

Country Code:	MS 2002 Rev. CAP. 5.04
Title:	ADOPTION OF CHILDREN ACT
Country:	MONTSERRAT
Reference	18/1944
Date of entry into force:	December 13, 1944
Date of Amendment:	SRO 15/1956; 15/1969; 16/1977; 24/1982
Subject:	Children – Law- Montserrat
Key words:	Adoption; Adopted Children Register
Notes	Adoption of Children Rules SRO LI 31/1947 attached



CHAPTER 5.04

ADOPTION OF CHILDREN ACT

and Subsidiary Legislation
Revised Edition
showing the law as at 1 January 2002

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--

	Page
ADOPTION OF CHILDREN ACT	3
Act 18 of 1944 .. in force 13 December 1944	
Amended by S.R.O. 15/1956	
Amended by Acts: 15 of 1969 .. in force 11 October 1969	
16 of 1977 .. in force 6 October 1977	
24 of 1982 .. in force 1 January 1983	
 ADOPTION OF CHILDREN RULES — Section 9	 13
S.R.O. L.I. 31/1947	

CHAPTER 5.04
ADOPTION OF CHILDREN ACT
ARRANGEMENT OF SECTIONS

SECTION

1. Short title
 2. Power to make adoption orders
 3. Restrictions on making adoption orders
 4. Matters with respect to which Court to be satisfied
 5. Terms and conditions of order
 6. Effect of adoption order
 7. Power to make interim orders
 8. Power to make subsequent order in respect of infant already subject to an order
 9. Jurisdiction and procedure
 10. Restriction on payments
 11. Provisions as to existing *de facto* adoptions
 12. Adopted Children Register
- SCHEDULE: Adopted Children Register

CHAPTER 5.04
ADOPTION OF CHILDREN ACT
(Act 18 of 1944, S.R.O. 15/1956,
Acts 15 of 1969, 16 of 1977 and 24 of 1982)

Commencement

[13 December 1944]

Short title

1. This Act may be cited as the Adoption of Children Act.

Power to make adoption orders

2. (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 Act, make an order (in this Act 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 Act referred to as an "**adopter**" and an "**adopted child**" respectively, and "**infant**" means a person under the age of 21 years.

(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.

Restrictions on making adoption orders

3. (1) An adoption order shall not be made in any case where—

- (a) the applicant is under the age of 25 years; or
- (b) the applicant is less than 21 years older than the infant in respect of whom the application is Made:

Provided that it shall be lawful for the Court, if it thinks fit, to make an order-

- (i) notwithstanding that the applicant is less than 25 years of age, if the applicant is the mother of the infant; or
 - (ii) notwithstanding that the applicant is less than 21 years older than the infant, if the applicant and the infant are within the prohibited degrees of consanguinity, or if the application is made by or on behalf of two spouses jointly and the wife is the mother of the infant or the husband is the putative 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 except with the consent of every person or body who is a parent or guardian of the infant in respect of whom the application is made or who has the actual custody of the infant or who is liable to contribute to the support of the infant:

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 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 Court and in all the circumstances of the case, to be dispensed with.

(4) 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.

(5) An adoption order shall not be made in favour of any applicant who is not resident or domiciled in Montserrat, or in respect of any infant who is not a believer and who is not resident in Montserrat.

(Substituted by Act 16 of 1977 and amended by Act 24 of 1982)

Matters with respect to which Court to be satisfied

4. 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; 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, 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.

Terms and conditions of order

5. 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.

Effect of adoption order

6. (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 exercisable 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:

Provided that, 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 the 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.

(2) An adoption order shall not deprive the adopted child of any right to or interest in property to which, but for the order, the child would have been entitled under any intestacy or disposition, whether occurring or made before or after the making of the adoption order, or confer on the adopted child any right to or interest in property as a child of the adopter, and the expressions "child", "children" and "issue" where used in any disposition whether made before or after the making of an adoption order, shall not, unless the contrary intention appears, include an adopted child or children or the issue of an adopted child.

(3) For the purposes of this section "disposition" means an assurance of any interest in property by any instrument whether *inter vivos* or by will including codicil.

(4) For the purposes of section 57 of the Friendly Societies Act, which enables a Friendly Society to insure money to be paid for funeral expenses, and section 58 of the said Act, which restricts the persons to whom money may be paid on the death of a child under the age of ten years, the adopter shall be deemed to be the parent of the child; and where before the adoption order was made any such insurance had been effected by the natural parent of the child, the rights and liabilities under the policy shall by virtue of the adoption order be transferred to the adopter, and the adopter shall, for the purposes of the said enactment, be treated as the person who took out the policy.

