [please state country or territory]:
41. Please state if any court order, other than an order relating to maintenance or access, is in force with respect to the child (eg. a care order or supervision order):
42. The child was placed in my [our] custody on:
43. The child was placed in my [our] custody by—
- (a) the Director:
  - (b) the child's mother:
  - (c) the child's father:
  - (d) the child's guardian:
44. Before the child was placed in my [our] custody, the child was in the care and custody of—
- Name (if known):
- Address:
- Work telephone number:
- Home telephone number:
- Cell-phone number:
- Email address:
- Date of birth:
- Sex:
- Occupation:
- Relationship (if any) to the child:
45. Before the child was placed in my [our] custody, the child was in the continuing custody of the Director pursuant to a care order made under Part 4 of the Children Act 1998:

Yes No

46. If an adoption order is made, the child is to be known by the following names—  
Surname:  
Other names:
47. You may, if you wish, make additional comments below with respect to any of the answers given under this Part.

Part 6

Maintenance of and Access to the Child

*Court Order for Maintenance of Child*

48. Is there a maintenance order in force in respect of the child?:  
If yes, please state—  
Name of person(s) who the maintenance order is against:  
Address:  
Work telephone number:  
Home telephone number:  
Cell-phone number:  
Email address:  
Date of birth:  
Sex:  
Occupation:  
Relationship (if any) to the child:  
Name of court which made the maintenance order:  
Address:  
Telephone number:  
Web address:  
Name of court Registrar:  
Date of court order:

*Agreement for Maintenance of Child*

49. Is there a maintenance agreement in force in respect of the child?:  
If yes, please state—  
Name of parties to the agreement:  
Date of agreement:  
Agreement was witnessed by:  
Name of person(s) who maintains the child under the agreement:  
Address:  
Work telephone number:  
Home telephone number:

Yes No

Cell-phone number:

Email address:

Date of birth:

Sex:

Occupation:

Relationship (if any) to the child:

*Maintenance Payments in Arrears*

50. Are there arrears due under the court order or agreement?:

51. If yes, please state the amount of the arrears due:

*Court Order for Access to the Child*

52. Is there a court order in force in respect of access to the child?:

If yes, please state—

Name of person(s) who has been granted access under the court order:

Address:

Work telephone number:

Home telephone number:

Cell-phone number:

Email address:

Date of birth:

Sex:

Occupation:

Relationship (if any) to the child:

Name of court:

Address:

Telephone number:

Web address:

Name of court Registrar:

Date of court order:

*Agreement for Access to the Child*

53. Is there an agreement in force with respect to access to the child?:

If yes, please state—

Name of parties to the agreement:

Date of agreement:

Agreement was witnessed by:

Name of person(s) who has access to the child under the agreement:

Address:

Yes No

Work telephone number:  
Home telephone number:  
Cell-phone number:  
Email address:  
Date of birth:  
Sex:  
Occupation:  
Relationship (if any) to the child:

*Additional Comments*

54. You may, if you wish, make additional comments below with respect to any of the answers given under this Part.

Part 7

Court Approval to Bring Child into Bermuda for Adoption

*Present Care and Custody of the Child*

55. The child is presently in the care and custody of—  
Name (in full)  
Address:  
Work telephone number:  
Home telephone number:  
Cell-phone number:  
Email address:  
Sex:  
Occupation:  
Relationship (if any) to the child:
56. Is the child presently in the care and custody of a public authority or accredited body which has the rights and powers of a parent in respect of the child under a court order or agreement?:  
If yes, please state—  
Name of public authority or accredited body:  
Address:  
Telephone number:  
Name of contact person:  
Name of court:  
Address:  
Telephone number:  
Web address:  
Name of court Registrar:

Yes No

Date of court order:

An agreement was signed by the child's—

Mother:

Father:

Guardian:

Date of agreement:

Agreement was witnessed by:

*Information about the Child and Residence of the Child*

57. If the child is 12 years of age or over has he been counselled by—  
(a) a lawyer about the legal effect of giving consent?:  
(b) a professional counsellor on the alternatives to adoption?:
58. Have you been provided with information about the medical and social history of the child's biological family?:
59. Is the child a resident of an approved jurisdiction, as defined under section 46(2) of the Act?
60. If the child is not a resident of an approved jurisdiction, will you become an adoptive parent jointly with the child's—  
Mother:  
Father:

*Authority or Body Assisting with Placement of the Child*

61. The following overseas public authority or accredited body is assisting with the placement of the child—  
Name:  
Address:  
Telephone number:  
Email address:  
Web address:  
Name of contact person:

