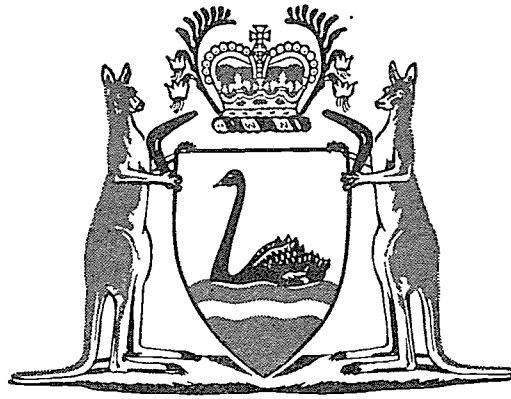


[191]



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ADOPTION OF CHILDREN ACT 1896.

ADOPTION OF CHILDREN RULES 1970.

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18 November 1977,

and the corrigendum published on 17 February 1978.

Reprinted pursuant to the Reprinting of Regulations Act 1954, by Authority of the Attorney General dated 15 January 1984.

ADOPTION OF CHILDREN ACT 1896.

ADOPTION OF CHILDREN RULES 1970.

ARRANGEMENT.

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Reprinted pursuant to the Reprinting of Regulations Act 1954, by Authority of the Attorney General dated 15 January 1984.

ADOPTION OF CHILDREN ACT 1896.

ADOPTION OF CHILDREN RULES 1970.

- | | |
|---|--|
| 1. These rules may be cited as the Adoption of Children Rules 1970. | Citation. |
| 2. These rules apply to all applications for an order of adoption made on or after the date on which the Adoption of Children Act Amendment Act 1964 comes into operation and to all matters and proceedings in respect of or incidental to such applications. | Application. |
| 3. Where no provision is made by law or these rules in relation to any matter or thing under the Act, the provisions of the rules and regulations under the Family Court Act 1975 that are most nearly applicable in relation to the matter or thing in question apply and where there is no such provision the rules and regulations under the Family Law Act 1975 of the Parliament of the Commonwealth that are most nearly applicable in relation to the matter or thing in question shall apply. | Position where matter not provided for by these Rules.
Substituted by G.G. 18/11/77, pp. 4294-4302. |
| 4. A Judge may, by order, dispense with any requirement of these rules. | Judge may dispense with requirement of rules. |
| 5. In these rules unless the contrary intention appears— | Interpretation. |
| “Act” means the Adoption of Children Act 1896; | Amended by G.G. 21/6/72, p. 2000; G.G. 18/11/77, pp. 4294-4302. |
| “adoption” means adoption of a child pursuant to section 3; | |
| “applicant” means a person seeking an order of adoption; | |
| “application” means an application for an order of adoption; | |
| “consent” means a consent to adoption required pursuant to the Act; | |
| “Court” means the Family Court of Western Australia created by the Family Court Act 1975; | |
| “file” means file in the Central Registry of the Family Court of Western Australia and inflexions of the word “file” have a corresponding meaning; | |
| “Registrar” means the Registrar of the Family Court of Western Australia and includes a Deputy Registrar; | |
| “rule” means one of these rules; | |
| “section” means a section of the Act; | |
| “Schedule” means a schedule to these rules. | |

Form
Schedules.

6. (1) Where a provision of the Act or of these rules is specified in the first column of the First Schedule, the form set out in the Second Schedule of which the number is specified in the third column of the First Schedule, opposite that provision, is prescribed as the form to be used for the purposes of that provision, in relation to the matter or thing described opposite that provision in the second column of the First Schedule.

(2) Where a form is used under these rules the particulars and matters referred to on the form shall be completed to the extent that they apply in the case in which the form is used.

Attestation
of consents
and revoca-
tions.

Amended by
G.G. 18/11/77,
pp. 4294-4302.

7. (1) An instrument of consent and any revocation of it may be attested by one of the following persons—

(a) in a State or Territory of the Commonwealth, a practising barrister or solicitor of the Supreme Court of the State or Territory or of the High Court of Australia, a justice of the peace or commissioner for declarations for that State or Territory, a commissioner of the Supreme Court for that State or Territory for taking affidavits, a commissioner of the High Court of Australia, a postmaster, a classified officer in the public service of that State or Territory, or a member of any House of Parliament of the State or Territory or of the Commonwealth; or

(b) in a country outside the Commonwealth and Territories of the Commonwealth, an Australian diplomatic officer or Australian consular officer, or a Judge, a magistrate, justice of the peace, or notary public of that country.

(2) Notwithstanding anything in subrule (1) of this rule, an instrument of consent or any revocation thereof may not be attested by—

(a) the solicitor for the applicant or applicants for adoption or by a partner, clerk or agent of the solicitor;

(b) any other solicitor who has prepared either the instrument of consent or any revocation thereof or by the partner, clerk or agent of such solicitor;

(c) where the application, instrument of consent or revocation of a consent has been prepared by or on behalf of the Community Welfare Department, any officer of that Department.

Person
consenting.
Amended by
G.G. 18/11/77,
pp. 4294-4302.

