THE STATUTORY RULES AND ORDERS OF A GENERAL CHARACTER ISSUED IN 1930.

ADOPTION OF CHILDREN.

County Court Rules.

THE ADOPTION OF CHILDREN ACT (NORTHERN IRELAND), 1929, COUNTY COURT RULES, 1930, DATED THE 28TH DAY OF NOVEMBER, 1930.

1930. No. 150.

WHEREAS by an Act, 40 and 41 Vic., C. 56, intituled "The County Officers and Courts (Ireland) Act, 1877," Section 79, it is enacted that the Lord Chancellor, with the concurrence of the County Court Judges and Chairmen of Quarter Sessions in Ireland, or any five of them, to be selected or nominated as in the said Act is provided, may make rules and orders for regulating the proceedings in and practice of the Civil Bill Courts in Ireland and for prescribing the forms of proceedings, and for the several other purposes in the said Act mentioned, and otherwise for carrying the said Act into execution, and may from time to time amend such rules, orders and forms, and that every such rule, order and form certified under the hands of the Lord Chancellor and any five of such Judges and Chairmen, shall take effect from and after such day as shall be therein named :

And whereas by Section 83 of the said Act, it is provided that the Lord Chancellor, with the concurrence of the Chairmen or any five of them to be selected or nominated as in the said Act provided, and with the consent of the Treasury may by Order fix the fees to be taken in the Civil Bill Courts in respect of any business under that or any other Acts in force for the time being in such Courts, and may, with the like concurrence and consent, alter, reduce or increase the same from time to time, and may also, with the like concurrence and consent, alter the fees and Stamp Duties taken in those Courts and substitute other fees for the same :

And Whereas under and in pursuance of the provisions of the Government of Ireland Act, 1920, and the Orders made by His Majesty in Council thereunder, the references in the said Section to the Lord Chancellor shall be construed as references to the Lord Chief Justice of Northern Ireland, and the references to the Treasury shall be construed as references to the Ministry of Finance for Northern Ireland :

And Whereas by the County Officers and Courts Act (Northern Ireland), 1925, Section 10, the concurrence required in connection with the making by the Lord Chief Justice of Northern Ireland of Rules or Orders under Section seventy-nine or Section eighty-three of the County Officers and Courts (Ireland) Act, 1877, shall be the concurrence of the Chairman within the meaning of the said Act or any two of them to be nominated by the said Lord Chief Justice :

And Whereas the Lord Chief Justice of Northern Ireland duly nominated His Honour Herbert Marshall Thompson, Recorder of Belfast and County Court Judge and Chairman of Antrim, and His Honour Arthur Henry Bates, County Court Judge and Chairman of the County of Down, as the chairmen with whose concurrence such rules and orders may be made in pursuance of the provisions of the said Act :

And Whereas by an Act, 20 George V., C. 15, intituled " The Adoption of Children Act (Northern Ireland), 1929," Section 8, it is provided that adoption orders under this Act may be made by the County Court within the jurisdiction of which either the applicant or the infant resides at the date of the application for the adoption order ; And that the jurisdiction and powers conferred upon a county court by this Act shall be exerciseable in such manner and in accordance with such procedure as may be prescribed by rules and orders for regulating the practice of the civil bill courts.

Now I, The Right Honourable William Moore, Lord Chief Justice of Northern Ireland, with the concurrence of the said Judges as testified by their signatures hereto, in pursuance of the powers given by the said recited Acts, and of all other powers thereunto us enabling, do hereby make and certify the rules and forms hereinafter set forth as rules and forms to be used and be in force in applications for adoption orders to the County Court under the Adoption of Children Act (Northern Ireland), 1929, and with the consent of the Ministry of Finance do hereby fix the fees set out in Schedule II hereto as the fees to be taken in the Civil Bill Courts in Northern Ireland under the said Act.

Dated this 28th day of November, 1930.

William Moore,
Lord Chief Justice.
Herbert M. Thompson,
A. H. Bates,

The Scale of Fees in Schedule II has been fixed with the consent of the Ministry of Finance for Northern Ireland.

In witness whereof the Official Seal of the Ministry has been affixed hereto this 28th day of November, 1930, in the presence of

(L.S.) *G. C. Duggan,*
Assistant Secretary, Ministry of Finance.

