



CHAPTER 4.07

ADOPTION ACT

Revised Edition

Showing the law as at 31 December 2005

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

ADOPTION ACT

Act 41 of 1953.. in force 8 May 1954

Amended by Act 8 of 1989 in force 28 October 1989

ADOPTION OF CHILDREN (HIGH COURT) RULES – Section 10

Statutory Instrument 17/1954.. in force 8 May 1954

Amended by S.I. 22/1954

CHAPTER 4.07

ADOPTION ACT

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CHAPTER 4.07

ADOPTION ACT

(Acts 41 of 1953 and 8 of 1989)

AN ACT to make provision for the adoption of children.

Commencement [8 May 1954]

1. SHORT TITLE

This Act may be cited as the Adoption Act.

2. INTERPRETATION

In this Act, unless the context otherwise requires—

“**abroad**” means outside Saint Lucia;

“**adoption order**” has the meaning assigned to it by section 3 of this Act;

“**Court**” means the High Court;

“**father**” in relation to an illegitimate infant, means the natural father;

“**infant**” means a person under 18 years of age, but does not include a person who is or has been married; (*Amended by Act 8 of 1989*)

“**interim order**” means an order under section 8;

“**prescribed**” means prescribed by rules made under this Act;

“**Registrar of Civil Status**” means the Registrar of Civil Status appointed under section 4 of the Civil Status Act;

“**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 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;

“**tutor**” means a tutor appointed under the provisions of the Civil Code.

3. POWER TO MAKE ADOPTION ORDERS

- (1) Subject to the provisions of this Act, the Court may, upon an application made in the prescribed manner by a person who is a citizen of Saint Lucia or who is domiciled or has resided in Saint Lucia for at least 6 consecutive months prior to the date of the application make an order (in this Act referred to as an adoption order) authorising the applicant to adopt an infant. *(Amended by Act 8 of 1989)*
- (2) An adoption order may be made on the application of 2 spouses authorising them jointly to adopt an infant.
- (3) An adoption order may be made authorising the adoption of an infant by the mother or father of the infant, either alone or jointly with her or his spouse.

4. RESTRICTIONS ON MAKING ADOPTION ORDERS

- (1) An adoption order shall not be made in respect of an infant unless the applicant or, in the case of a joint application, one of the applicants—
 - (a) has attained the age of 25 and is at least 21 years older than the infant;
 - (b) has attained the age of 21 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 respect of an infant who is a female in favour of a sole applicant who is a male, unless the Court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

- (3) Except as provided by section 3(2), an adoption order shall not be made authorising more than one person to adopt an infant.
- (4) Subject to the provisions of section 3, an adoption order shall not be made—
 - (a) in any case, except with the consent of every person who is a parent or tutor of the infant or who is liable by virtue of any order or agreement to contribute to the maintenance of the infant; and
 - (b) on the application of one of 2 spouses, except with the consent of the other spouse.
- (5) An adoption order shall not be made in Saint Lucia unless the applicant and the infant reside in Saint Lucia, except where the applicant is the father, mother, or relative of the infant or is a citizen of Saint Lucia.
- (6) An adoption order shall not be made in respect of any infant unless the infant has been continuously in the care and possession of the applicant for at least 3 consecutive months immediately preceding the date of the order, except where the applicant is the father, mother or relative of the infant.

(Amended by Act 8 of 1989)

5. CONSENT TO ADOPTION

- (1) The Court may dispense with any consent required by section 4(4)(a) if it is satisfied—
 - (a) in the case of a parent or tutor of the infant, that he or she has abandoned, neglected or persistently ill-treated the infant;
 - (b) in the case of a person liable by virtue of an order or agreement to contribute to the maintenance of the infant, that he or she has persistently neglected or refused so to contribute; or
 - (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 his or her consent is unreasonably withheld.
- (2) The Court may dispense with the consent of the spouse of an applicant for an adoption order if satisfied that the person

whose consent is to be dispensed with cannot be found or is incapable of giving the consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

- (3) 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, his or her consent shall be deemed for the purposes of this section to be unreasonably withheld.
- (4) While an application for an adoption order in respect of an infant is pending in any court, any parent or tutor 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.

6. EVIDENCE OF CONSENT OF PARENT OR GUARDIAN

- (1) Where any person whose consent to the making of an adoption order is required by section 4(4)(a) does not attend in the proceedings for the purpose of giving it, then, subject to the provisions of subsection (3) a document signifying his or her consent to the making of such an order shall, if the person in whose favour the order is to be made is named in the document or (where the identity of that person is not known to the consenting party) is distinguished therein in a manner satisfactory to the Court, be admissible as evidence of that consent, whether the document is executed before or after the commencement of the proceedings.
- (2) Where any such document is attested by a magistrate, notary royal or a justice of the peace (or, if executed outside Saint Lucia, by a judge or registrar of a court of record, a magistrate, a commissioner for oaths, a notary public or a British diplomatic or consular official), the document shall be

admissible as aforesaid without further proof of the signature of the person by whom it is executed; and for the purposes of this subsection, a document purporting to be attested as aforesaid 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.

- (3) A document signifying the consent of the mother of an infant shall not be admissible under this section unless—
 - (a) the infant is at least 6 weeks old on the date of the execution of the document; and
 - (b) the document is attested on that date by a magistrate, notary royal or a justice of the peace, or if executed outside Saint Lucia, by a judge or registrar of a court of record, a magistrate, a commissioner for oaths, a notary public, or a British diplomatic or consular official.
- (4) For the purposes of this section, a document signifying a person's consent to the making of an adoption order shall include a licence issued abroad by virtue of which an infant is brought into Saint Lucia for adoption.