8. A person who gives a consent under section 4A shall complete an original and one copy of a form of consent, have the original attested, and fill in particulars of attestation on the copy and shall, within seven days after the date of the execution of the consent, deliver the original, or cause it to be delivered, to the Director with any certificate given pursuant to subsection (2) of section 4F but the person who gives the consent shall retain the copy for use if he later wishes to revoke the consent in accordance with the Act.

Director to
acknowledge
receipt of
certain
documents.

9. The Director shall acknowledge the receipt of every document he receives pursuant to rule 8, subsection (2) of section 4D, and section 22.

Application
pursuant
to s. 4G.
Substituted
by G.G.
21/6/72,
p. 2000;
G.G. 18/11/77,
pp. 4294-4302.

10. (1) An application for an order to dispense with a consent or consents pursuant to section 4G shall be accompanied by an affidavit sworn by a person or persons from his or their own knowledge as to particulars of any of the matters that are referred to in paragraphs (a) to (e) of subsection (1) of that section and that are grounds for the application, and, unless the Judge otherwise orders, a copy of the application and the affidavit or affidavits shall be served on each person whose consent is sought to be dispensed with.

(2) A person in relation to whose consent an application for an order pursuant to section 4G has been made who desires to oppose the making of the order shall, within 28 days of the service of the application and affidavit or affidavits on him or such further time as a Judge may allow, —file an affidavit or affidavits sworn by himself or by other persons relating to any matter set out in the application or affidavit or affidavits served on him.

(3) A person filing an affidavit or affidavits in accordance with the last preceding subrule shall forthwith serve a sealed copy of any such affidavit upon the applicant.

(4) Where an affidavit or affidavits are filed by a person in relation to whose consent an application for an order pursuant to section 4G has been made, the Registrar shall refer the matter to a Judge who may give such directions as he sees fit as to the further hearing of the application for an order under section 4G.

11. When, pursuant to section 5B, a person notifies the Director of an intended application the person or his solicitor shall deliver to the Director an instrument in writing containing all particulars known to the person or solicitor relating to the natural parents or guardian of the child the subject of the application and to the whereabouts of the child since birth.

Particulars
with s. 5B
notice.

12. When, pursuant to section 5B, the Director receives notice of an intended application, he shall acknowledge it to the applicant or his solicitor stating whether or not the Director has received and holds, in respect of the child the subject of the application, a consent or consents, any certificate given pursuant to subsection (2) of section 4F or to section 22, and any revocation of such a consent.

Director to
notify
applicant
or solicitor
re consents.

13. (1) The following documents shall be filed with an application—

(a) an affidavit sworn by each applicant including in the affidavit—

- (i) full name, full address, occupation, and date and place of birth of the deponent;
- (ii) marital status of the deponent, and if married, full name, address and occupation of spouse of the deponent;
- (iii) if known, the whereabouts of the child since birth;
- (iv) full particulars of the facts on which the applicant relies to establish that the applicant was resident or domiciled in the State as required by section 5A and where, not being so domiciled, his application is based only on being so resident, including in those particulars a statement as to—
 - (I) where he has been ordinarily resident for the last three years;
 - (II) where he intends to reside in the future; and
 - (III) what is his domicile;
- (v) whether the deponent has ever been convicted of any offence and, if so, details of each; and
- (vi) any particulars known to the applicant relating to the assets, liabilities, and financial standing of any parent (whether natural or adoptive) of the child and any kindred of the parent;

(b) an affidavit by the mother of the child deposing to the date and place of birth of the child and his name and parentage;

Documents
to be filed
with applica-
tion.
Amended by
G.G. 21/6/72,
pp. 2000-2002.

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(c) if a person who has given a consent pursuant to section 4A is a natural parent of the child and is under the age of eighteen years, an affidavit sworn by a parent, guardian or near relative of the person who has given the consent, or if, for reasons to be stated, an affidavit cannot be obtained from a parent, guardian, or near relative an affidavit sworn by a responsible and competent person after interviewing the person who has given the consent, including in the affidavit sworn by a parent, guardian or near relative—

(i) full name, full address, occupation, and date and place of birth of the deponent;

(ii) status of the deponent in respect of the person giving the consent;

(iii) if known, the whereabouts of the child since birth;

(iv) whether the deponent agrees to an order of adoption being made in respect of any applicant or in respect of a particular applicant;

(v) whether or not the deponent understands that the effect of an order of adoption in favour of the applicant is to permanently deprive the person giving the consent of any rights in the child; and

(vi) whether the effect of an order of adoption in favour of the applicant has been explained to the person giving the consent and whether that person appeared to understand it;

and including in the affidavit by a responsible and competent person the matters referred to in subparagraphs (v) and (vi) of this paragraph;

(d) if an instrument of consent was signed by the mother of the child within seven days after the birth of the child and there is not a certificate pursuant to subsection (2) of section 4F, an affidavit sworn by a person of his own knowledge that at the time the instrument was signed, the mother was in a fit condition to give the consent;

(e) an affidavit sworn by a person to identify the child the subject of any consent as the child the subject of the application and including in the affidavit, if known, the whereabouts of the child since birth;

(f) if the whereabouts of the child since birth are unknown to any of the deponents referred to in paragraphs (a), (c), and (e) of this rule, an affidavit or affidavits sworn by some other person or persons as to the whereabouts of the child since birth; and

(g) where the place of domicile of an applicant is in a country outside the Commonwealth or its Territories, an instrument in writing from an Authority in that other country or an instrument in writing signed by a duly accredited representative in the Commonwealth of that other country and stating that the laws of the place of domicile of the applicant confer on an adopted child the same or equal status to that of an adopted child within the State.