THE ADOPTION OF CHILDREN ACT (NORTHERN IRELAND), 1929, COUNTY COURT RULES, 1930.

DATED THE 28TH DAY OF NOVEMBER, 1930.

1. An application for an adoption order shall be made by Petition to the Court intituled in the matter of the Act and in the matter of the County Officers and Courts (Ireland) Act, 1877, and in the matter of the infant. The proposed adopter shall be the petitioner. The petition shall be in accordance with the form in Schedule I. with such variations as the circumstances may require.

2. Every such petition shall be listed for hearing at any Equity Sessions of the Court, and shall be delivered to the Clerk of the Crown and Peace at his office one calendar month before such Court and shall be filed by him in his office, and with such Petition there shall be lodged one Pound in cash as security for any costs or expenses which may be awarded to the person appointed to act as guardian *ad litem*.

3. The person delivering such petition shall cause copies to be served upon :—

(*a*) the parent or parents of the infant,
(*b*) the guardian or guardians of the infant,
(*c*) the person or persons having the actual custody of the infant,
(*d*) the person or persons liable to contribute to the support of the infant ;

Such copies shall be served with twenty-one clear days' notice informing the parties of the day on which the petition will be heard, and if they do not attend, either in person or by their solicitors, such order will be made and proceedings taken as the Judge may think just and expedient. The Judge may in his discretion dispense with service on any of those persons, and may in his discretion order the petition to be served on any other person.

4. Service of the petition under the last preceding Rule shall be effected by a Civil Bill officer of the Court in the same manner as service of Civil Bills in Equity suits under Order 6, Rule 4, of the County Courts (Ireland) Orders, 1890.

5. Every consent required under Section 2, Sub-sections (3) and (4) of the Act shall be in writing and shall be in accordance with the form in the said Schedule hereto and shall be attested by one witness.

6. The petition shall be verified by affidavit. There shall be exhibited to the affidavit all certificates, consents and other documents proper for proving the statements in the petition. Evidence shall be given orally or by affidavit or in open Court or otherwise as the Judge may direct.

7. The infant shall be a respondent to the petition. As soon as practicable after the filing of the petition, the Judge shall appoint a guardian *ad litem* to the infant ; and the petition shall thereupon be served on such guardian *ad litem*.

8. All documents filed in the Court shall be confidential and shall be kept secret by the Clerk of the Crown and Peace.

9. No copy or duplicate of any order made by the Court shall be given to or served upon any person other than the petitioner and the Registrar-General for Northern Ireland unless the Judge otherwise directs.

10. It shall be the duty of the guardian *ad litem* to investigate as fully as possible all the circumstances of the infant and of the petitioner with the view to safeguarding the interests of the infant, and, in particular, it shall be his duty to include in his investigation the following questions :—

(*a*) whether the statements in the petition are true ;

(*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 petitioner are such as to enable him to maintain and bring up the infant suitably, and what right to or interest in property the infant has ;

(*d*) 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 to impose in making an adoption order any particular terms or conditions, or to require the petitioner to make any particular provision for the infant.

11. The guardian *ad litem* and, where a body of persons is appointed guardian *ad litem*, any officer or agent of that body, shall regard all information obtained in the course of the investigation or otherwise in relation to the matter as confidential, and shall not divulge any part of it to any person save as may be necessary for the proper execution of his duty.

12. The Judge may refuse to make an adoption order or an interim order unless all parties, including the infant, attend before him, but he shall have power in his discretion to dispense with the attendance of any party, including the infant, and the Judge may direct that any of the parties shall attend separately and apart from the others, or that any party, including the infant, shall be interviewed privately by himself or the Clerk of the Crown and Peace.

13. If it appears that the petitioner has made a previous application under the Act 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.

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

15. An interim order may provide for the supervision of the infant by the guardian *ad litem* or otherwise as the Judge may think advisable.

16. The Clerk of the Crown and Peace shall be the prescribed officer for the purpose of Sub-section (4) of Section 11 of the Act, and upon the making of an adoption order the Clerk of the Crown and Peace shall forward a sealed copy thereof to the Registrar-General for Northern Ireland in a prepaid registered postal envelope marked " Confidential."