*Transfer of the Child from Country of Residence*

62. The following court has granted approval, under the laws of the jurisdiction in which the child resides, for the child to be transferred to Bermuda for the purpose of placement and adoption—  
Name of court:  
Address:  
Telephone number:  
Web address:  
Name of court Registrar:

Yes No

Date of court approval:

*Previous Adoption of Child by Applicant*

63. Has an adoption order been granted—
- (a) to you by a court in a jurisdiction outside Bermuda in respect of the child?:
  - (b) to your spouse by a court in a jurisdiction outside Bermuda in respect of the child?:
64. If yes, please state—
- Name of Court:
- Address:
- Telephone number:
- Web address:
- Name of Court Registrar:
- Date on which the application for an adoption order was filed:
- Date of court order:
65. Does the effect of that adoption order, granted under the laws of the jurisdiction outside Bermuda, have substantially the same effect in that jurisdiction as an adoption order granted in Bermuda under the Act?:
66. If not, please explain how the effect of the adoption order is not substantially the same as an adoption order granted in Bermuda under the Act:
67. Has consideration been given to the reasonableness of placement and adoption of a child who is a resident of Bermuda, in accordance with the principle set out under section 3 of the Act?:

*Additional Comments*

68. You may, if you wish, make additional comments below with respect to any of the answers given under this Part.

Part 8

Order to Transfer Child out of Bermuda for Adoption

*Matters Relating to the Applicant*

69. Have you—
- (a) been provided with information about adoption and alternatives to adoption?:
  - (b) given information to the Director about the medical and social history of the child's biological family?:
  - (c) given information to the proposed adopter overseas about the medical and social history of the child's biological family?:

*Directors Approval to Transfer Child Out of Bermuda*

70. Has the Director given permission for the child to be placed overseas for adoption?:

ADOPTION OF CHILDREN RULES 2013

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Yes No

If yes, has the Director imposed criteria or conditions with respect to the placement overseas?:

71. If so, please state the criteria or conditions imposed?

*Authority or Body Assisting with Placement and Adoption of the Child*

72. The following public authority or accredited body is assisting with placement and adoption of the child—

Name:

Address:

Telephone number:

Web address:

Name of contact person:

*Matters Relating to the Proposed Adopter Overseas*

73. Name of proposed adopter overseas (as stated on the birth certificate):

Address:

Work telephone number:

Home telephone number:

Cell-phone number:

Email address:

Date of birth:

Sex:

Occupation:

Relationship (if any) to the child:

Religious persuasion (if any):

74. Is the proposed adopter overseas a resident of an approved jurisdiction, as defined under section 46(2) of the Act?:

75. If the proposed adopter overseas is not a resident of an approved jurisdiction—

(a) is he or she a relative of the child?:

(b) does he or she intend to become an adoptive parent jointly the child's mother or father so that the child has a mother and a father?:

*Additional Comments*

76. You may, if you wish, make additional comments below with respect to any of the answers given under this Part.

Part 9

Statement of Applicant

I have not given, received, or agreed to give or receive any payment or reward, whether directly or indirectly to (a) procure or assist

I have not given, received, or agreed to give or receive any payment or reward, whether directly or indirectly to (a) procure or assist

ADOPTION OF CHILDREN RULES 2013

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in procuring the child for the purpose of adoption in our outside Bermuda, or (b) to place or arrange the placement of the child for the purposes of adoption in or outside Bermuda.

I have not published or had published in any form or manner an advertisement dealing with the placement or adoption of the child.

To the best of my knowledge and belief, I have made full and complete disclosure in this Application, in respect of matters which would be material in the court's determination of this application.

You may, if you wish, make additional comments below with respect to any of the matters referred to in this Part:

in procuring the child for the purpose of adoption in our outside Bermuda, or (b) to place or arrange the placement of the child for the purposes of adoption in or outside Bermuda.

I have not published or had published in any form or manner an advertisement dealing with the placement or adoption of the child.

To the best of my knowledge and belief, I have made full and complete disclosure in this Application, in respect of matters which would be material in the court's determination of this application.

You may, if you wish, make additional comments below with respect to any of the matters referred to in this Part:

Part 10

Statement of Truth

I believe that the statements made by me in this application are true.

[signature]

Applicant

Date:

I believe that the statements made by me in this application are true.

To the best of my knowledge and belief, the statements made by the Second applicant are true.

[signature]

First Applicant

Date:

I believe that the statements made by me in this application are true.