7. FUNCTIONS OF COURT AS TO ADOPTION ORDERS

- (1) The Court before making an adoption order shall be satisfied—
 - (a) that every person whose consent is necessary under this Act, 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 be permanently to deprive him or her of his or her parental rights;
 - (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 or 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.

- (2) 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 infant such provision (if any) as in the opinion of the Court is just and expedient.

8. INTERIM ORDERS

- (1) Subject to the provisions of this section, the Court may, upon any application for an adoption order, postpone the determination of the application and make an interim order giving the custody of the infant to the applicant for a period not exceeding 2 years by way of a probationary period upon such terms as regards provisions for the maintenance and education and supervision of the welfare of the infant and otherwise as the Court may think fit.
- (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.
- (3) An interim order shall not be made in any case where the making of an adoption order would be unlawful by virtue of section 4(6).
- (4) An interim order shall not be deemed to be an adoption order within the meaning of this Act.

9. PROVISIONS AS TO EXISTING DE FACTO ADOPTIONS

Where at the date of the commencement of this Act any infant is in the custody of, and being brought up, maintained and educated by any person or 2 spouses jointly as his, her or their own child under any *de facto* adoption, and has for a period of not less than 2 years before such commencement been in such custody, and been so brought up, maintained and educated, the Court may, upon the application of such person or spouses, and although the applicant is a male and the infant a female, make an adoption order authorising him, her or them to adopt the infant without requiring the consent of any parent or guardian of the infant to be obtained, upon being satisfied that in all the circumstances of the case it is just and equitable and for the welfare of the infant that no such consent should be required and that an adoption order should be made.

10. JURISDICTION, PROCEDURE AND RULES

- (1) An application for an adoption order shall be made to the Court.
- (2) The Governor General shall make rules in regard to any matter to be prescribed under this Act and dealing generally with all matters of procedure and incidental matters arising out of this Act and for carrying the same into effect.
- (3) Such rules may provide for application for adoption orders being heard and determined otherwise than in open Court.
- (4) For the purpose of any application for an adoption order, the Court shall, subject to any rules under this section, appoint some person to act as tutor of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the Court.

11. RIGHTS AND DUTIES OF PARENTS AND CAPACITY TO MARRY

- (1) Upon an adoption order being made, all rights, duties, obligations and liabilities of the parents or tutors of the infant in relation to the future custody, maintenance and education of the infant, including all rights to appoint a tutor and 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 exercisable by and enforceable against the adopter as if the infant were a child born to the adopter in lawful wedlock; and in respect of the matters aforesaid (and, in respect of the liability of a child to maintain his or her parents under the provisions of the Civil Code) the infant shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock.
- (2) In any case where 2 spouses are the adopters, the 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, and in any other matter under the laws of Saint Lucia, stand to each other and to the infant in the same relation as they would have stood if they had been the lawful father and mother of the infant and the infant shall stand to them respectively in the same relation as to a lawful father and mother respectively.

- (3) For the purpose of the law relating to the marriage, an adopter and the person whom he or she has been authorised to adopt 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 although some person other than the adopter is authorised by a subsequent order to adopt the same infant.

12. AFFILIATION ORDERS

- (1) Where an adoption order is made in respect of an infant who is illegitimate, then, subject to the provisions of this section, any affiliation order or decree of affiliation and aliment in force with respect to the infant and any agreement whereby the father 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 order, decree or agreement at the date of the adoption order.
- (2) Where an infant to whom any such order, decree or agreement as aforesaid relates is adopted by his or her mother, and the mother is a single woman, the order, decree or agreement shall not cease to have effect by virtue of the foregoing subsection upon the making of the adoption order, but shall cease to have effect if she subsequently marries.

13. INTESTACIES, WILLS, AND SETTLEMENTS

- (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, 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.
- (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 (expressed or implied) to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person;

- (b) any reference (whether expressed or implied) to the child or children of the adopted person's natural parents or either of them shall, unless the contrary intention appears, be construed as not being or as not including, a reference to the adopted person; and
 - (c) any reference (whether expressed or implied) to a person related to the adopted person in any degree shall, unless the contrary intention appears, 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.
- (3) Where an adopted child or the spouse or issue of an adopted child takes any interest in real or personal property under a disposition by the adopter, or where an adopter takes any interest in real or personal property under a disposition by an adopted child or the spouse or issue of an adopted child, any succession, legacy or other duty which becomes leviable in respect thereof shall be payable at the same rate as if the adopted child had been a child born to the adopter in lawful wedlock.

14. PROVISIONS SUPPLEMENTARY TO SECTION 13

- (1) For the purposes of the application of the articles in the Civil Code relating to successions, to the devolution of any property in accordance with the provisions of the last foregoing section, and for the purposes of the construction of any such disposition as is mentioned in that section, an adopted person shall 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—
- (a) where he or she was adopted by 2 spouses jointly, and that other person is the child or adopted child of both of them, as brother or sister of the whole blood; and
 - (b) in any other case, as brother or sister of the half-blood.
- (2) Despite 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 foregoing section as made

after that date by reason only that the will or codicil is confirmed by a codicil executed after that date.

- (3) Despite anything in the last foregoing section, 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 are not 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 the last foregoing section 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.

15. ADOPTED CHILDREN REGISTER

- (1) The Registrar of Civil Status shall establish and maintain at his or her office 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) A certified copy of any entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the Registrar of Civil Status, shall, without any further or other proof of that entry, be received as evidence of the adoption to which it relates and, where the entry contains a record of the date of the birth or the country of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country in all respects as if the copy were a certified copy of an entry in the Registers of Births.
- (3) The Registrar of Civil Status shall cause an index of the Adopted Children Register to be made and kept in his or her office; and every person shall be entitled to search that index

and to have a certified copy of any entry in the Adopted Children Register in all respects upon and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Civil Status Act in respect of searches in other indexes kept in his or her office and in respect of the supply from that office of certified copies of entries in the certified copies of the Registers of Births, Deaths and Marriages.

