

LAWS OF PITCAIRN, HENDERSON, DUCIE
AND OENO ISLANDS

Revised Edition 2014

CHAPTER XVIII

ADOPTION OF INFANTS ORDINANCE

Arrangement of sections

Section

1. Short title.
 2. Interpretation.
 3. Power to make adoption orders.
 4. Restrictions on making adoption orders.
 5. Consent to adoption.
 6. Matters with respect to which court to be satisfied.
 7. Terms and conditions of order.
 8. Power to make interim orders.
 9. Probationary period.
 10. Power to make subsequent order in respect of infant already subject to an order.
 11. Jurisdiction and procedure.
 12. Restriction on payments.
 13. Adopted Children Register.
 14. Registration of adoption orders.
 15. Rights and duties of parents and capacity to marry.
 16. Treatment of adopted persons as children of adopters for purposes of intestacy, wills and settlements.
 17. Provisions supplementary to section 16.
 18. Affiliation orders, etc.
- First Schedule
Second Schedule

Ordinance Nos:
2 of 1954
4 of 1968
2 of 2014.

An ordinance to make provision for the adoption of infants and for matters connected therewith.

[9th September, 1954]

Short title.

1. This ordinance may be cited as the Adoption of Infants Ordinance.

Interpretation.

2. In this ordinance unless the context otherwise requires—

“court” means the court having jurisdiction to make adoption orders under this ordinance;

“father” in relation to an illegitimate child means the natural father;

“relative” in relation to an infant means a grandparent, brother, sister, uncle or aunt, whether of the full blood, of the half blood or by affinity, and includes—

(a) where an adoption order has been made in respect of the infant or any other person, any person who would be a relative of the infant within the meaning of this definition if the adopted person were the child of the adopter born in lawful wedlock;

(b) where the infant is illegitimate, the father of the infant and any other person who would be a relative of the infant within the meaning of this definition if the infant were the legitimate child of its mother and father.

Power to make adoption orders.

3.—(1) Upon an application in the prescribed manner by any person desirous of being authorized to adopt an infant who has never been married the court may, subject to the provisions of this ordinance, make an order (in this ordinance referred to as “an adoption order”) authorizing the applicant to adopt that infant.

(2) A person so authorized to adopt the infant and an infant authorized to be adopted are in this ordinance referred to as an “adopter” and an “adopted child” respectively, and “infant” means a person under the age of eighteen.

(3) Where an application for an adoption order is made by two spouses jointly, the court may make the order authorizing the two spouses jointly to adopt, but save as aforesaid no adoption order shall be made authorizing more than one person to adopt an infant.

(4) An adoption order may be made authorizing the adoption of an infant by the mother or father of the infant either alone or in accordance with the provisions of subsection (3) jointly with her or his spouse.

Restrictions on making adoption orders.

4.—(1) An adoption order shall not be made unless the

applicant or, in the case of a joint application, one of the applicants—

- (a) has attained the age of twenty-five and is at least twenty-one years older than the infant in respect of whom the application is made; or
- (b) has attained the age of twenty-one and is a relative of the infant; or
- (c) is the mother or father of the infant.

(2) An adoption order shall not be made in any case where the sole applicant is a male and the infant in respect of whom the application is made is a female unless the court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

(3) An adoption order shall not be made upon the application of one of two spouses without the consent of the other of them:

Provided that the court may dispense with any consent required by this subsection if satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving such consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

(4) An adoption order shall not be made in favour of any applicant who is not resident in the Islands or in respect of any infant who is not so resident.

5.—(1) An adoption order shall not be made except with the consent of every person or body who is a parent or guardian of the infant, or who is liable by virtue of any order or agreement to contribute to the maintenance of the infant:

Consent to adoption.

Provided that the court may dispense with any consent required by this subsection if it is satisfied—

- (a) in the case of parent or guardian of the infant, that he or she has abandoned, neglected or persistently ill-treated the infant, or has made no contribution to its maintenance for a period in excess of five years;
- (b) in the case of a person liable as aforesaid to contribute to the maintenance of the infant that he or she has persistently neglected or refused so to contribute;
- (c) in any case, that the person whose consent is required cannot be found, or is incapable of giving his or her consent or that such consent is unreasonably withheld.