Power to make interim orders

7. (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 Act) 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.

(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.

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

8. 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 Act.

Jurisdiction and procedure

9. (1) The Court having jurisdiction to make adoption orders under this Act shall be the High Court.

(2) Rules in regard to any matter to be prescribed under this Act 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 Act and for carrying this Act into effect shall be made by the Chief Justice.

(3) Such rules may provide for applications for adoption orders being heard and determined otherwise than in open Court.

(4) For the purposes of any application under this Act and subject to any rules under this section, the Court shall appoint some person or body to act as guardian *ad litem* of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the Court.

Restriction on payments

10. 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 Act 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.

Provisions as to existing *de facto* adoptions

11. 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 two spouses jointly as his, her or their own child under any *de facto* adoption, and has for a period of not less than two 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 notwithstanding that the applicant is a male and the infant a female, make an adoption order authorizing 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.

Adopted Children Register

12. (1) The Registrar-General shall establish and maintain at his 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) Every adoption order shall contain a direction to the Registrar-General to make in the Adopted Children Register an entry recording the adoption in the form set out in the Schedule.

(3) If upon any application for an adoption order there is proved to the satisfaction of the Court—

- (a) the date of the birth of the infant; and
- (b) the identity of the infant with a child to which any entry or entries in the Register of Births relates;

the adoption order shall contain a further direction to the Registrar-General to cause such birth, entry or entries in the Register of Births, to be marked with the word "Adopted", and to include in the entry in the adoption register recording the adoption the date stated in the order of the adopted child's birth in the manner indicated in the Schedule.

(4) The prescribed officer of the Court shall cause every adoption order to be communicated in the prescribed manner to the Registrar-General, and upon receipt of such communication the Registrar-General shall cause compliance to be made with the directions contained in such order in regard both to marking any entry in the Register of Births with the word "Adopted", and in regard to making the appropriate entry in the Adopted Children Register.

(5) A certified copy of any entry in the Adopted Children Register if purporting to be sealed or stamped with the seal of the Registrar-General's Office 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 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 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 Register of Births.

(6) The Registrar-General shall cause an index of the Adopted Children Register to be made and kept in his office, and every person shall be entitled to search such 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 laws for the time being in force in Montserrat in respect of searches in other indexes kept in such office, and in respect of the supply from such office of certified copies of entries in the Registers of Births and Deaths.

SCHEDULE*(Section 12)*

No. of Entry	Date of Entry	Name of Adopted Child (Enter Name as stated in Adoption Order)	Sex of Adopted Child (Enter Sex as stated in Adoption Order)	Name and Surname, Address and Occupation of Adopter or Adopters (Enter Name, Address and Occupation as stated in Adoption Order)	Date of Birth of Child (Enter date of Birth (if any) directed by the Adoption Order to be entered, but otherwise no entry)	Date of Adoption Order (Entry to be made as appearing in the Adoption Order)	Signature of Officer deputed by Registrar- General to attest the Entry
1	2	3	4	5	6	7	8

ADOPTION OF CHILDREN RULES

ARRANGEMENT OF RULES

RULE

1. Short title
2. Interpretation
3. Application for adoption order
4. Where previous application made
5. Respondents
6. Hearing, and service of notice
7. Hearing "*in camera*"
8. Attendance, and waiver of
9. Separate examination
10. Notice to absent respondent
11. Drawing up of orders
12. Further hearing after interim order
13. Costs
14. Copy of adoption order to be sent to Registrar-General
15. Application of rules of Supreme Court SCHEDULE: Forms

ADOPTION OF CHILDREN RULES — SECTION 9

(S.R.O. L.I. 31/1947)

Short title

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

Interpretation

2. In these Rules—

"**Act**" means the Adoption of Children Act;

"**applicant**" means the person or persons making an application for an adoption order under the Act;

"**Court**" means the High Court.

Application for adoption order

3. Every application for an adoption order shall be made by originating summons to the Court and shall be entitled "In the Matter of the Infant and in the Matter of the Act" and there shall be presented to the Court the following—

- (a) a written statement in duplicate according to Form A in the Schedule;
- (b) a statement of particulars according to Form B in the Schedule;
- (c) written consent according to Form C in the Schedule; and
- (d) a statement with respect to the identity of the child according to Form D in the Schedule.

Where previous application made

4. If it appears to the Court that the applicant has made a previous application under the Act in respect of the same child, the Court shall not entertain the application unless satisfied that there has been a substantial change in the circumstances.