(2) The following documents shall be produced to the Judge before he makes an order of adoption—

(a) the birth certificate of the child; and

(b) if the applicant is married, his marriage certificate.

13A. (1) Where, pursuant to paragraph (8c) of subsection (1) of section 5, the Director furnishes to the Judge the opinion of the Director that an applicant is not a proper person to be an adopting parent the Director shall thereupon serve a notice in writing to that effect on the applicant.

Unfavourable opinion of the Director. Substituted by G.G. 18/11/77, pp. 4294-4302.

(2) An applicant—

(a) who has been served with a notice referred to in subrule (1) of this rule; and

(b) who wishes to proceed with his application,

shall, within 28 days of the service on him of the notice or such further time as a Judge may allow, file an affidavit sworn by himself and affidavits sworn by other persons relating to particulars of any of the matters that are referred to in paragraphs (a) to (1) of subsection (2) of section 5 that are within his or their knowledge, as the case may be.

(3) A person filing an affidavit or affidavits in accordance with the last preceding subrule shall forthwith serve a sealed copy of any such affidavit upon the Director.

(4) Where an affidavit or affidavits are filed by a person in accordance with the provisions of this rule, the Registrar shall refer the matter to a Judge who may give such directions as he sees fit as to the further hearing of the application.

14. Upon filing an application the applicant or his solicitor shall serve on the Director a copy of the application.

Copy of application to Director.

15. Upon receiving a copy of an application the Director shall file the original of every document relevant to the application that he has received pursuant to rule 8, subsection (2) of section 4D, and subsection (2) of section 4F and advise the applicant or his solicitor that he has so filed.

Director to file documents. Amended by G.G. 21/6/72, p. 2002.

16. Before making a report to the Judge pursuant to paragraph (8b) of subsection (1) of section 5, a responsible officer of the Department for Community Welfare of the State shall obtain a written police report on the applicant.

Police report and report of responsible officer. Amended by G.G. 21/6/72, p. 2002.

[17 repealed by G.G. 21/6/72, p. 2002.]

18. The Registrar shall keep a register of applications for orders of adoption and applications to vary, reverse, or discharge such orders and of orders made on those applications.

Register.

Notice of order.

19. Where a Judge makes an order of adoption or an order varying, reversing, or discharging an order of adoption the Registrar shall deliver a copy of the order to the Director and to the applicant or his solicitor.

Notice of no order.

20. Where on an application for an order of adoption or an application for variation, reversal, or discharge of an order of adoption, the Judge does not make an order the Registrar shall so advise the Director and the applicant.

Certified copy of consent.

21. Where a consent is filed with an application and an order is not made on the application a certified copy of the consent may, in any future application in respect of the child the subject of the consent, be admitted as evidence of the consent.

Copy of application for variation of guardianship to Director.

22. Where during any period when the Director is, pursuant to the Act, guardian of a child another person files an application for variation of the guardianship he shall thereupon serve a copy of the application on the Director.

Application pursuant to s. 9. Substituted by G.G. 21/6/72, p. 2002.

23. An application for the discharge of an order of adoption pursuant to section 9 shall be accompanied by an affidavit setting out the grounds for the application and a copy of the application and the affidavit shall be served on such persons as the Judge directs.

Responsible and authorized officers. Substituted by G.G. 21/6/72, p. 2002.

24. The Director shall, from time to time, give to the Registrar a list of the names of officers of the Department for Community Welfare—

- (a) who are responsible officers for the purposes of paragraph (8b) of subsection (1) of section 5; and
- (b) who are authorized to accept service of a revocation of consent under subsection (2) of section 4D.

Application pursuant to s. 4H (10). Inserted by G.G. 21/6/72, p. 2002.

24A. An application for an order for the custody and control of a child pursuant to subsection (10) of section 4H shall be accompanied by an affidavit setting out the grounds for the application and a copy of the application and the affidavit shall be served on such persons as the Judge directs.

Documents in sealed envelope.

25. If, pursuant to the Act or the rules a document is required to be filed or to be delivered to or by, or served on, the Director, the Registrar, or Registrar General, the document shall be placed in a sealed envelope for that purpose.

[Previous regulation 26 repealed by G.G. 21/5/76, p. 1495.]

Ordinary service how effected. Inserted by G.G. 18/11/77, pp. 4294-4302.