(2) The consent of any person to the making of an adoption order in pursuance of an application may be given (either unconditionally or subject to conditions with respect to the religious persuasion in which the infant is to be brought up)

without knowing the identity of the applicant for the order; and where consent so given by any person is subsequently withdrawn on the ground only that he or she does not know the identity of the applicant, such consent shall be deemed for the purposes of this section to be unreasonably withheld.

(3) Where any person whose consent to the making of an adoption order is required by this section does not by reason of absence from the Islands attend in the proceedings for the purpose of giving it, a document signifying such consent to the making of the order shall, if the person in whose favour the order is to be made is named or otherwise described in the document, be admissible as evidence of that consent, whether the document is executed before or after the commencement of the proceedings; and where such document is attested by a person of any such class as may be prescribed by rules made under this ordinance the document shall be admissible as aforesaid without further proof of the signature of the person by whom it is executed:

Adoption of Infants
Rules 1976.

Provided that a document signifying the consent of the mother of an infant shall not be admissible as aforesaid unless—

- (a) the infant is at least six weeks old on the date of the execution of the document; and
- (b) the document is attested on that date by a person of a class prescribed as aforesaid.

(4) While an application for an adoption order in respect of an infant is pending in any court, any parent or guardian of the infant who has signified his or her consent to the making of an adoption order in pursuance of the application shall not be entitled, except with the leave of the court, to remove the infant from the care and possession of the applicant; and in considering whether to grant or refuse such leave the court shall have regard to the welfare of the infant.

(5) For the purposes of subsection (3) of this section, a document purporting to be attested as mentioned in that subsection shall be deemed to be so attested, and to be executed and attested on the date and at the place specified therein, unless the contrary is proved.

6. The court before making an adoption order shall be satisfied—

- (a) that every person whose consent is necessary under this ordinance and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, and in particular, in the case of any parent, understands that the effect of the adoption order will

Matters with respect
to which court to be
satisfied.

be permanently to deprive him or her of his or her parental rights; and

- (b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant; and
- (c) that the applicant has not received or agreed to receive, and that no person has made or given, agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction.

7. The court in an adoption order may impose such terms and conditions as the court may think fit and in particular may require the adopter by bond or otherwise to make for the adopted child such provision (if any) as in the opinion of the court is just and expedient.

Terms and conditions of order.

8.—(1) Upon any application for an adoption order, the court may postpone the determination of the application and may make an interim order (which shall not be an adoption order for the purposes of this ordinance) giving the custody of the infant to the applicant for a period not exceeding two years by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the court may think fit.

Power to make interim orders.

(2) All such consents as are required to an adoption order shall be necessary to an interim order but subject to a like power on the part of the court to dispense with any such consent.

9.—(1) An adoption order shall not be made in the case of any infant unless the infant has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order.

Probationary period.

(2) An interim order under section 8 shall not be made in any case where the making of an adoption order would be unlawful by virtue of subsection (1) of this section.

10. An adoption order or an interim order may be made in respect of an infant who has already been the subject of an adoption order, and, upon any application for such further adoption order, the adopter or adopters under the adoption order last previously made shall, if living, be deemed to be the parent or parents of the infant for all the purposes of this ordinance.

Power to make subsequent order in respect of infant already subject to an order.

11.—(1) The court having jurisdiction to make adoption

Jurisdiction and
procedure.

cap. 3

orders under this ordinance shall be the Supreme Court or, at the option of the applicant, but subject to any rules under this section, the Magistrate's Court constituted under the provisions of the Justice Ordinance.

(2) An appeal to the Supreme Court from any order or refusal to make an order by the Magistrate's Court under this ordinance shall lie within such time and in such manner as may be prescribed by rules made under this section.

(3) The Governor may make rules in regard to any matter to be prescribed under this ordinance and directing the manner in which applications to the court are to be made and dealing generally with all matters of procedure and incidental matters arising out of this ordinance and for carrying this ordinance into effect.