To the best of my knowledge and belief, the statements made by the First applicant are true.

[signature]

Second Applicant

Date:

FORM 3

(rule 8)

BERMUDA  
IN THE MAGISTRATES' COURT  
SPECIAL COURT JURISDICTION  
[AN ADOPTION ORDER]  
[APPROVAL TO BRING A CHILD INTO BERMUDA FOR ADOPTION]  
[AN ORDER TO TRANSFER A CHILD OUT OF BERMUDA FOR ADOPTION]  
APPOINTMENT OF GUARDIAN AD LITEM

BEFORE the Special Court sitting at [address], Hamilton, Bermuda HM [blank]:

ADOPTION OF CHILDREN RULES 2013

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WHEREAS an application has been made under [rule 5] [rule 6] [rule 7] by [name of Applicant] [name of First Applicant] and [name of Second Applicant] of [address] in respect of [name of child] of [address] born on [date], a child of the [blank] sex;

THE COURT HEREBY APPOINTS, pursuant to section 61(2) of the Adoption of Children Act 2006, the Minister responsible for child and family services to act as guardian ad litem of the child upon the hearing of the application and any related proceedings, with the duty of safeguarding the welfare of the child before the court.

Dated the [blank] day of [month] [year].

[signature]  
Magistrate and Chairman  
The Special Court

FORM 4

(rule 11)

BERMUDA  
IN THE MAGISTRATES' COURT  
SPECIAL COURT JURISDICTION  
NOTICE TO APPLICANT OF  
[HEARING] [ADJOURNED HEARING] OF AN APPLICATION FOR  
[AN ADOPTION ORDER]  
[APPROVAL TO BRING A CHILD INTO BERMUDA FOR ADOPTION]  
[AN ORDER TO TRANSFER A CHILD OUT OF BERMUDA FOR ADOPTION]

[Name of Applicant]  
[Address of Applicant]

I HEREBY GIVE NOTICE THAT—

- (1) your application for [an adoption order] [court approval to bring a child into Bermuda for the purpose of adoption] [an order to transfer the care and custody of a child to a person resident outside of Bermuda for the purpose of adoption by that person] in respect of [name of child] of [address] born on [date] will be [heard] [further heard] before the Special Court sitting at [address], Hamilton, Bermuda HM [blank] at [blank] o'clock on [date];
- (2) your attendance is required;
- (3) the attendance of [name of child] is required so that the court can inquire into the child's capacity to understand and appreciate the nature of the application, consider the child's views if they can be reasonably ascertained, and where it is practical to do so, give the child the opportunity to be heard;
- (4) the Minister responsible for child and family services has been appointed, pursuant to section 61(2) of the Adoption of Children Act 2006, to act as guardian ad litem of the child upon the hearing of the application and any related proceedings, with the duty of safeguarding the welfare of the child before the court.

Dated the [blank] day of [month] [year]

ADOPTION OF CHILDREN RULES 2013

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[signature]  
Magistrate and Chairman  
The Special Court

FORM 5

(rule 12)

BERMUDA  
IN THE MAGISTRATES' COURT  
SPECIAL COURT JURISDICTION  
NOTICE TO RESPONDENT OF  
[HEARING] [ADJOURNED HEARING] OF AN APPLICATION FOR  
[AN ADOPTION ORDER]  
[APPROVAL TO BRING A CHILD INTO BERMUDA FOR ADOPTION]  
[AN ORDER TO TRANSFER A CHILD OUT OF BERMUDA FOR ADOPTION]

[Name of Respondent]  
[Address of Respondent]

I HEREBY GIVE NOTICE THAT—

- (1) an application has been made in respect of [name of child] of [address of child] by [name of Applicant] of [address] [name of First Applicant] and [name of Second Applicant] of [address] for [an adoption order] [court approval to bring the child into Bermuda for the purpose of adoption] [an order to transfer the care and custody of the child from Bermuda to a person resident outside Bermuda for the purpose of adoption by that person];
- (2) the application will be [heard] [further heard] before the Special Court sitting at [address], Hamilton, Bermuda HM [blank] at [blank] o'clock on [date];
- (3) the Minister responsible for child and family services has been appointed, pursuant to section 61(2) of the Adoption of Children Act 2006, to act as guardian ad litem of the child upon the hearing of the application and any related proceedings, with the duty of safeguarding the welfare of the child before the court;
- (4) you may then appear and be heard on the question of whether an [adoption order] [approval] [transfer order] should be made;