26. (1) Service of any document may be effected—

- (a) by personal service upon the person intended to be served with a sealed copy of such document;
- (b) where a person has given an address for service in accordance with rule 28, by leaving a sealed copy of the document at the address for service given by the person to be served;
- (c) where a person has given an address for service in accordance with rule 28, by sending a sealed copy of the document by prepaid post addressed to the person to be served at his address for service; or
- (d) in such other manner as the Court may direct.

(2) Where service of a document is effected in accordance with paragraph (c) of subrule (1) of this rule, service of the document shall, unless the contrary is proved, be deemed to have been effected four days after the date of posting.

27. (1) A Court may, if it thinks necessary or expedient to do so, order that service of any document be dispensed with.

Dispensation with service.
Inserted by G.G. 18/11/77, pp. 4294-4302.

(2) In exercising its powers under subrule (1) of this rule, the Court shall have regard to—

- (a) whether the applicant has taken every reasonable step to discover the whereabouts of the respondent and serve him with the process that is the subject of the application;
- (b) the means of the applicant, the likely cost to the applicant and the nature of the process sought to be served;
- (c) whether by some other method the existence of the process is likely to come to the knowledge of the respondent; and
- (d) such other matters as it considers relevant.

(3) An order under subrule (1) of this rule may be made subject to such conditions (if any) as the Court thinks fit.

(4) If conditions are imposed in accordance with subrule (3) of this rule, the Court shall specify in its order dispensing with service the times within which the conditions shall be complied with, and no further proceedings shall be taken in relation to that process without the leave of the Court until the applicant has furnished satisfactory evidence, by affidavit or otherwise, that the conditions have been complied with.

28. (1) A person is not entitled to file a document for the purposes of proceedings under the Act unless in that document he gives, or by a document previously filed by him he has given an address for service within the State of Western Australia.

Address for service.
Inserted by G.G. 18/11/77, pp. 4294-4302.

(2) A person served with any document in proceedings under the Act may give an address for service by filing a notice of address for service and serving a copy of the notice on each other party to the proceedings.

(3) A person who has given an address for service may change that address for service by filing a notification of such change and serving a copy of the notice on each other party to the proceedings.

29. Any document sent from any office of the Court may be sent by prepaid post in which event service of the document shall, unless the contrary is proved, be deemed to have been effected upon the person to whom the document was addressed four days after the date of posting.

Service by post.
Inserted by G.G. 18/11/77, pp. 4294-4302.

30. An affidavit of service of any document must state by whom the document was served, the day of the week and date on which it was served, where it was served and if the document has been served in accordance with paragraph (a) of subrule (1) of rule 26, the means by which the person served was identified.

Affidavits of service.
Inserted by G.G. 18/11/77, pp. 4294-4302.

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FIRST SCHEDULE.

LIST OF FORMS.

First Schedule
Substituted by G.G.
21/6/72, p. 2003.
Amended by G.G.
18/11/77,
pp. 4294-4302.

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Provision of Adoption of Children Act or rules under it for which Form prescribed	Description of Form	Number of Form in Second Schedule
Ss. 22, 23	Request for permission to transfer possession, custody, and control of a child	1
S. 23	Permission of Director to transfer possession, custody, and control of a child	2
Ss. 4A, 4B (1), 4B (2)	Consent to Adoption of child	3
S. 4D	Revocation of consent	3A
S. 4G (1) and (2)	Application to Dispense with Consent(s)	4
S. 4H (5)	Notice pursuant to section 4H (5)	5
S. 4H (10)	Application for an order for the custody and control of a child	6
S. 5 (1), (8c)	The Director's opinion of Applicant(s)	7
S. 5 (1), (4)	Consent by a child to his adoption	8
S. 4F (2)	Certificate of fitness of mother of child to consent to adoption	9
Rule 9	Receipt of certain documents by Director	10
S. 5B, rule 11	Notice to the Director of the Department for Community Welfare of intention to apply for adoption order	11
S. 5 (1a)	Notice to the Director of intention to apply for the adoption of a child of one of the applicants	11A
Rule 12	Acknowledgment of notice of intended application	12
S. 22	Certificate by a legally qualified medical practitioner as to health of child to be adopted	13
S. 3	Application for adoption	14
S. 3	Order of adoption of a child	15
S. 4 (4)	Order of Adoption where the applicant is married to a natural parent	15A
S. 4H (1) (e), rule 22	Application for variation of guardianship	16
S. 9	Application for discharge of an order of adoption	17
S. 9	Discharge of Adoption Order	18
S. 2 (Definition of memorandum) ..	Memorandum of Order	19

SECOND SCHEDULE.

FORMS.

Form 1.

Adoption of Children Act 1896.

Second Schedule
Amended by G.G.
21/6/72, pp. 2004-19;
G.G. 13/11/77,
pp. 4294-4302.
Corrigendum.
G.G. 17/2/78,
p. 492.

REQUEST FOR PERMISSION TO TRANSFER POSSESSION, CUSTODY, AND CONTROL OF A CHILD.