Restriction on
payments.

12. It shall not be lawful for any adopter or for any parent or guardian except with the sanction of the court to receive any payment or other reward in consideration of the adoption of any infant under this ordinance or for any person to make or give or agree to make or give to any adopter or to any parent or guardian any such payment or reward.

Adopted Children
Register.

13.—(1) The Registrar of Births and Deaths (in this ordinance referred to as the "Registrar") shall establish and maintain a register to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries.

(2) The court shall cause every adoption order to be communicated in the prescribed manner to the Registrar, and upon receipt of such communication the Registrar shall cause compliance to be made with the directions contained in such order in regard both to marking any entry in the said register of births with the word "Adopted" and in regard to making the appropriate entry in the Adopted Children Register.

(3) A certified copy of an entry in the Adopted Children Register if purporting to be given under the hand of the Registrar shall, without any further or other proof of such entry—

- (a) where the entry does not contain any record of the date of the birth or the country of the birth of the adopted child, be received as evidence of the adoption to which the same relates; and
- (b) where the entry contains a record of the date of the birth or the country of the birth of the adopted child, be received not only as evidence of the adoption to which the same relates but also as evidence of the date of the birth of the adopted child to which the

same relates in all respects as though the same were a certified copy of an entry in the said register of births.

(4) The Registrar shall cause an index of the Adopted Children Register to be made and kept in the office of the Registrar and every person shall be entitled to search such index and to have a certified copy of any entry in the Adopted Children Register upon payment of the fee prescribed in the First Schedule to this ordinance.

First Schedule

(5) The Registrar shall, in addition to the Adopted Children Register and the index thereof, keep such other registers and books, and make such entries therein as may be necessary to record and make traceable the connection between any entry in the said register of births which has been marked "Adopted" pursuant to this ordinance, and any corresponding entry in the Adopted Children Register, but such last mentioned registers and books shall not be nor shall any index thereof be open to public inspection or search, nor, except under an order of the court, shall the Registrar furnish any person with any information contained in or with any copy or extract from any such registers or books.

14.—(1) Every adoption order shall contain a direction to the Registrar to make in the Adopted Children Register an entry in the form set out in the Second Schedule to this ordinance, and (subject to the provisions of the next following subsection) shall specify the particulars to be entered under the headings in columns 2 to 6 of that Schedule.

Registration of adoption orders.

Second Schedule.

(2) For the purposes of compliance with the requirements of the foregoing subsection—

- (a) where the precise date of the infant's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his or her birth and the date so determined shall be specified in the order as the date of his or her birth;
- (b) where the name or surname which the infant is to bear after the adoption differs from his or her original name or surname, the new name or surname shall be specified in the order instead of the original;

and where the country of birth of the infant is not proved to the satisfaction of the court, the particulars of that country may, notwithstanding anything in that subsection, be omitted from the order and from the entry in the Adopted Children Register.

(3) Where upon any application for an adoption order in respect of an infant (not being an infant who has previously been the subject of an adoption order) there is proved to the satisfaction of the court the identity of the infant with a child

to which an entry in the Register of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar to cause the entry in the Register of Birth to be marked with the word “adopted”.

(4) Where an adoption order is made in respect of an infant who has previously been the subject of an adoption order, the order shall contain a direction to the Registrar to cause the previous entry in the Adopted Children Register to be marked with the word “re-adopted”.

(5) Where an adoption order is quashed, or an appeal against an adoption order allowed, the court which made the order shall give directions to the Registrar to cancel any marking of an entry in the Registers of Births and any entry in the Adopted Children Register which was effected in pursuance of the order.

(6) A copy of an entry in the Register of Births or the Adopted Children Register the marking of which is cancelled under this section shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(7) The court by which an adoption order has been made may, on the application of the adopter or of the adopted person, amend the order by the correction of any error in the particulars contained therein; and where an adoption order is so amended the prescribed officer of the court shall cause the amendment to be communicated in the prescribed manner to the Registrar and any necessary correction of or addition to the Adopted Children Register shall be made accordingly.