OR *(the following where the previous identity or parentage of the child is intended to be kept secret in respect of an adoption order or a transfer order)*

I HERBY GIVE NOTICE THAT—

- (1) an application has been made in respect of [name of child] of [address] by [name of Applicant] of [address] [name of First Applicant] and [name of Second Applicant] of [address] for [an adoption order] [an order to transfer the care and custody of the child from Bermuda to a person resident outside Bermuda for the purpose of adoption by that person];
- (2) the application will be [heard] [further heard] before the Special Court sitting at [address], Hamilton, Bermuda HM [blank];
- (3) the Minister responsible for child and family services has been appointed, pursuant to section 61(2) of the Adoption of Children Act 2006, to act as guardian ad litem of

ADOPTION OF CHILDREN RULES 2013

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the child upon the hearing of the application and any related proceedings, with the duty of safeguarding the welfare of the child before the court;

- (4) the previous identity or the parentage of the child is intended to be kept secret;
- (5) if you wish to appear and be heard, you must write to the Special Court at [address], Hamilton, Bermuda HM [blank] on or before [date] in order that a time may be fixed for you to appear and be heard on the question of whether an [adoption order] [transfer order] should be made.

Dated the [blank] day of [month] [year]

[signature]

Magistrate and Chairman  
The Special Court

FORM 6

(rule 14)

BERMUDA  
IN THE MAGISTRATES' COURT  
SPECIAL COURT JURISDICTION  
REPLY BY RESPONDENT TO NOTICE OF HEARING OF  
[AN ADOPTION ORDER]

[APPROVAL TO BRING A CHILD INTO BERMUDA FOR ADOPTION]  
[AN ORDER TO TRANSFER A CHILD OUT OF BERMUDA FOR ADOPTION]

[Name of Respondent]

[Address of Respondent]

An application has been made in respect of [name of child] of [address] born on [date] by [name of Applicant] of [address] [name of First Applicant] and [name of Second Applicant] of [address] for [an adoption order] [court approval to bring the child into Bermuda for the purpose of adoption] [an order to transfer the care and custody of the child from Bermuda to a person resident outside Bermuda for the purpose of adoption by that person].

The application will be heard before the Special Court sitting at [address], Hamilton, Bermuda HM [blank] at [blank] o'clock on [date] and a notice was sent to you on [date];

This Reply Form is to be completed by you and returned as soon as practicable to The Magistrate and Chairman, The Special Court, [address] Hamilton, Bermuda HM [blank].

Please answer 'yes' or 'no' to the following questions—

- |   | Yes | No |
|---|-----|----|
| (1) Have you received notice of the hearing of the application for an [adoption order] [approval to bring the child into Bermuda for the purpose of adoption] [order to transfer the care and custody of a child to a resident outside Bermuda for the purpose of adoption by that person]? |     |    |
| (2) Do you wish to oppose the application?  |     |    |
| (3) Do you wish to appear and be heard on the question whether an [adoption order] [approval] [transfer] should be made?  |     |    |

ADOPTION OF CHILDREN RULES 2013

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Dated the [blank] day of [month] [year]  
[signature]  
Respondent:  
Date:  
[signature]  
Magistrate and Chairman  
The Special Court

FORM 7

(rule 20)

BERMUDA  
IN THE MAGISTRATES' COURT  
SPECIAL COURT JURISDICTION  
FORM OF

[AN ADOPTION ORDER]

[APPROVAL TO BRING A CHILD INTO BERMUDA FOR ADOPTION]  
[AN ORDER TO TRANSFER A CHILD OUT OF BERMUDA FOR ADOPTION]

BEFORE [name], Magistrate and Chairman, and [name] and [name], members sitting as a Special Court at [address], Hamilton, Bermuda HM [blank]:

WHEREAS an application dated [date] was made by [name of applicant] of [address] (hereinafter referred to as the "Applicant") for an adoption order in respect of [name of child] of [address], a child of the [blank] sex (hereinafter referred to as the "child");

OR

WHEREAS a joint application dated [date] was made by [name] of [address] (hereinafter referred to as the "First Applicant") and [name] of [address] (hereinafter referred to as the "Second Applicant") for an adoption order in respect of [name of child] of [address], a child of the [blank] sex (hereinafter referred to as the "child");

OR

WHEREAS an application dated [date] was made by [name] of [address] (hereinafter referred to as the "Applicant") for court approval to bring [name of child] of [address], a child of the [blank] sex (hereinafter referred to as the "child") to Bermuda for the purpose of adoption by the Applicant;