- | | |
|---|--|
| <p>1. PARTICULARS OF PERSON/S REQUESTING.</p> <p>(a) Full name/s.</p> <p>(b) Full address/es.</p> <p>(c) Occupation/s.</p> | <p>I/We</p> <p>of</p> <p>request the written permission of the Director of Community Welfare for the</p> |
| <p>2. PARTICULARS OF CHILD.</p> <p>(a) Sex.</p> <p>(b) Name of child, or if unnamed, state so.</p> <p>(c) Date of birth.</p> <p>(d) Place and State, Territory or Country of birth.</p> <p>(e) Status in relation to the child.</p> | <p>transfer of the possession, custody, and control of</p> <p>a child</p> <p>named/unnamed</p> <p>born on the</p> <p>at</p> <p>of which I/We am/are the</p> |
| <p>3. PARTICULARS OF OTHER PERSONS.</p> <p>(a) Full name/s.</p> <p>(b) Full address/es.</p> <p>(c) Occupation/s.</p> | <p>to</p> <p>of</p> <p>with a view to the adoption of the child by that/those persons.</p> |
| <p>4. MEDICAL CERTIFICATE.</p> <p>(a) Name of medical practitioner.</p> <p>(b) Cross out what does not apply.</p> | <p>A certificate signed by</p> <p>a legally qualified medical practitioner</p> <p>nominated by the Director has/has not been given to the Director/is attached herewith.</p> |
| <p>5. SIGNATURE OF PERSON/S REQUESTING.</p> <p>(a) Place of signing.</p> <p>(b) Date of signing.</p> | <p>Signed by:</p> <p>at</p> <p>on the day of</p> |

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Form 2.

Adoption of Children Act 1896.

PERMISSION OF DIRECTOR TO TRANSFER POSSESSION, CUSTODY, AND CONTROL OF A CHILD.

1. DIRECTOR.	I
(a) Name of Director for time being.	Director of Community Welfare
2. PARTICULARS OF PERSON/S PERMITTED.	grant permission to
(a) Full name/s.	
(b) Full address/es.	of
(c) Occupation/s.	
3. PARTICULARS OF CHILD.	to transfer the possession, custody,
(a) Sex.	and control of a child
(b) Name of child, or if unnamed, state so.	named/unnamed
(c) Date of birth.	born on the
(d) Place and State, Territory or Country of birth.	at
4. PARTICULARS OF OTHER PERSON/S.	to
(a) Full name/s.	
(b) Full address/es.	of
(c) Occupation/s.	
	with a view to adoption of the child by that/those person/s.
5. SIGNATURE.	Signed by:
(a) Date of signing.	<p style="text-align: right;">..... DIRECTOR.</p> <p style="text-align: right;">/ / 19</p>

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Form 3.

FAMILY COURT OF
WESTERN AUSTRALIA }

No. of 19

IN THE MATTER OF the Adoption of Children Act 1896
and

IN THE MATTER of
CONSENT TO THE ADOPTION OF A CHILD

(a) Full name	1. I, (a)
(b) Address	of (b) postcode
(c) Occupation	(c)
(d) Name of child or details of child.	hereby consent to the making of an order of adoption in respect of (d)
(e) Specify "any person" if general consent or name of person if special consent.	in favour of (e)
(a) Give relationship to child.	2. I have been informed and understand that the making of an order of adoption will deprive me permanently of my rights as a (a) of this child.
	3. I have been informed and understand that I can revoke this consent by: (a) signing a form of revocation which I acknowledge has been given to me prior to my signature upon this instrument to consent; and (b) serving the form of revocation signed by me upon the Director for Community Welfare before expiration of 30 days from the date on which this instrument of consent has been signed by me.
	4. I have been informed and understand that service of an instrument of revocation upon the Director for Community Welfare may be effected by delivering the instrument to the Director personally or to another officer of the Department authorized to accept service, or by sending the instrument by registered post in care of the Department for Community Welfare, Perth.
(a) Date of birth.	5. I was born on the (a) day of at (b)
(b) Place of birth, State, territory or country.	
(a) Marital status. If married state name, address and occupation of spouse and status in relation to child.	6. I am a (a)
(a) Name of child. If unnamed say "This child".	7. (a) was
(b) Date of birth of child.	born on (b) day of
(c) Place of birth and State, territory or country.	at (c)

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Form 3.—Continued.

Delete this paragraph if other parent's consent is not required.

- (a) Name of child.
- (b) Name of parent.
- (c) Address of parent and State, territory or country.
- (d) Occupation.
- (e) Date of birth of other parent.
- (f) Place of birth of other parents and State, territory or country.
- (g) Marital status of parent.

Delete if not applicable.

- (a) Full name.
- (b) Address.
- (c) Occupation.
- (d) Marital status.
- (e) Relationship to child.
- (f) Any other relevant particulars.

(Give this information in relation to each relative mentioned).

- (a) Signature of person consenting.
- (b) Place.
- (c) State, Territory or country.
- (d) Date of signature.
- (a) Signature of person attesting.
- (b) Status of person attesting.