- (4) The Registrar of Civil Status 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 Registers of Births which has been marked "Adopted" under the next following section, and any corresponding entry in the Adopted Children Register; but the registers and books kept under this subsection shall not be, nor shall any index thereof be, open to public inspection or search, nor, except under an order of a Court of competent jurisdiction shall the Registrar of Civil Status furnish any person with any information contained in or with any copy of extract from any such registers or books.

16. REGISTRATION OF ADOPTIONS

- (1) Every adoption order made by the Court shall contain a direction to the Registrar of Civil Status to make in the Adopted Children Register an entry in the form set out in the Schedule, and (subject to the provisions of subsection (2)) shall specify the particulars to be entered under the headings in columns 2 to 6 of that Schedule.
- (2) For the purposes of compliance with the requirements of subsection (1)—
 - (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;
- (c) and where the country of birth of the infant is not proved to the satisfaction of the Court, the particulars of that country may, despite anything in that subsection, be omitted from the order and from the entry in the Adopted Children Register.
- (3) Where upon any application to the Court for an adoption order in respect of an infant (not being an infant who has previously been the subject of an adoption order made by the Court under this Act) there is proved to the satisfaction of the Court the identity of the infant with a child to whom an entry in the Registers of Birth relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar of Civil Status to cause the entry in the Registers of Births to be marked with the word “Adopted”.
- (4) Where an adoption order is made by the Court in respect of an infant who has previously been the subject of an adoption order made by such Court under this Act, the order shall contain a direction to the Registrar of Civil Status to cause the previous entry in the Adopted Children Register to be marked with the word “Re-adopted”.
- (5) Where an adoption order is made by the Court, the prescribed officer of the Court shall cause the order to be communicated in the prescribed manner to the Registrar of Civil Status, and upon receipt of such communication the Registrar of Civil Status shall cause compliance to be made with the directions contained in the order both in regard to marking any entry in the Registers of Births with the word “Adopted” and in regard to making the appropriate entry in the Adopted Children Register.

17. AMENDMENT OF ORDERS AND RECTIFICATION OF REGISTERS

- (1) The Court 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 of Civil Status and any necessary

correction of an addition to the Adopted Children Register shall be made accordingly.

- (2) 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 of Civil Status to cancel any marking of an entry in the Registers of Births or, as the case may be, in the Register of Births, and any entry in the Adopted Children Register, which was effected in pursuance of the order.
- (3) A copy or extract of an entry in any register, being an entry 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.

18. PROHIBITION OF CERTAIN PAYMENTS

- (1) It is not lawful for an adopter, or for a parent or tutor of an infant, to receive, except with the sanction of the Court, any payment or other reward in consideration of the adoption of the infant under this Act, or for any person to make or give or agree to make or give to an adopter, parent or tutor any payment or reward the receipt of which is prohibited by this subsection.
- (2) Subject to the provisions of the next following subsection, any person who makes arrangements for the adoption of an infant and receives or makes, or agrees to receive or make, any payment or reward whatsoever in connection with the making of the arrangements is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$5000 or to both.
- (3) The provisions of subsection (2) shall not apply—
 - (a) to any payments the making or receipt of which is sanctioned by the Court to which an application for an adoption order in respect of an infant is made;
 - (b) to any payments the making or receipt of which is authorised by a licensing authority under section 21(3).

19. RESTRICTION UPON ADVERTISEMENTS

- (1) It shall not be lawful for any advertisement to be published indicating—
 - (a) that the parent or tutor of an infant desires to cause the infant to be adopted;
 - (b) that a person desires to adopt an infant; or
 - (c) that any person is willing to make arrangements for the adoption of an infant.
- (2) Any person who causes to be published or knowingly publishes an advertisement in contravention of the provisions of this section is liable on summary conviction to a fine not exceeding \$2000. (*Amended by Act 8 of 1989*)

20. RESTRICTION ON SENDING INFANTS ABROAD FOR ADOPTION

- (1) It is not lawful for any person, in connection with any arrangements made for the adoption of an infant who is a citizen of Saint Lucia, to permit, or to cause or procure, the care and possession of the infant to be transferred to a person who is not a citizen of Saint Lucia or the tutor or a relative of the infant and who is resident abroad.
- (2) It is not lawful for any person, in connection with any such arrangements as aforesaid, to permit, or to cause or procure, the care and possession of such an infant as aforesaid, to be transferred to a person who is a citizen of Saint Lucia resident abroad and who is not the tutor or a relative of the infant, unless a licence has been granted in respect of the infant under the next following section.
- (3) Any person who contravenes the provisions of this section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$5000 or to both.
- (4) In any proceedings under this section, a report by a public officer or a deposition made before a public officer and authenticated under the signature of that officer shall upon proof that the officer or deponent cannot be found in Saint Lucia be admissible in evidence, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any such report or deposition.

- (5) For the purposes of this and the following section the expression “public officer” means a judge or registrar of a court of record, a magistrate, a commissioner for oaths, a notary public or a British diplomatic or consular official.