OR

WHEREAS an application dated [date] was made by [name] of [address] (hereinafter referred to as the "Applicant") for an order to transfer the care and custody of [name of child] of [address], a child of the [blank] sex (hereinafter referred to as the "child") to [name] of [address], a person resident outside of Bermuda for the purpose of adoption by that person (hereinafter referred to as the "proposed adopter overseas");

Part 1

Facts Relating to the [Applicant] [First and Second Applicants]

AND WHEREAS the following facts relating to the [Applicant] [First and Second Applicants] have been proved to the satisfaction of the Court—

A that the Applicant [First Applicant]—

- 1 was born in [country or territory] on [date];
  - 2 has attained the age of 18 years, having been born in [country or territory] on [date];
  - 3 is a resident of [country or territory] residing at [address];
  - 4 was registered in the Adopters Register on [date], and has been so registered since that day for a period of at least three months immediately preceding the date of the application;
  - 5 is the [husband] [wife] of the Second Applicant;
  - 6 has lived with the Second Applicant for a continuous period of not less than one year immediately before an application was made;
  - 7 is a relative of the child, namely a [state relationship];
  - 8 is a relative of the child, namely a [state relationship], and made an application to jointly become a parent of the child with the child's [mother] [father] [guardian];
  - 9 is the child's [step-mother] [step-father];
  - 10 has been given information about the medical and social history of the child's biological family;
  - 11 has been the subject of a home study conducted by the [Director] [name of public authority or accredited body] of [address], and based on a home study report, was given approval for a child to be placed in his home;
  - 12 has entered into a binding agreement of continuing contact with the [mother] [father] [guardian] of the child;
  - 13 has been granted permission by the Director to place the child with the proposed adopter overseas for the purpose of adoption upon the following criteria or conditions, namely [blank]:
- B that the Second Applicant—
- 1 was born in [country or territory] on [date];
  - 2 has attained the age of 18 years, having been born in [country or territory] on [date];
  - 3 is a resident of [country or territory] residing at [address];
  - 4 was registered in the Adopters Register on [date], and has been so registered since that day for a period of at least three months immediately preceding the application;
  - 5 is a relative of the child, namely a [state relationship];
  - 6 is the [husband] [wife] of the First Applicant;
  - 7 has been given information about the medical and social history of the child's biological family;
  - 8 has entered into a binding agreement of continuing contact with the [mother] [father] [guardian] of the child.

Part 2

Facts Relating to the Parents or Guardian of the Child

ADOPTION OF CHILDREN RULES 2013

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AND WHEREAS the following facts relating to the parents or guardian of the child have been proved to the satisfaction of the Court—

C that the mother of the child—

- 1 is [name] (hereinafter referred to as the “mother”);
- 2 was born in [country or territory] on [date];
- 3 is a resident of [country or territory] residing at [address];
- 4 provided information about the medical and social history of the child’s biological family;
- 5 received notice of the hearing of the application for [an adoption order] [approval to bring child into Bermuda for adoption] [an order transferring the care and custody of a child to a person resident outside of Bermuda for the purpose of adoption by that person];
- 6 did not receive notice of the hearing of the application for [an adoption order] [approval to bring child into Bermuda for adoption] [an order transferring the care and custody of a child to a person resident outside of Bermuda for the purpose of adoption by that person], as notice was dispensed with by the court on [date], the court having been satisfied that [blank];

D that the father of the child—

- 1 is [name] (hereinafter referred to as the “father”);
- 2 no person has been named or registered as the father of the child and that under section 18I of the Children Act 1998 there is a presumption of paternity and it is recognized in law that the father of the child is [name] (hereinafter referred to as the “father”);
- 3 no person has been named or registered as the father of the child and that under section 18I of the Children Act 1998 there are presumptions of paternity and no person is recognized in law to be the child’s father;
- 4 was born in [country or territory] on [date];
- 5 is a resident of [country or territory] residing at [address];
- 6 provided information about the medical and social history of the child’s biological family;
- 7 received notice of the hearing of the application for [an adoption order] [approval to bring child into Bermuda for adoption] [an order transferring the care and custody of a child to a person resident outside of Bermuda for the purpose of adoption by that person];
- 8 did not receive notice of the hearing of the application for [an adoption order] [approval to bring child into Bermuda for adoption] [an order transferring the care and custody of a child to a person resident outside of Bermuda for the purpose of adoption by that person], as notice was dispensed with by the court on [date], the court having been satisfied that [blank];