(8) The power of the court under the last foregoing subsection shall include power to amend the order—

(a) by the insertion of the country of the adopted person’s birth;

(b) (where the order does not specify a precise date as the date of the adopted person’s birth) by the insertion of the date which appears to the court to be the date or probable date of his or her birth;

and the provisions of that subsection shall have effect accordingly.

15.—(1) Upon an adoption order being made, all rights, duties, obligations and liabilities of the parent or parents, guardian or guardians of the adopted child, in relation to the future custody, maintenance and education of the adopted child, including all rights to appoint a guardian or to consent or give notice of dissent to marriage, shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be exercised by and enforceable against the adopter as though the adopted child was a child born to the adopter

in lawful wedlock, and in respect of the same matters and in respect of the liability of a child to maintain its parents the adopted child shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock.

(2) In any case where two spouses are the adopters, such spouses shall, in respect of the matters aforesaid and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the adopted child in the same relation as they would have stood if they had been the lawful father and mother of the adopted child, and the adopted child shall stand to them respectively in the same relation as a child would have stood to a lawful father and mother respectively.

(3) For the purpose of the law relating to marriage, an adopter and the person whose adoption has been authorised under an adoption order shall be deemed to be within the prohibited degrees of consanguinity; and the provisions of this subsection shall continue to have effect notwithstanding that some person other than the adopter is authorized by a subsequent order to adopt the same infant:

Provided that nothing in this subsection shall invalidate any marriage which has been solemnized before the commencement of this ordinance.

16.—(1) Where, at any time after the making of an adoption order, the adopter or the adopted person or any other person dies intestate in respect of any real or personal property (other than property subject to an entailed interest under a disposition made before the date of the adoption order) that property shall devolve in all respects as if the adopted person were the child of the adopter born in lawful wedlock and were not the child of any other person.

Treatment of adopted persons as children of adopters for purposes of intestacy, wills and settlements.

(2) In any disposition of real or personal property made, whether by instrument *inter vivos* or by will (including codicil), after the date of an adoption order—

- (a) any reference (whether express or implied) to the child or children of the adopter shall be construed as, or as including, a reference to the adopted person;
- (b) any reference (whether express or implied) to the child or children of the adopted person's natural parents or either of them shall be construed as not being, or as not including, a reference to the adopted person; and
- (c) any reference (whether express or implied) to a person related to the adopted person in any degree shall be construed as a reference to the person who would be related to him or her in that degree if he

or she were the child of the adopter born in lawful wedlock and were not the child of any other person, unless the contrary intention appears.

Provisions
supplementary to
section 16.

17.—(1) For the purposes of the construction of any such disposition as is mentioned in subsection (2) of section 16, an adopted person shall, unless the contrary intention appears, be deemed to be related to any other person, being the child or adopted child of the adopter or (in the case of a joint adoption) of either of the adopters, as brother or sister.

(2) Notwithstanding any rule of law, a disposition made by will or codicil executed before the date of an adoption order shall not be treated for the purposes of the last preceding section as made after that date by reason only that the will or codicil is confirmed by a codicil executed after that date.

(3) Notwithstanding anything in section 16, trustees, or personal representatives may convey or distribute any real or personal property to or among the persons entitled thereto, without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein, and shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution; but nothing in this subsection shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it.

(4) Where an adoption order is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of section 16 in relation to the devolution of any property on the death of a person dying intestate after the date of the subsequent adoption order and in relation to any disposition of property made after that date.

Affiliation orders, etc.

18. Where an adoption order is made in respect of an infant, any affiliation order in force with respect to the infant, and any agreement whereby [a parent] of the infant has undertaken to make payments specifically for the benefit of the infant, shall cease to have effect, but without prejudice to the recovery of any arrears which are due under the affiliation order or the agreement at the date of the adoption order:

Provided that where the infant is adopted by his or her [other parent], the order or agreement shall not cease to have effect by virtue of this section upon the making of the adoption order, but [may be cancelled or varied by Order of the Court if the Court is satisfied that arrangements have been made to provide for the interests of the infant].