17. There shall be payable in respect of every Application the Court fees specified in Schedule II. hereto.

18. The Judge may make such orders as to costs, Court fees, and witnesses' expenses as he shall think fit, and may measure such costs, and expenses or direct them to be taxed according to such Schedule II. hereto, and the costs and rules applicable to Equity Suits in the County Court under the provisions of the County Officers and Courts (Ireland) Act, 1877, Part II., and Order XXXV. of the County Court Orders (Ireland), 1890, and in particular may direct that all such Costs, and expenses shall be borne by the Petitioner.

19. The Clerk of the Crown and Peace shall keep in a place of special security all petitions, consents and other documents relating to any application or order made under the Act.

20. Subject to these Rules, the County Court Rules and practice shall apply to proceedings under the Act so far as they are applicable.

21. The forms in the Schedule I. shall be used on applications under the Act and in any case where forms are not included in the Schedule, the forms in use in the County Court may be adapted with such variations as may be necessary.

22. In these Rules, unless the contrary intention appears :—

" The Act " means the Adoption of Children Act (Northern Ireland), 1929.

" The County Court Rules " mean the County Court Rules (Ireland), 1890, and any amendments thereof and additions thereto.

" The infant " means the child proposed for adoption.

" The petitioner " means the person or persons applying for an adoption order.

23. The Rules may be cited as the Adoption of Children (Northern Ireland) County Court Rules, 1930, and shall come into operation on the 28th day of November, 1930.

SCHEDULE I.

No. 1.

PETITION.

In the County of in the Division of

In the matter of the Adoption of Children Act (Northern Ireland), 1929
And in the matter of the County Officers and Courts (Ireland) Act, 1877
And in the matter of A. B. of in the County of , an Infant.

To the County Court Judge for the said County.

THE PETITION of C. D. of in the County of (and E. D., his wife, of the same address) showeth :—

1. Your Petitioner(s) is (are) desirous of adopting the said A. B. under the provisions of the Adoption of Children Act (Northern Ireland), 1929.

2. Your Petitioner(s) is (are) resident and domiciled in Northern Ireland, namely, at aforesaid.

3. Your Petitioner C. D. is unmarried (was married to your Petitioner E. D. at on the day of).

4. Your Petitioner C. D. is by occupation a .

5. Your Petitioner C. D. is years of age (and your Petitioner E. D. is years of age).

6. (Your Petitioner(s) has (have) resident with him (them) the following persons, namely,).

7. Your Petitioner C. D. (E. D.) is related to the said A. B. as follows :—

(or Your Petitioner(s) is not (are not nor is either of them) related to the said A. B.).

8. The said A. B. is
(*a*) of the sex ;
(*b*) unmarried ;
(*c*) a child of and both of in the County of ;
(*d*) a British subject ;
(*e*) years of age, having been born on the day of at in the County of ;
(*f*) resident at ;
(*g*) now in the actual custody of of in the County of ;
(*h*) under the guardianship of of in the County of ;
(*i*) is entitled to the following property, namely :—
(*j*) the religion of the said infant is

9. of in the County of (and of in the County of) is (are) liable to contribute to the support of the said A. B.

10. The said A. B. has not been the subject of an adoption order, save that (State order and application or petition, if any).

11 Your Petitioner(s) undertakes (undertake) if an order is made on this Petition, to make for the said A. B. the following provision, namely :—
Your Petitioner(s) will, if required, secure the above provision by bond or otherwise as the Court may require.

12. Your Petitioner(s) is (are) desirous, if an order is made on this Petition, that the said A.B. shall thereafter be known by the name of .

13. Consents to this petition have been obtained from the following persons, namely :—
(*a*) (Parents).
(*b*) (Guardian).
(*c*) (Actual custodian of infant).
(*d*) (Person or persons liable to contribute to support of infant).
(*e*) (Spouse of Petitioner).

14. Your Petitioner(s) has not (have not nor has either of them) received or agreed to receive and no person has made or given or agreed to make or give to the Petitioner(s) (or either of them) any payment or reward in consideration of the adoption of the said A. B. (except as follows :).

15. It is proposed that the costs of this petition shall be provided for as follows, namely :—

Your Petitioner(s) prays (pray)—

(1) that an order for the adoption of the said A. B. by your Petitioner(s) may be made in pursuance of the Adoption of Children Act (Northern Ireland), 1929, with all the necessary directions ;

(2) that the costs of this petition may be provided for as above mentioned or otherwise as the Court may direct ;

(3) such further or other order as the nature of the case may require.