E that the guardian of the child—

- 1 is [name] (hereinafter referred to as the “guardian”);
- 2 was born in [country or territory] on [date];

- 3 is a resident of [country or territory] residing at [address];
- 4 was appointed guardian under a [deed] [will] [court order] made on [date] in [country or territory];
- 5 provided information about the medical and social history of the child's biological family;
- 6 received notice of the hearing of the application for [an adoption order] [approval to bring child into Bermuda for adoption] [an order transferring the care and custody of a child to a person resident outside of Bermuda for the purpose of adoption by that person];
- 7 did not receive notice of the hearing of the application for [an adoption order] [approval to bring child into Bermuda for adoption] [an order transferring the care and custody of a child to a person resident outside of Bermuda for the purpose of adoption by that person], as notice was dispensed with by the court on [date], the court having been satisfied that [blank];

Part 3

Facts Relating to Consent for an Adoption

AND WHEREAS the following facts relating to consents for the adoption have been proved to the satisfaction of the Court—

F that the mother of the child—

- 1 was provided with information on adoption;
- 2 was counselled by a lawyer, prior to giving consent, on the legal effect of giving consent to the adoption and the period for revoking that consent;
- 3 was counselled by a professional counsellor, prior to giving consent, on the alternatives to adoption, including the feasibility of keeping the child;
- 4 gave consent for an adoption when the child was at least six weeks old;

G that the father of the child—

- 1 was provided with information on adoption;
- 2 was counselled by a lawyer, prior to giving consent, on the legal effect of giving consent to the adoption and the period for revoking that consent;
- 3 was counselled by a professional counsellor, prior to giving consent, on the alternatives to adoption, including the feasibility of keeping the child;
- 4 gave consent for an adoption when the child was at least 6 weeks old;

H that the guardian of the child—

- 1 was provided with information on adoption;
- 2 was counselled by a lawyer, prior to giving consent, on the legal effect of giving consent to the adoption and the period for revoking that consent;
- 3 was counselled by a professional counsellor, prior to giving consent, on the alternatives to adoption, including the feasibility of keeping the child;
- 4 gave consent for an adoption when the child was at least six weeks old;

I that on the hearing of an application made by [name] of [address] dated [date], the court—

- 1 made an order on [date] dispensing with the consent of the [mother] [father] [guardian] of the child for an adoption on the ground that [she] [he]—
    - (a) is not capable of giving an informed consent;
    - (b) reasonable but unsuccessful efforts had been made to locate the [mother] [father] [guardian];
    - (c) the [mother] [father] [guardian]—
      - (i) has abandoned or deserted the child;
      - (ii) has not made reasonable efforts to meet their parental obligations to the child;
      - (iii) is not capable of caring for the child;
    - (d) the following circumstances justify dispensing with the consent, namely [blank];
  - 2 made an order on [date] dispensing with the consent of the child, being 12 years of age or over, on the ground that the child is not capable of giving an informed consent;
- J that the consent of the mother, father, or guardian of the child was not required because the child was in the continuing custody of the Director pursuant to a care order made under Part 4 of the Children Act 1998, in which case the Director placed the child for adoption because—
- 1 the child had been in the care of the Director for at least six consecutive months without parental contact;
  - 2 the child had been in the care of the Director for at least three consecutive months without parental contact and the parent or guardian of the child had previously had another child removed from their care pursuant to a care order as a result of their being unable or unwilling to care for that other child;
  - 3 the child had been in the care of the Director for at least twelve consecutive months without parental contact;
  - 4 the parent or guardian of the child is deceased, or otherwise unable or unwilling, within a reasonable period, to care for the child and there is no other relative of the child willing or able to assume the care of the child within a reasonable period;
- K that on the hearing of an application made by [name] of [address] on [date], the [name of court] of [address], a court of competent jurisdiction in [country or territory] made an order on [date] dispensing with the consent of the [mother] [father] [guardian] [child] under the laws of that country or territory on the grounds that—
- 1 [blank];
  - 2 [blank];
  - 3 [blank].