(Amended by Ordinance No. 2 of 2014)

FIRST SCHEDULE

(Section 13(4))

Fee for search and certified copy of entry in Register
\$5.00

SECOND SCHEDULE

(Section 14(1))

FORM OF ENTRY TO BE MADE IN REGISTER

1	2	3	4	5	6	7	8
No. of entry.	Date and country of birth of child.	Name and surname of child.	Sex of child.	Name and surname, address and occupation of adopter or adopters.	Date of adoption order and description of court by which made.	Date of entry.	Signature of Registrar attesting the entry.

CHAPTER XVIII

ADOPTION OF INFANTS

Section 11

ADOPTION OF INFANTS RULES 1976
Made by the Governor

Rules 8th November
1976.

Short title.

1. These Rules may be cited as the Adoption of Infants Rules.

Interpretation.

2. In these Rules—
“ordinance” means the Adoption of Infants Ordinance;
“applicant” means the person or persons making an application under the ordinance.

Application.

3.—(1) An application for an Adoption Order shall be in Form No.1 in the Schedule to these Rules and shall be made to the Magistrate’s Court.

(2) The application shall be accompanied by—
(a) the original documents referred to therein;
(b) a copy of the application;
(c) a copy of every such original document.

(3) The application shall be supported by an affidavit made by the applicant in manner appearing in the said Form No.1.

(4) Any document signifying the consent of any person to the making of an Adoption Order for the purposes of section 5 of the ordinance shall be in Form No.2 in the Schedule hereto and if executed before the commencement of the proceedings shall be attached to the application.

(5) A document executed outside Pitcairn Island signifying consent to the making of an Adoption Order shall be sufficiently attested for the purposes of subsection (3) of section 5 of the ordinance 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 these forces.

Where previous
application refused.

4. If it appears to the Court that the applicant has made a previous application under the ordinance in respect of the same infant and that such application has been refused, the Court shall not make an Adoption Order or an interim order

unless satisfied that there has been a substantial change in the circumstances.

5.—(1) Subject to the provisions of Rule 4 of these Rules, the Court shall as soon as practicable after an application is made appoint a guardian at law of the infant and shall furnish him with a copy of the application and of every document referred to therein.

Guardian at law to be appointed.

(2) The Court may revoke at any time the appointment of a guardian at law and may appoint another in his place.

(3) The following persons or bodies shall be made respondents, namely, the infant in respect of whom the application is made, the guardian at law of the infant, every person or body who is a parent or guardian of the infant, or has the actual custody of the infant or is liable to contribute to the support of the infant, and the spouse, if any, of the applicant, except in the case of a joint application by two spouses.

(4) As soon as the guardian at law has been appointed the Court shall fix a time for the hearing of the application and shall issue a notice in Form No.3 in the Schedule to these Rules addressed to the respondents and shall direct the applicant to cause such notice to be served on each of them:

Time for hearing.

Provided that where the infant is in the actual custody of any person or body such notice need not be served on the infant but may require such person or body to produce the infant to the court.

6. 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 or usual place of abode whether such place of abode is in Pitcairn Island or elsewhere:

Service.

Provided that where the respondent is a body, the copy shall be sent by registered post 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.

7. Where the consent of a local authority or other body of persons to the making of an Adoption Order is necessary under the ordinance such consent may be given on its behalf by any officer or agent of that body duly authorised in writing in that behalf by such body.

Consent of local authority, etc.

8.—(1) It shall be the duty of the guardian at law to investigate as fully as possible all the circumstances of the infant and the applicant and all other matters relevant to the proposed adoption with a view to safeguarding the interests of the infant before the Court and in particular it shall be his or her duty to include in such investigation the following questions—

Duty of guardian at law.

- (a) whether the application is true and complete particularly as regards the date of birth and the identity of the infant;
- (b) 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;
- (c) whether the means and status of the applicant are such as to enable the applicant to maintain and bring up the infant suitably and what right to or interest in property the infant has;
- (d) what insurance, if any, has been effected on the life of the infant;
- (e) 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 provisions for the infant.