- 8. The other parent of (a) is (b) of (c) Postcode. (d) who was born on the (e) day of (f) at Postcode.
- 9. and who is a (g) The other persons who are relatives of the child are as follows— (a) (b) Postcode. (c) (d) (e) (f)

Signed by (a) at (b) in the (c) on this (d) day of Before me: (a) (b)

NOTE:—Rule 7 (1) of the Adoption of Children Rules 1970, provides that an instrument of consent may be attested by one of the following persons—

- (a) in a State or Territory of the Commonwealth, a practising barrister or solicitor of the Supreme Court of the State or Territory of the High Court of Australia, a justice of the peace or commissioner for declarations for that State or Territory, a commissioner of the Supreme Court for that State or Territory for taking affidavits, a commissioner of the High Court of Australia, a postmaster, a classified officer in the public service of that State or Territory, or a member of any House of Parliament of the State or Territory or of the Commonwealth; or
- (b) in a country outside the Commonwealth and Territories of the Commonwealth, an Australian diplomatic officer or Australian consular officer, or a Judge, a magistrate, a justice of the peace, or notary public of that country.

Rule 7 (2) provides that an instrument of consent may *not* be attested by—

- (a) the solicitor for the applicant or applicants for adoption or by a partner, clerk or agent of the solicitor;
- (b) any other solicitor who has prepared either the instrument of consent or any revocation thereof or by the partner, clerk or agent of such solicitor;
- (c) where the application, instrument of consent or revocation of a consent has been prepared by or on behalf of the Department for Community Welfare, any officer of that Department.

Section 21, Adoption of Children Act 1896-1981.

21. A person who uses or threatens to use any force or restraint, or does or threatens to do any injury, or causes or threatens to cause any detriment of any kind to another person, with a view to inducing that other person—

- (a) to offer or refrain from offering a child for adoption under this Act; or
- (b) to revoke an instrument of consent for the adoption of a child under this Act,

is guilty of an offence.

Penalty: Four hundred dollars or imprisonment for six months.

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Form 3A.

FAMILY COURT OF }
WESTERN AUSTRALIA }

No.

of 19 .

IN THE MATTER of the Adoption of Children Act 1896
and

IN THE MATTER of
REVOCATION OF CONSENT TO ADOPTION

TO: DIRECTOR OF COMMUNITY WELFARE

(Address)

1. PERSON REVOKING
(Full and correct names).

I
of
male
parent of the female child
named
who was born on the day
of 19
at
in the State of
HEREBY REVOKE my consent to the
adoption of the said child
which was signed
on the day
of 19
at
in the State of

2. ATTESTATION
(For persons who may attest, see here-
under).
(a) Signature of person attesting.
(b) Status of person attesting.

Before me:

Section 21, Adoption of Children Act 1896-1981.

21. A person who uses or threatens to use any force or restraint, or does or threatens to do any injury, or causes or threatens to cause any detriment of any kind to another person, with a view to inducing that other person—

- (a) to offer or refrain from offering a child for adoption under this Act; or
- (b) to revoke an instrument of consent for the adoption of a child under this Act,

is guilty of an offence.

Penalty: Four hundred dollars or imprisonment for six months. ;

NOTE: Rule 7 (1) of the Adoption of Children Rules 1970 provides that an instrument of revocation of consent may be attested by one of the following persons—

- (a) in a State or Territory of the Commonwealth, a practising barrister or solicitor of the Supreme Court of the State or Territory or of the High Court of Australia, a justice of the peace or commissioner for declarations for that State or Territory, a commissioner of the Supreme Court for that State or Territory for taking affidavits, a commissioner of the High Court of Australia, a postmaster, a classified officer in the public service of that State or Territory, or a member of any House of Parliament of the State or Territory or of the Commonwealth; or
- (b) in a country outside the Commonwealth and Territories of the Commonwealth, an Australian diplomatic officer or Australian consular officer, or a Judge, a magistrate, justice of the peace, or notary public of that country.

Rule 7 (2) provides that an instrument of revocation of consent may *not* be attested by—

- (a) the solicitor for the applicant or applicants for adoption or by a partner, clerk or agent of the solicitor;
- (b) any other solicitor who has prepared either the instrument of consent or any revocation thereof or by the partner, clerk or agent of such solicitor;
- (c) where the application, instrument of consent or revocation of a consent has been prepared by or on behalf of the Department for Community Welfare, any officer of that Department.

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Form 4.

FAMILY COURT }
OF WESTERN AUSTRALIA }

No. of 19

IN THE MATTER of the Adoption
of Children Act 1896
and
IN THE MATTER OF

APPLICATION TO DISPENSE WITH CONSENT(S)

(a) Full name(s) and Address(es)	I/We of
(b) Status— Director, person/persons proposing to adopt the child, or person on his or their behalf	
(c) Where applicable	on behalf of the person/persons proposing to adopt the child.
(d) Insert appropriate sub- section	apply pursuant to paragraph of subsection (1) of section 4G of the Adoption of Children Act 1896 to dispense with the consent(s).
(e) Insert name and last known addresses of per- sons whose consent is sought to be dispensed with	of of and of
(f) Insert name of child Set out grounds of ap- plication	to the adoption of on the grounds that:
(g) Where s. 4G (2) applies	[and in order to facilitate the making of arrangements with a view to adoption of the said child application is made pursuant to subsection (2) of section 4G of the Adoption of Children Act 1896 that the order dis- pensing with the consent to be made in respect of the said child before an application for an order of adoption has been made.]
(h) Further application, where applicable, to dis- pense with service of main application	[and an application is made for an order dispensing with the requirement to serve the copy of the application and the affidavit(s) on each person whose consent is sought to be dispensed with.] Signed at this day of 19

.....
Signature of Applicant(s).