*(paragraph K is applicable only in respect of an approval to bring a child into Bermuda for adoption)*

Part 4  
Facts Relating to the Child

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

L that the child—

- 1 was born in [country or territory] on [probably born on] [date] and is under 18 years of age;
- 2 is a resident of [country or territory] residing at [address];
- 3 the birth date of the child, and the identity of that child is that which an entry numbered [blank] in the General Register of Births relates;
- 4 is not married, and has not been married;
- 5 was placed with the [Applicant] [First and Second Applicants] for adoption by the [Director] [Mother] [Father] [Guardian] on [date];
- 6 had been placed with the [Applicant] [First and Second Applicants] at least three months prior to the application for an adoption order being made;
- 7 was in the care and custody of [name] of [address] before [he] [she] was placed with the [Applicant] [First and Second Applicants] for adoption;
- 8 was in the continuing custody of the Director under a care order made under Part 4 of the Children Act 1998 by [court] of [address] on [date];
- 9 the court inquired into the child's capacity to understand and appreciate the nature of the application, considered that the child's views could be reasonably ascertained, and gave the child the opportunity to be heard.

Part 5

Facts Relating to Maintenance and Access to the Child

AND WHEREAS the following facts relating to the maintenance of and access to the child have been proved to the satisfaction of the Court—

M that—

- 1 a court order in respect of maintenance of the child was made on [date] by [name of court] of [address] against [name] of [address] and is in force at the date of this order;
- 2 an agreement in respect of maintenance of a child was made on [date] between [name] of [address] and [name] of [address] against [name] of [address] and is in effect at the date of this order;
- 3 arrears in the amount of [\$] are due under the court order or agreement for maintenance;
- 4 a court order in respect of access to the child was made on [date] by [name of court] of [address] in favour of [name] of [address] and is in force at the date of this order;
- 5 an agreement in respect of access to the child was made on [date] between [name] of [address] and [name] of [address] in favour of [name] of [address] and is in effect at the date of this order.

Part 6

Facts Relating to a Child to be Brought into Bermuda for Adoption

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AND WHEREAS the following facts relating to a child to be brought into Bermuda for the purpose of placement leading to adoption have been proved to the satisfaction of the Court—

N that—

- 1 pursuant to section 47(2)(e) of the Act, approval was granted by [name of court] of [address] under the laws of the country or territory in which the child resides for the child to be transferred to Bermuda for the purpose of adoption;
- 2 [name of public authority or accredited body] of [address] provided assistance with respect to the placement of the child.

Part 7

Facts Relating to the Proposed Adopter Overseas

AND WHEREAS the following facts relating to the transfer of the care and custody of a child from Bermuda to a person resident outside Bermuda for the purpose of adoption by that person (“proposed adopter overseas”) have been proved to the satisfaction of the court—

O that—

- 1 the Director has granted permission for the child to be placed with the proposed adopter overseas;
- 2 [name of public authority or accredited body] of [address] provided assistance with the placement of the child;

P that the proposed adopter overseas—

- 1 has attained the age of 18 years, having been born in [country or territory] on [date];
- 2 is a resident of [country or territory] residing at [address];
- 3 was registered in the Adopters Register on [date], and has been so registered since that day for a period of at least three months immediately preceding an application for a transfer order;
- 4 is a relative of the child, namely a [state relationship];
- 5 is a relative of the child, namely a [state relationship], and intends to become an adoptive parent jointly with the child’s [mother] [father] [guardian] so that the child has a mother and a father;
- 6 has been given information about the medical and social history of the child’s biological family;
- 7 has been the subject of a home study conducted by [name of public authority or accredited body] of [address], and based on a home study report, was given approval for a child to be placed in his home;
- 8 has entered into a binding agreement of continuing contact with the [mother] [father] [guardian] of the child.

Part 8

General Matters

AND WHEREAS the court is satisfied that—

- Q 1 notice of the hearing of the application for [an adoption order] [approval to bring a child into Bermuda for adoption] [an order transferring the care and custody

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- of a child to a person resident outside Bermuda for the purpose of adoption by that person] was served on the following Respondents, namely: [name] of [address];
- 2 a reply to the notice of the hearing of the application for [an adoption order] [approval to bring child into Bermuda for adoption] [an order transferring the care and custody of a child to a person resident outside Bermuda for the purpose of adoption by that person] was received by the court from the following Respondents indicating that they did not wish to oppose the application and did not wish to be heard on the question whether [an adoption order] [approval] [transfer order] should be made, namely: [name] of [address];
- 3 a reply to the notice of the hearing of the application for [an adoption order] [approval to bring child into Bermuda for adoption] [an order transferring the care and custody of a child to a person resident outside Bermuda for the purpose of adoption by that person] was not received by the court from the following Respondents, namely: [name] of [address];
- 4 circumstances existed which made it inexpedient or unnecessary that the [mother] [father] [guardian] [child] [proposed adopter overseas] attend the hearing of the application;
- 5 the results of a home study report made by the Director [completed] [updated] within the six-month period preceding the date for the hearing of the application has been filed with the court;
- 6 the child has resided with the applicant for at least three months immediately before the date of the adoption hearing;
- 7 the post-placement report was completed more than three months before the date of the hearing of the application, and the Applicant has filed with the court a written certificate of the Director [confirming] [modifying] the post placement report;
- 8 the Director has made a professional assessment concerning the suitability of the placement and the likelihood that the welfare of the child will be satisfactorily provided for in the long term;
- 9 having had regard for the age and understanding of the child and considering the wishes of the child, the transfer is likely to be in the best interests of the child;
- 10 the Director has preserved, for the child, information about the medical and social history of his biological family;
- 11 the Director has recommended that an adoption order should be made;
- 12 the proposed adopter overseas is a suitable person;
- 13 it is in the child's best interests to be adopted by the [Applicant] [First and Second Applicants].