(2) The guardian at law shall regard all information obtained by him or her in the course of the investigation as confidential and shall not divulge any part of it to any other person except so far as may be necessary for the proper execution of his or her duty.

(3) On completing the investigations the guardian at law shall make a confidential report in writing to the court.

(4) With a view to obtaining the directions of the Court on any particular matter the guardian at law may at any time make such interim report to the Court as appears to him or her to be necessary.

Hearing in private.

9. Every application under the Ordinance shall be made, heard and determined in private.

Personal attendance.

10.—(1) The Court shall not make an Adoption Order or an interim order except upon or after the personal attendance before the Court of the applicant:

Provided that where the application is made by two spouses jointly the Court may dispense with the personal attendance of one of the applicants.

(2) If the applicant has been informed that the personal attendance of the infant at the hearing is required, the Court shall not make an Adoption Order or an interim order unless—

- (a) the infant has so attended or the Court decides that there are special circumstances making such attendance unnecessary; and
- (b) the Court is satisfied that the infant has been

informed of the nature of the order.

11. The Court may direct that any one or more of the respondents shall attend and be heard and examined separately and apart from the applicant or any other respondent if the Court is satisfied that this course is desirable and will not prejudice the determination of any question involved.

Powers of Court as to separate attendance of parties.

12. On any adjournment of the hearing the Court may issue to any respondent not in attendance a notice of the time and place to which the hearing is adjourned and may direct the applicant to cause it to be served.

Notice to respondent not in attendance.

13. If owing to special circumstances an application appears to the Court to be more fit to be dealt with by the Supreme Court the Court may on that ground expressly refuse to make an order.

Refusal.

14.—(1) An Adoption Order or an interim order shall be drawn up in Form No.4 or No.5 in the Schedule to these Rules as the case may require.

Form of orders.

(2) No copy or duplicate of such order shall be given to or served upon any person other than the applicant and the Registrar except by special direction of the Supreme Court or of the Magistrate's Court.

(3) An interim order may include such terms as regards the exercise of supervision by the guardian at law or otherwise as the Court may think fit.

15.—(1) Where the determination of an application has been postponed and an interim order has been made, the applicant shall at least two months before the expiration of the order apply to the Court to proceed with the determination of the application and it shall thereupon be lawful for the Court to fix a time for the further hearing of the application and to issue a notice in Form No.6 in the Schedule to these Rules addressed to the respondents and to direct the applicant to cause such notice to be served on each of them:

Procedure where application postponed.

Provided that where the infant is in the actual custody of the applicant the notice need not be served on the infant.

(2) Where the applicant so applies, an Adoption Order shall not be made unless the applicant, the infant and the guardian at law have attended the further hearing.

16. It shall be the duty of the Registrar of the Court to cause a certified copy or a duplicate of such order to be forwarded within seven days to the Registrar of Births and Deaths.

Copy to be sent to Registrar of Births and Deaths.

Application of Justice
Ordinance.
cap. 3

17. Subject to these Rules, the Justice Ordinance and the rules made thereunder shall apply to proceedings under the ordinance so far as they are practicable.

Forms.
cap. 3

18. The forms in the Schedule hereto shall be used on applications under the ordinance and in any case where no form is included in the Schedule the forms in use in the Magistrate's Court may be adapted with such variations as may be necessary.

SCHEDULE**Form No.1****ADOPTION OF INFANTS ORDINANCE**

(Chapter 18)

APPLICATION FOR ADOPTION ORDER

(Rule 3)

(Every paragraph must be completed or deleted as the case may be.)

To the Magistrate's Court at Adamstown, Pitcairn Island.