Respondents

5. The following persons shall be made respondents, namely, the child in respect of whom the application is made, every person or body who is a parent or guardian of the child or has the actual custody of the child or is liable to contribute to the support of the child, and where the applicant has a spouse who is not also an applicant, the spouse of the applicant.

Hearing, and service of notice

6. (1) The Court shall fix a time for the hearing of the application and shall issue a notice according to Form E in the Schedule addressed to the respondents and shall direct the applicant to cause such notice to be served on each of them:

Provided that where the child is in the actual custody of any person such notice need not be served on the child, but may require such person to produce the child to the Court.

- (2) 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 known or usual place of abode or by sending a copy by registered post to him at his last known or usual place of abode, whether such place of abode is in Montserrat or elsewhere:

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

Hearing *in camera*

7. Every application under the Act shall be heard and determined *in camera*.

Attendance, and waiver of

8. (1) Subject to the provisions of this rule, an adoption order or an interim order shall not be made except after the personal attendance before the Court of the applicant, the child and the parent or guardian of the child; notwithstanding in the case of the parent or guardian that written consent has been obtained or that the Court is asked to dispense with consent.

(2) The Court may waive the requirement under paragraph (1)—

- (a) in the case of the child, if satisfied that special circumstances exist which render it inexpedient or unnecessary that the child shall personally attend before the Court;
- (b) in the case of any other person, if satisfied that he cannot be found or is incapable of giving consent or that in view of any other special circumstances it is right that this requirement should be waived.

(3) In any case where the Court dispenses with the personal attendance of any person other than the child, the written consent of that person verified by a declaration purporting to be made before and signed by a Justice of the Peace or Commissioner of Oaths shall be *prima facie* evidence of such consent.

(4) In the case of a joint application for an adoption order or an interim order the Court may, if it thinks fit, dispense with the personal attendance of one spouse if his or her application be verified by a declaration purporting to be made before and signed by a Justice of the Peace or Commissioner of Oaths.

Separate examination

9. Subject to the provisions of this rule and of rules 8(4) and 12(3)(b), the Court may direct that the applicant or any respondent shall attend and be heard and examined separately and apart from the other parties to the application:

Provided that no such direction shall be given unless-

- (a) the Court is satisfied that the giving of the direction is desirable and will not prejudice the determination of any question involved; and
- (b) the consent of the applicant or respondent to whom it is proposed that the direction shall be given and of all other parties to the application is first obtained.

Notice to absent respondent

10. 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.

Drawing up of orders

11. (1) An adoption order or an interim order shall be drawn up in Form F or Form G in the Schedule, as the case may require.

(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 Court.

(3) An interim order shall include such provision for the maintenance and education of the child and such terms as regards the exercise of supervision by some fit and proper person appointed by the Court.

Further hearing after interim order

12. (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 the Form H in the Schedule, addressed to the respondents and to direct the applicant to cause such notice to be served on each of them:

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

(2) Subject to the provisions of this rule, where the applicant so applies, an adoption order shall not be made unless the applicant and the child have attended the further hearing.

(3)(a) The Court may waive the requirement under paragraph (2) in the case of the child if satisfied that special circumstances exist which render it inexpedient or unnecessary that the child shall personally attend before the Court.

(b) In the case of a joint application the Court may, if it thinks fit, dispense with the personal attendance of one spouse, if his or her application be verified by a declaration purporting to be made before, and signed by, a Justice of the Peace or Commissioner of Oaths.

Costs

13. On the making of an interim order or on the determination of the application, the Court may make such order as to costs as it may think just, and in particular may order the applicant to pay the out-of-pocket expenses incurred by the guardian *ad litem* or incurred in attending the Court by any other of the respondents, or such part thereof as the Court thinks proper.

Copy of adoption order to be sent to Registrar-General

14. (1) Upon the making of an adoption order, the Registrar of the Court shall within seven days from the

date thereof send a duplicate or a certified copy of the order to the Registrar-General of Montserrat and shall also, subject to the payment by the applicant of any fee required by law, deliver or send a duplicate or certified copy to the applicant.

(2) The duplicate or certified copy, if sent by post, shall be sent by registered post.

Application of rules of Supreme Court

15. Subject to the foregoing rules, the Rules of the Supreme Court shall apply in respect of all proceedings under the Act.

SCHEDULE

FORMS

FORM A

(Rule 3(a))

APPLICATION FOR AN ADOPTION ORDER

I (We), the undersigned resident
at hereby state:

1. I am (We are) desirous of being authorized under the provisions of the Adoption of Children Act, to adopt
.....a child of the sex, resident
at in the (hereinafter called
"the child").