Part 9  
Terms of the Order

IT IS HEREBY ORDERED that—

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- R 1 the [Applicant is] [First Applicant and the Second Applicant are jointly] is authorized to adopt the child;
- 2 the Applicant, being the [step-mother of the child] [step-father of the child] [relative of the child's mother, father, guardian], is authorized to adopt the child so that the Applicant becomes the parent of the child jointly with the [mother] [father] [guardian] of the child;
- 3 the following terms and conditions are hereby imposed upon the [Applicant] [First Applicant] [Second Applicant], namely—
- (a) [blank];
  - (b) [blank];
  - (c) [blank];
- 4 the names and surname by which the child is to be known is [blank]:
- 5 (a) the maintenance order relating to the child made by [name of court] of [address] against [name] of [address] ceases to have effect;
  - (b) the maintenance order relating to the child made by [name of court] of [address] against [name] of [address] ceases to have effect, but without prejudice to the recovery of arrears in the amount of [\$] which are due under the order at the date of this adoption order;
- 6 (a) the agreement for maintenance of the child made between [name] of [address] and [name] of [address] against [name] of [address] ceases to have effect;
- (b) the agreement for maintenance of the child made between [name] of [address] and [name] of [address] against [name] of [address] ceases to have effect, but without prejudice to the recovery of arrears in the amount of [\$] which are due under the agreement at the date of this adoption order;
- 7 the order relating to access to the child made by [name of court] of [address] in favour of [name] of [address] [is terminated] [is amended as follows]:
- 8 the agreement relating to access to the child between [name] of [address] dated [date] in favour of [name] of [address] [is terminated] [is amended as follows];
- 9 the agreement for continuing contact made between [name of Applicant] [name of First Applicant and Second Applicant] and [name of mother] [name of father] [name of guardian] of the child on [date] has effect;
- 10 the previous identity or parentage of the child is [open] [to be kept secret];
- 11 the Registrar-General—
- (a) make an entry in the Adopted Children Register recording the adoption;
  - (b) cause the entry in the General Register of Births to be marked with the word "Adopted";
  - (c) include in the entry in the Adopted Children Register that records the adoption date, particulars of the adopted child's birth;
  - (d) make a notation in the Adopted Children Register that the previous identity or parentage of the child is [open] [to be kept secret];

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12 as regards costs [blank].

This Order is made this [blank] day of [blank] 20 [blank]

OR

IT IS ORDERED that—

S 1 subject to permission being granted under the Bermuda Immigration and Protection Act 1956 for the child to enter Bermuda for the purpose of placement, the applicant is granted approval to bring the child into Bermuda for the purpose of placement subject to the following terms and conditions, namely—

- (a) [blank];
- (b) [blank];
- (c) [blank];

2 as regards costs [blank].

This Order is made this [blank] day of [blank] 20 [blank]

OR

IT IS ORDERED THAT—

T 1 the applicant is authorized to transfer the care and custody of the child to the proposed adopter overseas on the following conditions and restrictions, namely—

- (a) that the Director shall, from time to time as he thinks fit, request a written report from the public authority or accredited body assisting with the placement of any on the matters provided for in section 32(3) of the Act;
- (b) that the proposed adopter overseas shall serve on the court and the Director a certified copy of the adoption order not later than three months from the date on which the adoption order was made;
- (c) [blank].

2 as regards costs [blank].

This Order is made this [blank] day of [blank] 20 [blank]

SCHEDULE

1 No. of entry:

2 Date of entry:

[signature]

Magistrate and Chairman  
The Special court

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Made this 31st day of October 2013

The Chief Justice