I / We the undersigned _____ and _____ being
 desirous of adopting _____ an infant under the provisions of the
 Adoption of Infants Ordinance hereby state

PART 1—PARTICULARS OF APPLICANT(S)

1. Name of (first) applicant in full
 Address
 Occupation
 Date of birth
 Relationship (if any) to infant
 Name of (second) applicant in full
 Address
 Occupation
 Date of birth
 Relationship (if any) to infant
2. I am / We are resident in Pitcairn Island.
3. I am a widow / widower / unmarried / I am married to
 of _____ / We are married to each other and our marriage
 certificate (or other evidence of marriage) is attached.
- * 4. The consent of my husband / wife to the making of an Adoption
 Order authorising me to adopt the infant is attached;
or
 I request the Court to dispense with the consent of my husband /
 wife on the ground that he / she cannot be found / is incapable of
 giving his / her consent / we have separated and are living apart and
 the separation is likely to be permanent.

*Delete if a joint application or if applicant not married.

PART 2—PARTICULARS OF INFANT AND CONSENTS

5. Name in full.
6. The infant is of _____ sex and is not and has not been married.
- **7. The infant is the person to whom the attached birth or adoption certificate relates / the infant was born _____ on or about _____
8. The infant is the child / adopted child of:
Name of mother _____
Address _____ (or deceased) and name of father _____
Address _____ (or deceased) _____
9. The guardian (if any) of the infant is:
Name _____
Address _____
10. 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.
11. I / We request the Court to dispense with the consent of the infant's mother / father / guardian on the ground that _____
12. The following person is liable by virtue of an order of a court or an agreement to contribute to the maintenance of the infant:
Name _____
Address _____
Particulars of Court Order or agreement:
Name of Court _____ Date of Order _____
or Date of agreement _____
13. If an Adoption Order is made in pursuance of this application the infant is to be known by the following names:
Surname _____
Other names _____

**If no certificate enter date and place of birth so far as is known.

CONSENT TO ADOPTION ORDER

Form No.2

In the matter of an application to the Magistrate’s Court by
of hereinafter called the applicant
for an order authorising the applicant under the provisions of the
Adoption of Infants Ordinance to adopt an infant of
the sex years of age resident at
hereinafter called the infant.

Delete all but one of
these descriptions.

I, the undersigned, of being—

- (a) the father of the infant;
- (b) the mother of the infant;
- (c) a guardian of the infant;
- (d) a person (acting on behalf of a body) having the actual custody of the infant;
- (e) a person (acting on behalf of a body) being liable to contribute to the support of the infant;
- (f) the spouse of the applicant,

*Delete except in the
case of a parent.

hereby state that I understand the nature and effect of the Adoption Order for which application is made *(and that in particular I understand that the effect of the order will be permanently to deprive me of my parental rights) and I hereby consent to the making of an Adoption Order in favour of the applicant.

In witness whereof I have signed this consent on the
day of , 20 .

(Signature)

Signed in the presence of:

(Signature)

(Address)

(Description)

NOTE: Where the application is made by two spouses jointly the form should be modified.

ADOPTION OF INFANTS ORDINANCE

Form No.3

(Chapter 18)

NOTICE OF APPLICATION FOR AN ADOPTION ORDER

In the Magistrate’s Court at Adamstown, Pitcairn Island

BETWEEN:

Applicant(s)

and

Respondent(s)

To _____ of _____

and _____ of _____

Take notice—

(1) That an application has been made by _____ of _____ for an order under the Adoption of Infants Ordinance, authorising the applicant to adopt _____ an infant of the _____ sex aged _____ years resident at _____

(2) That _____ of _____ has been appointed guardian at law of the said infant.

(3) That the said application will be heard before the Magistrate’s Court sitting at Adamstown, Pitcairn Island, on the _____ day of _____, 20____, at the hour of _____ in the _____ noon and that you are severally required to attend before the Court (and in the case of _____ to produce the said infant before the Court) but the Court may dispose of the case in the absence of any of you.

Dated the _____ day of _____, 20____.

Island Magistrate / Magistrate (L.S.)

NOTE: Where the application is made by two spouses jointly the form should be modified.