(Amended by Act 8 of 1989)

21. LICENCE TO SEND INFANT ABROAD FOR ADOPTION

- (1) A licensing authority within the meaning of this section may grant a licence in the prescribed form, and subject to such conditions and restrictions as the licensing authority thinks fit, authorising the care and possession of an infant for whose adoption arrangements have been made to be transferred to a British subject resident abroad; but subject to the provisions of this section no such licence shall be granted unless the authority—
- (a) is satisfied that the application is made by or with the consent of every person who is a parent or tutor of the infant in question, or who has the actual custody of the infant, or who is liable to contribute to the support of the infant; and
 - (b) is satisfied by a report of a public officer that the person to whom the care and possession of the infant is proposed to be transferred is a suitable person to be entrusted with custody, and that the transfer is likely to 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.
- (2) The licensing authority may dispense with any consent required by subsection 2(a) if satisfied that the person whose consent is to be dispensed with has abandoned or deserted the infant or cannot be found or is incapable of giving such consent or, being a person liable to contribute to the support of the infant, either has persistently neglected or refused to contribute to such support or is a person whose consent ought, in the opinion of the authority and in all the circumstances of the case, to be dispensed with.
- (3) Where a licensing authority grants a licence under this section, the authority may authorise the making or receipt by any person of any payments in consideration of the transfer of the care and

possession of the infant in respect of whom the licence is granted.

- (4) The Chief Justice may make rules with respect to the application for and grant of licences under this section.
- (5) If any proceedings under this section, a report by a public officer or a deposition made before a public officer and authenticated under the signature of that officer shall, upon proof that the officer or deponent cannot be found in Saint Lucia be admissible in evidence, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any such report or deposition.
- (6) For the purposes of this section, the licensing authority in Saint Lucia is the Court.

SCHEDULE

(Section 16)

FORM OF ENTRY IN ADOPTED CHILDREN REGISTER

| 1 No. of entry | 2 Date and country of birth of child | 3 Name and surname of child | 4 Sex of child | 5 Name and surname, address and occupation of adopter or adopters | 6 Date of adoption order and description of court by which made | 7 Date of entry | 8 Signature of officer deputed by Registrar of Civil Status to attest the entry |
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ADOPTION OF CHILDREN (HIGH COURT) RULES

ARRANGEMENT OF RULES

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ADOPTION OF CHILDREN (HIGH COURT) RULES

(Statutory Instruments 17/1954 and 22/1954)

Commencement [8 May 1954]

1. SHORT TITLE

These Rules may be cited as the Adoption of Children (High Court) Rules.

2. INTERPRETATION

In these Rules the following expressions have the meanings hereby assigned to them—

“**Act**” means the Adoption Act;

“**applicant**” includes either, as well as both, of 2 joint applicants;

“**interim order**” means an interim order made under section 8 of the Act.

3. APPLICATION FOR ADOPTION ORDER

An Application for an adoption order shall be made by originating summons in Form 1. The proposed adopter is the applicant and the infant is the respondent.

4. APPLICATION TO KEEP IDENTITY SECRET

If any person proposing to apply to the High Court for an adoption order desires that his or her identity shall be kept confidential, he or she may, before taking out an originating summons, apply to the Registrar of the said Court for a serial number to be assigned to him or her for the purposes of the proposed application and such a number shall be assigned to him or her accordingly.

5. PREVIOUS APPLICATION FOR ADOPTION ORDER

If it appears that the applicant has previously made an application for an adoption order in respect of the same infant, the application shall not be proceeded with unless the judge is satisfied that there has been a substantial change in the circumstances since the previous application.

6. APPOINTMENT OF TUTOR AD HOC

- (1) Subject to the provisions of subrule (2) the Attorney General shall, if he or she consents be the tutor *ad hoc* of the infant for the purposes of the application and a copy of the summons shall be served on him or her, together with an undertaking by the applicant in Form 2 to pay the Attorney General's proper costs for acting as tutor and as attorney-at-law for the infant. The Attorney General shall thereupon enter an appearance for the infant.
- (2) If the Attorney General does not consent to act as tutor *ad hoc*, or if the applicant desires that some other person should be appointed to act as tutor *ad hoc*, the originating summons must ask for the appointment of a tutor *ad hoc* and must be supported by an affidavit by the applicant setting out the facts and the judge may appoint such person as he or she thinks fit to be the tutor *ad hoc*.

7. EVIDENCE IN SUPPORT OF APPLICATION

- (1) The evidence in support of the application for an adoption order shall be given by means of a statement in Form 3 and shall be verified by affidavit. Any document signifying the consent of any person to the making of the adoption order shall be in Form 4 and shall be exhibited to the affidavit.
- (2) The evidence shall be filed within 14 days after the issue of the originating summons and a copy of the applicant's statement and of the documents attached thereto shall at the same time be served on the tutor *ad hoc*.

8. NOTICE OF APPLICATION

The tutor *ad hoc* shall, as soon as practicable after he or she has entered an appearance, serve a notice in Form 5 on any parent or tutor of the infant who has signified his or her consent to the making of an adoption order.

9. DUTIES OF TUTOR AD HOC

- (1) It shall be the duty of the tutor *ad hoc* to investigate as fully as possible all circumstances relevant to the proposed adoption with a view to safeguarding the interests of the infant before the court and to make a report to the court for that purpose; and in particular it shall be his or her duty—
 - (a) to make enquiries as to all matters alleged in the applicant's statement and as to the additional matters specified in Schedule 2 to these rules and to report to the Court upon them;
 - (b) to interview (either by himself or herself or by an agent appointed by him or her for the purpose) every individual being an applicant for the order, or mentioned in the applicant's statement as a person to whom reference may be made, or a person on whom notice of the application is required to be served under rule 8.
- (2) The tutor *ad hoc*, or his or her agent shall treat as confidential all information obtained in the course of the investigation, 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.

10. HEARING OF APPLICATION

- (1) The applicant shall obtain an appointment for the hearing of the application within 14 days after being notified by the tutor *ad hoc* that he or she has made his or her report to the court. If no appointment is obtained by the applicant, the tutor *ad hoc* shall obtain an appointment as soon as practicable for the hearing of the application.
- (2) On the application being adjourned to the judge, the tutor *ad hoc* shall serve a notice in Form 6 on every person whose consent to the order is required under the Act.