NOTICE TO ANY PARENT OR GUARDIAN SERVED WITH THIS FORM:

If you do not want your child to be adopted you may defend this application by:—

- (a) filing an affidavit setting out your reasons for opposing the application; and
- (b) requesting the Registrar of the Family Court by letter to issue an application for directions as to the hearing of the application.

If you do not file an affidavit within 28 days of the date this form is served on you the Court may proceed with the application and make an order in your absence. (See Adoption of Children Rules, Rule 10).

If you are in doubt about what to do you should consult a solicitor or an officer of the Counselling Service at the Family Court or an officer of the Department for Community Welfare.

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Form 5.

FAMILY COURT }
OF WESTERN AUSTRALIA }

No. of 19

IN THE MATTER of the Adoption
of Children Act 1896
and
IN THE MATTER of

I the Director of the Department for Community Welfare am the guardian
of the child pursuant to section 4H (1) [4H (11)] of the Adoption of Children
Act 1896 and to (a) consent(s) to adoption signed by on the
day of 19 [and by on the
day of 19 .] or [and to the order of the Honourable
dated the day of 19 .]

I am of the opinion that it is not possible/desirable to place the said child in the custody
of any person for the purposes of adoption. or [I am of the opinion that the welfare and
interest of the said child would not be promoted by adoption.]

AND TAKE NOTICE that upon service of this document on the Registrar of the Supreme
Court and upon and being every person
known to me as a parent or guardian of the said child immediately before I became guardian
of the said child I cease for all purposes to be the guardian of the said child and the
said and is/are again the guardian(s) of the said child.

DATED the day of 19

DIRECTOR.

Form 6.

FAMILY COURT }
OF WESTERN AUSTRALIA }

No. of 19

IN THE MATTER of the Adoption
of Children Act 1896
and
IN THE MATTER of

APPLICATION FOR AN ORDER FOR THE CARE AND CONTROL OF A CHILD

1. DETAILS OF
DIRECTOR'S
GUARDIANSHIP

(a) Whether general consent or an order
pursuant to s. 4H
(10) (11) WHEREAS by virtue of a general consent/order dated the

(b) Date of consent/
order day of

2. NAME OF DIRECTOR

I,
the Director of Community Welfare

3. PARTICULARS
OF CHILD

(a) Sex am the guardian of a child
(b) Name, or if not named state so named/unnamed
(c) Date of birth born on the
(d) Place of birth at

4. SPECIFY ORDER
SOUGHT

I hereby apply for an order that
or such other order as the Judge thinks fit.

[In particular see s. 4H
(11) but note that other
orders may be sought]

5. DIRECTOR'S
SIGNATURE

Date of Signing / /19

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Form 7.

FAMILY COURT }
OF WESTERN AUSTRALIA }

No. of 19

IN THE MATTER of the Adoption
of Children Act 1896
and
IN THE MATTER of

THE DIRECTOR'S OPINION OF APPLICANT(S)

I the Director/Acting Director of the Department for Community Welfare have considered the contents of the report of a responsible officer of the Department on and in my opinion he/she/they is/are not proper person(s) to be (an) adopting parent(s) [and I have the following special reasons related to the welfare and interest of the child why the order of adoption should be made:—

[The child was made a ward of the Department for Community Welfare by an order of the Children's Court at on the day of 19 /an order of the Minister dated the day of 19 and I hereby consent/refuse my consent to the making of an adoption order in respect of the abovementioned child in favour of the Applicants.]

Signed at this day of 19

Signature of the Director.

Form 8.

FAMILY COURT }
OF WESTERN AUSTRALIA }

No. of 19

IN THE MATTER of the Adoption
of Children Act 1896
and
IN THE MATTER of

CONSENT BY A CHILD TO HIS ADOPTION

1. PARTICULARS OF CHILD CONSENTING

- (a) Full name I
- (b) Full address of
- (c) Sex
- (d) Date of birth born on the
- (e) Place and State, Territory or Country of birth at

2. DECLARATION
(Cross out what is not applicable.)

HEREBY CONSENT to the making of an adoption order in respect of me in favour of the following person/persons.

