

**FORM OF APPLICATION FOR A DECLARATION THAT AN ADOPTION WAS EFFECTED UNDER THE
LAW OF A COUNTRY OUTSIDE THE BRITISH ISLANDS**

THIS FORM IS NOT A SUBSTITUTE FOR LEGAL ADVICE

In the Royal Court of the Island of Jersey
(Family Division)

In the matter of an application under Rule 25A to 25E of the Adoption Rules 1962 for a declaration, pursuant to Article 1 of the Adoption (Jersey) Law 1961, that an adoption appears to the Court to be effected under the law of a country outside the British Islands.

[*Parts of the form in italics and square brackets are for completion depending on the circumstances]

[*Full names of persons making the representation*] of [*address*] (hereinafter called “the Representors”) represent to the Royal Court as follows:

1. That [*full name of child*] (hereinafter called “[*insert first name of child*]”) was born on [*date*] at [*place*]. A copy of the birth certificate; and a translation of that certificate [*certified by a notary public / authenticated by affidavit*ⁱ] are exhibited as []/1 and []/2 respectively to the affidavit of [*name of Representor providing affidavit*ⁱⁱ] sworn on [*date*].

2. That on [*date*] the Representors adopted [*name of child*] in [*place*]. A copy of the order/instrument giving effect to the overseas adoption of [*name of child*] by the Representors; and a translation of that order/instrument [*certified by a notary public / authenticated by affidavit*] are exhibited as []/3 and []/4 respectively to the affidavit of [*name of Representor providing affidavit*].

3. That the Representors’ suitability to adopt [*name of child*] has been assessed by [*give details of any approval process in Jersey, in the UK or elsewhere conducted before or since the adoption process took place and what the outcome was (e.g. report to overseas authorities that suitable placement)*]ⁱⁱⁱ.

4. [*Give some further general information about the adoption e.g. since when the child has lived with the Representors, how old the child is now, where they reside and attend school etc.*]

5. The Representors are [*domiciled and habitually resident in Jersey / domiciled in [place] and habitually resident in [place]*].

6. For the reasons set out in paragraphs [] to [] of the affidavit of [*name or Representor providing affidavit*] the Representors [*do not consider that there is any person whose interest may be affected by the application for a declaration in relation to the overseas adoption of [name of child] / the interests of the following person, whose relationship to [name of child] is who is [nature of relationship] may be affected by the application*].

WHEREFORE the Representors pray that the Royal Court:

(1) Declare that the adoption of Anna by the Representors to be an “overseas adoption” as defined in Article 1 of the Adoption (Jersey) Law 1961, namely an adoption appearing to the Court to be effected under the law of any country outside the British Islands.

.....

Signature of 1st Representor

Date

.....

Signature of 2nd Representor (if any)

Date

Address for Service

[your home address (and e-mail if you so wish)].

ⁱ Rule 25B(4) of the Adoption Rules 1962 provides different options for evidencing that a translation of any document is a true reflection of the original. Which option is appropriate will depend on the circumstances.

ⁱⁱ It is a requirement of rule 25B(2) of the Adoption Rules 1962 that an application be supported by an affidavit, which is a type of written evidence that a person has sworn to be true. The affidavit must verify the content of the application and give particulars of any person whose interest is affected by the proceedings.

ⁱⁱⁱ The Royal Court is being asked to declare that the overseas adoption appears to have been effected under the law of a country outside the British Islands. In many cases it may be possible for the Court to make such a declaration by reference to the evidence referred to in Rules 25B(1) to (4) of the Adoption Rules 1962, which are reflected in this draft form. However, the Royal Court retains the power in Article 39B of the Adoption (Jersey) Law 1961 to annul or treat an overseas adoption as invalid on the grounds that it is, inter alia, contrary to public policy. The Court may require further evidence and join additional parties to an application so that it can satisfy itself that a declaration should be made in all the circumstances. To differentiate cases where the Court might need additional evidence from those where it may not, it may assist the Court to provide evidence that the adoption placement has been the subject of appropriate assessment, and general information about the circumstances of the adopted child.