- (3) On the hearing of the application any person on whom notice is required to be served under rule 9 may appear before the judge to show cause why an adoption order should not be made.

11. SECRECY OF PROCEEDINGS

Unless the court is satisfied that the applicant does not desire his or her identity to be kept confidential, the proceedings shall be conducted with a view to securing that he or she is not seen by or made known to any person (other than the spouse of the applicant) whose consent to the order is required.

12. FORM AND TRANSMISSION OF ORDERS

- (1) An adoption order shall be drawn up in Form 7, and an interim order in Form 8.
- (2) On the making of an adoption order the Registrar of the High Court shall send a sealed copy of the order to the Registrar of Civil Status and to the applicant within 7 days after the order has been passed and entered.
- (3) An adoption order, and any copy of such an order sent to the Registrar of Civil Status shall be drawn up on paper of foolscap folio size, 13 inches by 8 inches, and shall have a margin to be left blank, not less than 1 inch wide, on the left side of the face of the paper and a similar margin on the right side of the reverse, if any.
- (4) No duplicate or copy of an adoption order or interim order shall be given to or served upon any person other than the Registrar of Civil Status or the applicant except by order of the judge.
- (5) Where an adoption order is made or refused or an interim order made, the tutor *ad hoc* shall notify all parties who were not present when the order was made or refused, without disclosing the identity of the applicant unless he or she does not desire his or her identity to be kept confidential.

13. RESTORATION OF PROCEEDINGS AFTER INTERIM ORDER

- (1) Where the determination of an application is postponed and an interim order made the applicant shall, at least 2 months before the expiration of the period specified in the interim order,

obtain an appointment for the further hearing of the application, and the tutor *ad hoc* shall serve a notice in Form 9 on every person on whom notice is required to be served under rule 9.

- (2) If no appointment is obtained by the applicant as required by the preceding paragraph of this rule the tutor *ad hoc* shall obtain an appointment as soon as practicable for the further hearing of the application.

14. AMENDMENT OF ADOPTION ORDERS

- (1) An order under section 17 of the Act for the amendment of an adoption order may be made *ex parte*.
- (2) Where an order for the amendment of an adoption order is made under section 17 of the Act the Registrar of the High Court shall send to the Registrar of Civil Status a notice specifying the date of the adoption order and the names of the adopter and of the adopted person (as described in the schedule to the adoption order) and stating what amendments are to be made in the particulars specified in that order.

15. SERVICE OF DOCUMENTS

Any document under these rules may be served on an individual, by delivering it to him or her personally, or by leaving it with some person for him or her at his or her last known or usual place of abode (whether in Saint Lucia or elsewhere) or by sending it to him or her by registered post at that place.

16. APPLICATION UNDER SECTION 5(4) OF THE ACT

- (1) An application under section 5(4) of the Act for leave to remove the infant from the care and possession of the applicant shall be made to the judge, and notice thereof shall be served on the tutor.
- (2) Where leave to remove the infant from the care and possession of the applicant is granted under section 5(4) of the Act, the judge may, upon granting leave, dismiss the application for the adoption order.

17. FORMS

A form referred to by number means the form so numbered in Schedule 1 to these Rules.

18. PROCEDURE

All proceedings in the Court under the Act shall be heard and determined in chambers.

SCHEDULE 1

Rule 3.

FORM I.

ORIGINATING SUMMONS ON APPLICATION FOR AN ADOPTION ORDER 20 , No.

In the High Court

Mr. Justice

IN THE MATTER OF A.B. [1] an infant
and

IN THE MATTER OF THE ADOPTION ACT

Let of within 8 days after service of this summons, inclusive of the day of such service, cause an appearance to be entered for him or her to this summons which is issued upon the application of of for an order—

1. That a tutor *ad hoc* may be appointed for the purpose of safeguarding the interests of the said[2]
2. That the applicant be authorised to adopt the said
3. That the costs of this application be provided for.

Dated the day of 20 .

This summons was taken out by of , Attorney-at-Law for the above-named

The respondent may appear hereto by entering appearance either personally or by solicitor at the Registry, High Court, Castries.

If the respondent does not enter appearance within the time and at the place above mentioned, such order will be made and proceedings taken as the judge may think just and expedient.

Notes :

[1] Enter the first name (s) and surname which the infant is to bear after the adoption.

[2] Delete this paragraph if the Attorney General has consented to act as tutor *ad hoc*.

FORM 2.

Rule 6.

UNDERTAKING TO PAY COSTS OF ATTORNEY GENERAL WHEN ACTING AS TUTOR AD HOC.

In the High Court

Mr. Justice

IN THE MATTER OF A.B. [1] an infant,

and

IN THE MATTER OF THE ADOPTION ACT, 10.06.

In consideration of your acting as the tutor *ad hoc* of A. B. an infant, I, the undersigned [attorney-at-law] [1] hereby personally [jointly and severally] [2] undertake and agree that as such tutor *ad hoc* and as attorney-at-law for the said A.B. you will duly receive and be paid all costs, charges and expenses which may be earned or incurred by you in relation to such tutorship or the duties thereof.

Dated the _____ day of _____ 20 .

Signed[3]

To— The Attorney General,
Attorney General’s Chambers,
Castries.

Notes :

[1] Delete if no attorney-at-law is acting for the applicant.

[2] The words in square brackets are required only if there is more than one partner in the firm of attorneys-at-law acting for the applicant.

[3] The undertaking should be signed by the attorney-at-law, or by a partner in the firm of attorneys-at-law, acting for applicant, or by the applicant if he or she is acting in person.

Rule 7.

FORM 3.

STATEMENT IN SUPPORT OF APPLICATION FOR AN ADOPTION ORDER [1].

In the High Court

Mr. Justice

IN THE MATTER OF A.B. [1] an infant,
and

IN THE MATTER OF THE ADOPTION ACT.