Signature of Petitioner.

Affidavit verifying

TAKE NOTICE that the within petition will be heard at the Equity Sessions to be held at on the day of at o'clock in the noon.

Clerk of the Crown and Peace.

No. 2.

CONSENT TO ADOPTION ORDER.

(*Title as in Petition.*)

I, the undersigned of in the County of being

(*a*) the father of the said infant,
(*b*) the mother of the said infant,
(*c*) guardian of the said infant,
(*d*) a person having the actual custody of the said infant,
(*e*) a person liable to contribute to the support of the said infant,
(*f*) the spouse of the petitioner,

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 Petitioner(s).

In Witness whereof I have signed this Consent on the day of at

(Signature)

Signed in the presence of :

(Signature of Witness)
(Address)
(Description)

No. 3.

FORM OF ADOPTION ORDER.

(*Title as in Petition*).

Upon reading the Petition of (and) and upon reading the affidavits of and and the exhibits thereto (Refer to the affidavits filed in the matter and the exhibits thereto) and upon hearing and the evidence of (State names and addresses of witnesses examined orally).

And the Judge being satisfied that the allegations in the said Petition are true and being also satisfied that the undertaking of the said (and) as to the provision to be made for the above-named infant and with the securing thereof and being further satisfied that it is for the benefit of the said infant that (s)he should be adopted by the said (and) and that all the requirements of the Adoption of Children Act (Northern Ireland), 1929, have been complied with.

It is ordered that the said (and) be authorised to adopt the said infant who shall be known by the name of

(And the following payment or reward is sanctioned, viz. :).

And it is ordered that the parties to these proceedings other than the said (and) do recover their costs against the said (and).

such costs to be taxed by the Clerk of the Crown and Peace according to the (costs and) rules applicable to Equity suits in the County Court (under the provisions of the County Officers and Courts (Ireland) Act, 1877, Part II., and Order XXXV. of the County Court Orders (Ireland), 1890, and it is ordered that the said (and) do pay the amount of the said costs when taxed to the Clerk of the Crown and Peace of this Court within fourteen days after the date of the certificate of taxation.

And it is directed that the Registrar-General for Northern Ireland shall make an entry recording this adoption in The Adopted Children Register in the form set out in the Schedule to the said Act.

(And the date of birth of the infant, viz., the day of having been proved by means of (a certified copy of entry No. made on the day of in the Register of Births of the District of in the County of which copy has been proved to the satisfaction of the Judge to relate to the infant) (evidence satisfactory to the Court, the infant having been born in) it is hereby further directed that the Registrar-General shall include the above date of birth of the infant in the Adopted Children Register recording the adoption (and shall cause the aforesaid entry in the Register of Births to be marked with the word "Adopted")).

County Court Judge.

No. 4.

FORM OF INTERIM ORDER.

(Title as in Petition).

Upon reading, etc.
And upon reading, etc.
And upon hearing, etc.
And the evidence, etc.
} As in adoption order.

And the Judge being satisfied that the allegations in the said Petition are true and also being satisfied with the undertaking of the said (and) as to the provision to be made for the above-named infant and with the security thereof and being further satisfied that it is for the benefit of the said infant that (s)he should for the present be in the custody of the said (and) and that all the requirements of the Adoption of Children Act (Northern Ireland), 1929, have been complied with.

And the following payment or reward is sanctioned, viz.:

And it is ordered that the determination of the Petition be postponed and that the custody of the said infant be given to the said (and) for the period of from the date of this order by way of a probationary period (and subject to the supervision of of who shall be at liberty at all reasonable times to visit and interview the infant alone and to make all necessary inquiries as to the comfort and wellbeing of the infant).

And as regards costs it is ordered that

And any of the parties including the guardian *ad litem* of the said infant are to be at liberty to apply as they may be advised.

County Court Judge.

SCHEDULE II.

SCHEDULE OF COURT FEES PAYABLE (COUNTY COURT STAMPS).

Filing Petition	5/-
Copy Petition for service	1/-
Affidavit	2/-
Consent	6d.
Entry	1/-
Order	5/-

Adoption of Children—Duties of Registrars.

See REGISTRATION OF BIRTHS.