*2. The child was on the date of the coming into force of the Act in my (our) custody and was being brought up,
maintained and educated by me (us) as my (our) child under a *de facto* adoption and had been in my (our) custody and had
been so maintained and educated for a period of not less than two years before that date, to wit, from and after the
..... day of, 20.....

3. The child has been in my (our) care and has been brought up, maintained and educated by me (us) since
.....

4. I am married to whose written consent to the making of the order is appealed
hereto.

(I am unmarried.)

(We are married to each other.)

5. I am (We are) domiciled in the

6. 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).

* Delete except in the case of *de facto* adoption

7. I (We) [have made no previous application under the Act to the Court in respect of the said child] (or) [have made a previous application to the Court in respect of the said child which was dealt with on the day of 20..... as follows, viz:—

8. The particulars furnished in this application and in the attached form are true and complete and I am (we are) a fit and proper person(s) to maintain and bring up the said child suitably.

In Witness Whereof I (we) have signed this statement on the day of 20.....

.....

Signature of Applicant(s)

FORM B

(Rule 3(b))

**PARTICULARS TO BE FURNISHED WITH
APPLICATION FOR ADOPTION ORDER**

Name in full

Address

Occupation

Date of birth

Age last birthday

Relationship (if any) to the child

These particulars are to be furnished by both male and female applicant, if the application is being made by two spouses.

FORM C

(Rule 3(c))

CONSENT OF PARENT OR GUARDIAN OF CHILD

Consent to an adoption order in respect of a child formerly named

An application to the Court having been made for an order authorizing the adoption, under the provisions of the Adoption of Children Act, of the said child.

I (We) the undersigned
of being—

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

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

In Witness Whereof I (we) have signed this consent on the day of
..... 20.....

Signed in the presence of:	{	(Signature)
		(Signature)
		(Signature)
		(Address)
		(Description)
		(Signature)
		(Address)
		(Description)

* Delete all but one of these descriptions, except in the case of father and mother consenting jointly

FORM D

(Rule 3(d))

**STATEMENT BY APPLICANT OF IDENTITY OF
CHILD NOW NAMED**

1. I (We), being the applicant(s) herein, hereby certify that the child above-named is the child formerly known as

.....

2. The father of the child is now resident at whose written consent to the making of an adoption order is appended hereto; and the mother of the child is now resident at whose written consent to the making of the adoption order is appended hereto.

3. The child was born on the day of 20..... and is identical with the child to whom the attached certified copy of an entry in the Register of Births relates.

4. The child is a British subject and has never married.

*5. The guardian(s) of the child is (are) of whose written consent(s) to the making of an adoption order is (are) appended hereto.

*6. The child is in the actual custody of of whose written consent to the making of an adoption order is appended hereto.

*7. of is (are) liable to contribute to the support of the child and his (their) written consent(s) to the making of an adoption order is (are) appended hereto.

.....
Signature of Applicant(s)

Dated.....the day of....., 20.....

**Delete whichever is not applicable.*

FORM E

(Rule 6(1))

**NOTICE OF AN APPLICATION FOR AN ADOPTION ORDER
IN RESPECT OF A CHILD NAMED ⁽¹⁾**

(formerly ⁽²⁾

To of
and of

TAKE NOTICE—

(1) That an application has been made by ⁽³⁾ for
an order under the Adoption of Children Act, authorizing him to adopt the said child, being a child of the
..... sex, aged years, resident at
.....

(2) That the said application will be heard before the High Court sitting at
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 child before the Court).

Dated the day of 20.....

.....
Registrar

NOTES

⁽¹⁾ *Insert name or names by which the child is to be known.*

⁽²⁾ *Delete where there is no change of name.' Where there is change of name insert former names, including surname.*

⁽³⁾ *Where the application is made by two spouses jointly the form should be modified.*

FORM F

(Rule 11(1))

ADOPTION ORDER IN RESPECT OF CHILD NAMED

(1) OR (FORMERLY) (2)

The day of 20.....