1. I, the undersigned, C.D./We, the undersigned, C.D. and F.D. desire to adopt A.B. [2], an infant, under the Adoption Act, 1953.

2. I am/We are resident and domiciled in Saint Lucia.

3. I am unmarried/a widow/widower/I am married to E.D. of/We are married to each other and are the persons to whom the attached marriage certificate (or other evidence of marriage) relates.

4. The infant is of the sex and unmarried. He/She was born on..... and is the person to whom the attached birth certificate [3] relates/was born on or about the in[4].

5. The infant is the child/adopted child [3] of F.B. of/whose last known address was/deceased and G.B. of/whose last known address was/deceased [5].

6. The tutor of the infant is H.K. of/ The tutors of the infant are H.K. of and J.B. of[6].

7. L.M. of is liable by virtue of an order or agreement to contribute to the maintenance of the infant [7].

8. I/We attach a document/documents signifying the consent of the said[8] to the making of an adoption order upon my/our application.

9. I/We request the judge to dispense with the consent of the said [9] on the following grounds

10. The infant was received into my/our care and possession on the 20....., from of and has been continuously in my/our care and possession since that date.

11. A certificate as to physical and mental health of the infant signed by a registered medical practitioner on the 20....., is attached [10].

12. I/We have not received or agreed to receive, and no person has made or given or agreed to make or give to me/us, any payment or other reward in consideration of the

adoption [except as follows:
.....

13. I have not made/neither of us has made a previous application for an adoption order in respect of the same or any other infant to any court [except an application made to the court at on the 20....., which was dealt with as follows:
.....
.....

14. For the purposes of my/our application reference may be made to N.O. of[11]

15. I/We desire that my/our identity should be kept confidential, and the serial number of this application is.....[12] or [I/We do not desire that my/our identity should be kept confidential].

16. Further particulars of myself/ourselves are set out in the annex to this statement.

17. If an adoption order is made in pursuance of my/our application, it is proposed that the infant should be known as

Dated the day of 20 .. .

.....

.....

(Usual Signature of applicant/ applicants).

ANNEX TO FORM 3.

FURTHER PARTICULARS OF APPLICANT OR APPLICANTS

Particulars of C.D.

Name in full (Block capitals).....

Address

Occupation

Date of Birth

Relationship (if any) to the infant.....

Particulars of E.D.

Name in full (Block capitals).....

Address

Occupation

Date of Birth

Relationship (if any) to the infant.....

Notes :

[1] This statement must be verified by affidavit, to which the statement, marriage certificate and other documents referred to in the statement should be exhibited.

Revision Date: 31 Dec 2005

[2] Enter the first name [s] and surname as shown in the birth certificate referred to in paragraph 4, if available; otherwise enter name [s] and surname by which the infant was known before being placed for adoption.

[3] If the infant, has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached, and not a certified copy of the original entry in the Registers of Birth; and the particulars given in paragraph 5 should relate to the parent or parents by adoption and not to the natural parent or parents.

[4] Where a birth certificate is not attached, enter the place (including country) of birth if known.

[5] If the infant is illegitimate, the father's name should not be given in this entry; but see paragraph 7.

[6] This paragraph should be completed only if the infant has a tutor other than the father or mother of the infant.

[7] If the infant is illegitimate, enter the name of any person known to the applicant who has been adjudged by an affiliation order to be the putative father of the infant or who has acknowledged himself to be the father of the infant and agreed to contribute to his or her maintenance.

[8] The names to be entered here (or in the following paragraph) are those of the persons named in paragraphs 5, 6 and 7, and (where the application is made by one of 2 spouses alone) of the spouse of the applicant.

[9] This paragraph should be completed with the name of any of the persons mentioned in the previous note who has not signified his or her consent. See Section 5 of the Act as to the grounds on which consent may be dispensed with.

[10] This paragraph need not be completed if the applicant or either of the applicants is a "relative" of the infant as defined by section 2 of the Act.

[11] This paragraph need not be completed if the applicant or either of the applicants is a "relative" of the infant as defined by section 2 of the Act. Where it is completed more than one referee may be named if desired.

[12] If the applicant wishes his or her name to be kept 'confidential, insert serial number obtained in pursuance of rule 4 of the Adoption of Children (High Court) Rules.

Rule 7.

FORM 4.

CONSENT TO AN ADOPTION ORDER IN RESPECT OF AN INFANT NAMED A.B. [1]

Whereas an application is to be made by CD./C.D. and E.D. [2] or [under the serial number.....];

[Whereas the said A.B. (hereinafter called the infant) is not less than 6 weeks old, having been born in on....., and is the person to whom the birth certificate [3] now produced and shown to me marked "A" relates] [4]:

- I, the undersigned of being [5] —
- the mother [3] of the infant/
- the father [3] of the infant/
- a tutor of the infant/
- a person liable by virtue of any order or agreement to contribute to the maintenance of the infant/
- a person (acting on behalf of a body) having parental rights in respect of the infant/
- the spouse of the said C.D., hereby state as follows—

(1) I understand that the effect of an adoption order is to deprive a parent or tutor of all rights in respect of the maintenance and upbringing of the infant.

(2) I understand that, when the application for an adoption order in respect of the said A.B. is heard by the judge, this document may be used as evidence of my consent to the making of the order unless I have notified the court that I no longer consent [6].

(3) I hereby consent to the making of an adoption order in pursuance of the said application [on condition that the religious persuasion in which the infant is brought up is][7].

.....
(Signature)

Signed at on by the said (who satisfied me that she fully understood the nature of the foregoing statement and was prepared to surrender her child for adoption) [4].

Before me (Signature)
(Address)
(Description) [6]

Notes :

[1] Insert name as known to the consenting party.