ADOPTION OF INFANTS ORDINANCE

Form No.4

(Chapter 18)

ADOPTION ORDER

In the Magistrate’s Court at Adamstown, Pitcairn Island

BETWEEN:

Applicant(s)

and

Respondent(s)

WHEREAS an application has been made by

of (hereinafter called the applicant) for an Adoption Order
in respect of an infant of the sex, the child
aged years, resident at .

AND WHEREAS the name or names and surname by which the infant
is to be known are

AND WHEREAS the Court is satisfied that the applicant is qualified in
accordance with the provisions of the Adoption of Infants Ordinance to
adopt the infant and that all conditions precedent to the making of an
Adoption Order by the Court have been fulfilled:

IT IS ORDERED that the applicant be authorised to adopt the infant.

(AND as regards costs IT IS ORDERED that .)

(AND the precise date of the infant’s birth not having been proved to the
satisfaction of the Court IT IS DETERMINED that the probable date of
the infant’s birth was the day of ,20 , and
such date is hereby specified as the date of the infant’s birth.)

AND IT IS DIRECTED that the Registrar of Births and Deaths shall
make in the Adopted Children Register an entry in the form set out in the
Schedule to this Order.

(The country of birth of the infant not having been proved to the satisfaction
of the Court, the particulars of the country of birth shall be omitted from
such entry.)

AND it having been proved to the satisfaction of the Court that the
infant is identical with (to whom the entry numbered
made on day of ,20 , in
the Adopted Children Register relates) IT IS DIRECTED that the said
entry in the (Register of Births be marked with the word “Adopted”) (the
Adopted Children Register be marked with the word “Re-adopted”) by
the Registrar of Births and Deaths.

(The following payment or reward is sanctioned .)

DATED the

day of

, 20

.

(Signature)

Island Magistrate / Magistrate

(L.S.)

SCHEDULE**Form No.5**

Date and country of birth of child	Name and surname of child	Sex of child	Name and surname, address and occupation of adopter or adopters	Date of Adoption Order and description of court by which made

ADOPTION OF INFANTS ORDINANCE

Form No.6

(Chapter 18)

INTERIM ORDER

In the Magistrate’s Court at Adamstown, Pitcairn Island

BETWEEN:

Applicant(s)

and

Respondent(s)

The _____ day of _____, 20____.

WHEREAS an application has been made by

of _____ (hereinafter called the applicant) for an Adoption Order in respect of _____ an infant of the _____ sex, (hereinafter called the infant):

AND WHEREAS the Court is satisfied that the applicant is qualified in accordance with the provisions of the Adoption of Infants Ordinance to adopt the infant and that all conditions precedent to the making of an interim order by the Court have been fulfilled:

IT IS ORDERED that the determination of this application be postponed and that the applicant do have the custody of the infant until the _____ day of _____, 20____, by way of a probationary period

(on the following terms, namely— _____)

(AND as regards costs IT IS ORDERED THAT _____)

(AND that the application shall be further heard on _____)

(Signature)

Island Magistrate / Magistrate (L.S.)

ADOPTION OF INFANTS ORDINANCE**Form No.7**

(Chapter 18)

**NOTICE OF FURTHER HEARING OF AN APPLICATION FOR
AN ADOPTION ORDER**

In the Magistrate's Court at Adamstown, Pitcairn Island

BETWEEN:

Applicant(s)

and

Respondent(s)

To _____ of _____

and _____ of _____

TAKE NOTICE—

(1) That an application has been made by _____ then of _____ for an order under the Adoption of Infants Ordinance, authorising the applicant to adopt _____ an infant of the _____ sex then aged _____ years.

(2) That _____ of _____ has been appointed guardian at law of the said infant.

(3) That the determination of the said application was postponed and an interim order was made by the Magistrate's Court sitting at Adamstown, Pitcairn Island, on the _____ day of _____, 20_____.

(4) That the said application will be further heard before the Magistrate's Court sitting at Adamstown, Pitcairn Island, on the _____ day of _____, 20_____, and that it is open to you to attend before the Court but the Court may dispose of the case in the absence of any of you.

Island Magistrate / Magistrate (L.S.)

NOTE: Where the application was made by two spouses jointly the form should be modified.