Application has been made by (hereinafter called the male applicant), a person not under the age of 25 years, by occupation residing at in Montserrat and domiciled in Montserrat (and by his wife (hereinafter called the female applicant) being the mother of the child or a person not under the age of 25 years) that he (she) is (they are) desirous of being authorized under the Adoption of Children Act, to adopt a child of the sex, aged years, resident at in Montserrat, a British subject who has never been married, the child of (and of his wife (herein called the child)):

And the *male (and female) applicant(s) being (respectively) not less than 21 years older than the child:

*(And the male (and female) applicant(s) and the child being within the prohibited degrees of consanguinity):

*(And the male applicant being the putative father of the child (and the female applicant being the mother of the child)):

And all the consents required by the Act having been obtained or dispensed with:

And the Court being satisfied that the statements made in the application are true:

*(And having sanctioned the following payment or reward, viz)

IT IS ORDERED that the applicant(s) be authorized to adopt the child:

(And as regards costs it is further ordered that):

And it is directed that the Registrar-General of shall make an entry recording this adoption in the Adopted Children Register in accordance with the particulars set out in the Schedule to the Act (and shall enter the date of birth of the child in Column 6 of the said Register as the day of 20)(4)

And it having been proved to the satisfaction of the Court that the child was born on the date last mentioned and is identical with to whom an entry numbered and made on the day of 20..... in the Register of Births for relates, it is further directed that the Registrar-General, in addition to making in the Adopted Children Register the entry of the date of birth directed above, shall cause the aforesaid entry in the Register of Births to be marked with the word "Adopted". (5)

By the Court,

.....
Registrar

NOTES ⁽⁶⁾

- (1) *Insert name or names, including surname, by which the child is to be known.*
- (2) *Delete where there is no change of name. Where there is change of name, insert former name including surname.*
- (3) *Insert Christian name or names by which the child is to be known. The surname should not be stated here.*
- (4) *Delete (.....) unless the date of birth has been established to the satisfaction of the Court whether by an entry in the Register of Births or otherwise.*
- (5) *Where no entry relating to the child is found in the Register of Births this paragraph should be deleted.*
- * Delete words not applicable.*
- (6) *An adoption order, or copy sent to the Registrar-General is required to be drawn up on paper of foolscap folio size, thirteen inches by eight inches, and to have a margin to be left blank, not less than one inch wide on the left side of the face of the order, and a similar margin on the right side of the reverse, if any.*

FORM G

(Rule 11(1))

INTERIM ORDER IN RESPECT OF CHILD NAMED

(1) FORMERLY (2)

The day of 20.....

Application has been made by (hereinafter called the male applicant) a person not under the age of 25 years, by occupation resident at in Montserrat and domiciled in Montserrat (and by his wife (hereinafter called the female applicant) being the mother of the child or a person not under the age of 25 years) that he (she) is (they are) desirous of being authorized under the Adoption of Children Act, to adopt (3) a child of the sex, aged years, resident at in Montserrat, a British subject who has never been married, the child of (and of his wife) (herein called the child):

*And the male (and female) applicant(s) being (respectively) not less than 21 years older than the child:

.....

*(And the male (and female) applicant(s) and the child being within the prohibited degrees of consanguinity):

.....
*(And the male applicant being the putative father of the child):

*(And the female applicant being the mother of the child):

And all consents required by the Act having been obtained or dispensed with:

And the Court being satisfied that the statements made in the application are true.

IT IS ORDERED that the determination of the application be postponed to the
day of, 20..... And it is further ordered that the custody of the child be given to the
applicant(s) for a period not exceeding two years, viz., until the day of
....., 20, by way of a probationary period upon the following terms, viz.
..... and that the applicant(s) shall at least two months before that date apply for a
determination of the application.

(And as regards costs it is ordered that).

By the Court,

.....
Registrar

NOTES

- (1) *Insert the name or names including surname, by which the child is to be known.*
- (2) *Delete where there is no change of name. Where there is change of name, insert former name including surname.*
- (3) *Insert Christian name or names by which the child is to be known. The surname should not be stated here.*

** Delete words not applicable.*

FORM H

(Rule 12(1))

**NOTICE OF FURTHER HEARING OF AN APPLICATION
FOR AN ADOPTION ORDER IN RESPECT OF A CHILD NAMED**

(1) **FORMERLY** (2)

To

of

and

of

TAKE NOTICE—

- (a) that an application was made by ⁽³⁾ for an order under the Adoption of Children Act, authorizing him to adopt the said child, being a child of the sex, then aged years;
- (b) that the determination of the said application was postponed to the day of 20..... and an interim order was made by the Court on the day of 20.....
- (c) that the said application will be further heard before the Court sitting at on the day of 20....., and that it is open to you to attend before the Court.

Dated this. day of 20.....

.....

Registrar

NOTES

- (1) *Insert name or names, including surname by which the child is to be known.*
- (2) *Delete where there is no change of name. Where there is change of name, insert former name, including surname.*
- (3) *Where the application was made by two spouses jointly the form should be modified.*