[2] Where the name of applicant is not known to the consenting party, and a serial number has been obtained for the application under rule 4 of the Adoption of Children (High Court) Rules, complete the entry contained in the second square brackets.

[3] If the infant has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached, and not a certified copy of the original entry in the Registers of Birth; and the description of the consenting party should include the words "by adoption" where appropriate.

[4] Delete the words in square brackets except where the consenting party is the

mother of the infant.

[5] Delete all but one of the descriptions which follow.

[6] If the consenting party is the mother of the infant, the document will not be admissible as evidence unless the signature is attested in the manner prescribed in section 6 of the Act. In all cases the document, if so attested, will be admissible without further proof of execution.

[7] Delete the words in square brackets if the applicant is named or if, although the applicant is not named, the consenting party does not desire to impose conditions as to religious upbringing.

Rule 8.

FORM 5.

NOTICE OF APPLICATION FOR AN ADOPTION ORDER IN RESPECT OF AN INFANT
NAMED A.B. [1]

To of [2]

Whereas an application has been made [by C.D./C.D. and E.D.] [3] or [under the
serial number];

And whereas I of am the tutor
ad hoc of the said infant;

Take notice that while the said application is pending, you must not, except with the
leave of the judge, remove the infant from the care and possession of the applicant.

Application for such leave may be made to the judge.

Dated the day of 20.....

(Signature of tutor *ad hoc*)

Notes :

[1] Enter the name [s] and surname as known to the person to whom the notice is
given.

[2] Enter the name and address of any parent or tutor of the infant who has signified
his or her consent to the making of an adoption order.

[3] The name of the applicant must not be given where a serial number is specified in
Form 3 (paragraph 15). In that case complete the second entry in square brackets.

Rule 10.

FORM 6.

NOTICE OF HEARING OF APPLICATION FOR AN ADOPTION ORDER IN RESPECT OF AN INFANT NAMED A.B. [1]

To of

Whereas an application has been made [by C.D./C.D. and E.D.] [2] or [under the serial number];

And whereas I of am the tutor ad hoc of the said infant;

Take notice:

A. [3] [That the said application will be heard at the High Court, Castries, on the 20..... at the hour of in the noon, and that you may appear to show cause why the adoption order should not be made].

B. [3] [That if you do not consent to the making of the order, you should notify me on or before 20..... in order that a date and time may be fixed for you to attend and show cause why the adoption order should not be made. The form below may be detached and used for this purpose].

Dated the day of 20.....

(Signature of tutor ad hoc).....

Notes :

[1] Enter the name[s] and surname as known to the person to whom the notice is given.

[2] The name of the applicant must not be given where the notice is addressed to an individual and a serial number is specified in Form 3 (paragraph 15). In that case complete the second entry in square brackets.

[3] Form A should be completed and form B struck out where the applicant does not desire his or her identity to be kept confidential (see Form 3, paragraph 15). Where a serial number is specified in that paragraph and the notice is addressed to an individual, Form A must be struck out and Form B completed.

To:—The Attorney General, Attorney General’s Chambers, Castries.

(If the Attorney General is not the tutor ad hoc the appropriate address should be substituted).

I have received notice of the hearing of the application for an adoption order in respect of A.B. an infant. [Delete (a) or (b) below]

(a) I consent to the making of this order.

or

(b) I do not consent to the making of this order and I wish a date and time to be fixed for my attendance when I may state my case.

(Signature)

.....

(Date)

.....

(Address)

FORM 7.

Rule 12.

ADOPTION ORDER IN RESPECT OF AN INFANT

In the High Court

Mr. Justice

IN THE MATTER OF A.B.[1] an infant,
and

IN THE MATTER OF THE ADOPTION ACT.

Application having been made by C.D., by occupation
resident at and domiciled
in Saint Lucia [and E.D. his wife] (hereinafter called the applicant/applicants) for an order
under the Adoption Act, authorising him/her/them to adopt A.B., an infant, the
child/adopted child of F.B./F.B. and G.B.;

And the said A.B. (hereinafter called the infant) being of the
sex, and never having been married;

And the applicant/one of the applicants having attained
the age of 25 years and being at least 21 years older than the infant/
having attained the age of 21 years and being a relative of the
infant within the meaning of the said Act/ being the mother/father of the
infant;

[And the names by which the infant is to be known being P.D.][1]

[And it having been proved to the satisfaction of the judge that the infant is identical
with A.B., to whom the entry numbered and made on the
..... 20..... in the Register of Births for the registration district of
..... and sub-district of in the county of
..... relates][2];

and the [probable][3] date of the birth of the infant appearing to be the
..... 20.....

[And the infant having been previously the subject of an adoption order dated the
..... 20....., of which particulars are entered in the
Adopted Children Register][4];

And all the consents required by the said Act being obtained or dispensed with;

It is ordered that the applicant/applicants be authorised to adopt the infant;

[And the following payment or reward is sanctioned:

.....]

[And as regards costs it is ordered that:

.....]

And it is directed that the Registrar of Civil Status shall make in the Adopted
Children Register an entry recording the adoption in accordance with the particulars set out
in the Schedule to this order.

[And it is further directed that the Registrar of Civil Status shall cause the said entry
in the Register of Births to be marked with the word “adopted”][2].

[And it is further directed that the Registrar of Civil Status shall cause the previous
entry in the Adopted Children Register relating to the infant to be marked with the word
“re-adopted”][4].

Dated the day of 20.....

SCHEDULE TO FORM 7

| Date[5] and country of birth of child | Name and surname of child [6]. | Sex of child | Name and surname, address and occupation of adopter or adopters. | Date of adoption order and description of court by which made. |
|---------------------------------------|--------------------------------|--------------|--|--|
| | | | | |

Notes:

[1] Delete where there is no change of name.

[2] Delete this entry—

(a) if the infant is not identified with a person whose birth is registered in the Registers of Births in Saint Lucia;

(b) if the infant has previously been adopted.

Where the infant is identified with a person whose birth is registered in any such register other than the Registers of Births in Saint Lucia, modify the entry accordingly.

[3] Delete “probable” where the precise date of the infant’s birth is proved.

[4] Delete except where the infant has previously been adopted.

[5] Where a probable date of birth is specified in the body of the order, enter that date without qualification. If the infant is one of twins, include, if possible, the hour as well as the date of birth.

[6] Where there is a change, enter only the names by which the infant is to be known.

FORM 8.

Rule 12.

INTERIM ORDER IN RESPECT OF AN INFANT

In the High Court

Mr. Justice

IN THE MATTER OF A.B.[1] an infant,

and

IN THE MATTER OF THE ADOPTION ACT.

Application having been made by C.D., by occupation resident at and domiciled in Saint Lucia [and E.D. his wife] (hereinafter called the applicant/applicants) for an order under the Adoption Act authorising him/her/them to adopt A.B. an infant, the child/adopted child of F.B./F.B. and G.B.;

And the said A.B. (hereinafter called the infant) being of the sex and never having been married;

And the applicant/one of the applicants having attained the age of 25 years and being at least 21 years older than the infant/ having attained the age of 21 years and being a relative of the infant within the meaning of the said Act/ being the mother/father of the infant;

And all the consents required by the said Act being obtained or dispensed with;

It is ordered that the determination of the application be postponed, and the custody of the infant be given to the applicant/applicants for a period ending on the 20, by way of a probationary period, upon the following terms, namely and that the applicant/applicants shall at least 2 months before that date apply for the final determination of the application;

[And as regards costs it is ordered that]

Dated the day of 20.....

Rule 13.

FORM 9.

NOTICE OF FURTHER HEARING OF APPLICATION FOR AN ADOPTION ORDER IN RESPECT OF AN INFANT NAMED A.B.[1]

To of

Whereas an application has been made by [C.D./C.D. and E.D][2] or [under the serial number];

And whereas I of am the tutor *ad hoc* of the said infant;

And whereas the determination of the said application was postponed and an interim order was made by the judge on the 20.....

Take notice:

A.[3] [That the said application will be further heard before the judge at the High Court, Castries, on the 20..... at the hour ofand that you may appear to show cause why the adoption order should not be made].

B.[3] [That if you do not consent to the making of the order, you should notify me on or before 20 in order that a date and time may be fixed for you to attend and show cause why the adoption order should not be made. The form below may be detached and used for this purpose].

Dated the day of 20.....

(Signature of tutor *ad hoc*).....

Notes :

[1] Enter name[s] and surname as known to the person to whom the notice is given.

[2] The name of the applicant must not be given where the notice is addressed to an individual and a serial number is specified in Form 3 (paragraph 15). In that case complete the second entry in square brackets.

[3] Form A should be completed and Form B struck out where the applicant does not desire his or her identity to be kept confidential (see Form 3, paragraph 15). Where a serial number is specified in that paragraph and the notice is addressed to an individual Form A must be struck out and Form B completed.

..... Perforation

To- The Attorney General, Attorney General’s Chambers, Castries. (If the Attorney General is not the tutor *ad hoc* the appropriate address should be submitted).

I have received notice of the further hearing of the application for an adoption order in respect of A.B. an infant. [Delete (a) or (b)]

(a) I consent to the making of this order.

or

(b) I do not consent to the making of this order and I wish a date and time to be fixed for my attendance when I may state my case

(Signature).....

(Date)

(Address)

SCHEDULE 2

(Rule 9)

ADDITIONAL MATTERS SUBJECT TO INVESTIGATION AND REPORT BY TUTOR *AD HOC*

PART I

The applicant

1. In the case of a joint application, how long the applicants have been married.
2. In the case of an application by one only of 2 spouses—
 - (a) whether the other spouse consents to the application; and
 - (b) why he or she does not join in the application.
3. What other children (including adopted children) the applicant has.
4. What is the age and sex of all children living in the home of the applicant and what is their relationship to the applicant.
5. What number of living rooms and bedrooms are contained in the home of the applicant, and what is the condition of the home.
6. What are the means of the applicant.
7. Whether the applicant suffers or has suffered from any serious illness, and whether there is any history of tuberculosis, epilepsy or mental illness in his or her family.
8. Whether any person specified in the applicant's statement as a person to whom reference may be made is a responsible person and recommends the applicant without reservation.
9. Whether the applicant understands that an adoption order is irrevocable and that the order if made will render him or her responsible for the maintenance and upbringing of the infant.

PART II

The infant

10. Whether the infant has any right to or interest in any property.

11. Whether the infant (if of an age to understand the effect of an adoption order) wishes the order to be made.

PART III

The parents

12. Whether the mother consents to the adoption and identifies the birth certificate (if any) attached to the applicant's statement as the birth certificate of the infant.
13. Whether the father consents to the adoption.
14. If the infant is illegitimate, whether an affiliation order has been made against any person adjudged to be the putative father of the infant, or an agreement to contribute to the maintenance of the infant has been made by a person acknowledging himself to be the father of the infant, and in either case whether that person consents to the adoption.
15. When did the parent or parents part with the infant, and to whom.
16. What are the reasons of the parent or parents for consenting to the adoption, and whether his or her or their consent is given without pressure from other persons.
17. Whether the parent, or each of the parents, understands that an adoption order is irrevocable, and that the order if made will deprive him or her of all rights in respect of the maintenance and upbringing of the infant.
18. Where the applicant's statement requests the judge to dispense with the consent of the parent, or either of the parents, on the ground that he or she cannot be found, what steps have been taken to trace him or her.