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Form 8.—*continued*

3. PARTICULARS OF PERSON

- (a) Full name
- (b) Full address of
- (c) Occupation
- (d) Sex
- (e) Date of birth born on the
- (f) Place and State, Territory or Country of birth at
- (g) Marital status
- (h) If married, name, address and occupation of spouse
- (i) Repeat name of the said adopting person
- (j) Degree of relationship, if any, to the child being my

4. PARTICULARS OF OTHER PERSON
(Cross out if not applicable)

- (a) Full name
- (b) Full address of
- (c) Occupation
- (d) Sex
- (e) Date of birth born on the
- (f) Place and State, Territory or Country of birth at
- (g) Marital status
- (h) If married, name, address, and occupation of spouse

18

Form 8.—*continued*5. SIGNATURE OF
CHILD CONSENTING

- | | |
|---------------------------------|----------------------------------|
| (a) Usual signature | Signed by: |
| (b) Town or City | at |
| (c) Country, State or Territory | in the of |
| (d) Date | this day of |

6. ATTESTATION

(For persons who may
attest, see back of form)

- | | |
|--------------------------------------|------------|
| (a) Signature of person
attesting | Before me: |
| (b) Status of person
attesting | |

REVERSE OF FORM

Attestation of consents and revocations—Adoption of Children Rules 1970.

Rule 7. An instrument of consent and any revocation of it may be attested by one of the following persons—

- (a) in a State or Territory of the Commonwealth, a practising barrister or solicitor of the Supreme Court of the State or Territory or of the High Court of Australia, a justice of the peace or commissioner for declarations for that State or Territory, a commissioner of the Supreme Court for that State or Territory for taking affidavits, a commissioner of the High Court of Australia, a postmaster, a classified officer in the public service of that State or Territory, or a member of any House of Parliament of the State or Territory or of the Commonwealth; or
- (b) in a country outside the Commonwealth and Territories of the Commonwealth, an Australian diplomatic officer or Australian consular officer, or a Judge, a magistrate, justice of the peace, or notary public of that country.

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Form 9.

FAMILY COURT OF } No. of 19
WESTERN AUSTRALIA }

IN THE MATTER of the Adoption of Children Act 1896
and

IN THE MATTER of
CERTIFICATE OF FITNESS OF MOTHER OF CHILD
TO CONSENT TO ADOPTION.

<p>(a) Full name of person certifying. (b) Address. (c) Qualifications.†</p> <p>(d) Name of mother. (e) Name or details of child. (f) Date of consent. (g) Name of mother. (h) Name of mother. (i) Date of examination. (j) Name of mother.</p> <p>Signature of person certifying. Place of signing.</p>	<p>I (a) of (b) a (c) certify that—</p> <p>(1) I know that (d) is the mother of (e) born on the day of</p> <p>(2) I know that on the (f) day of (g) signed an instrument of consent consenting to the making of an order of adoption in respect of that child.</p> <p>(3) I attended and examined (h) on the (i) day of the date on which the instrument of consent was signed by her.</p> <p>(4) I consider that (j) was in a fit condition to give that consent.</p> <p>Signed at on the day of</p>
---	--

† NOTE: TO BE GIVEN BY LEGALLY QUALIFIED MEDICAL PRACTITIONER OR
A MIDWIFE UNDER THE NURSES ACT 1968.

Form 10.

Adoption of Children Act 1896.

RECEIPT OF CERTAIN DOCUMENTS BY DIRECTOR.

<p>(a) Date of receipt</p> <p>(b) Name of person from whom, received</p> <p>(c) Brief description of document(s) Give name of signatory and date of signing and child to which they relate</p> <p>(d) If no consent received or only one, cross out what does not apply</p> <p>(e) Signature of Director</p> <p>(f) Date of signing</p>	<p>On the day of I, the Director of Community Welfare, received from the following document(s)</p> <p>1. 2. 3. 4.</p> <p>The final date(s) for revocation of the abovementioned consent(s) has/have been noted in my records on the and the respectively.</p> <p>..... DIRECTOR.</p> <p>/ /19</p>
---	--

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Form 11.

Adoption of Children Act 1896.

NOTICE TO THE DIRECTOR OF THE DEPARTMENT FOR COMMUNITY
WELFARE OF INTENTION TO APPLY FOR ADOPTION ORDER.1. PARTICULARS OF
APPLICANT(S)

- (a) Full name(s) I/We
- (b) Full address(es) of
- (c) Occupation(s)
- (d) Sex
- (e) Date(s) of birth born on the
at and
- (f) Place(s) of birth born on the
at respectively,

hereby give notice that I/We intend to apply to a Judge of the
Family Court for an order in my/our favour for the adoption
of a child

2. PARTICULARS OF
CHILD (as known)

- (a) Sex of child
- (b) Name of child, or if named/unnamed
unnamed, state so
- (c) Date of birth born on the day of
- (d) Place of birth at
- (e) Name of parents or and whose natural parents/guardian are/is
guardian of child
- (f) Address of parents of
or guardian(s)

3. PARTICULARS OF
SOLICITOR(S)

- My/Our solicitor(s) for the purpose of the application is/are
- (a) Name of solicitor(s)
- (b) Address of soli- of
citor(s)

4. SIGNATURE OF
APPLICANT

- Signed by:
- (a) Place of signature at
- (b) Date this day of

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Form 11A.

Adoption of Children Act 1896.

NOTICE TO THE DIRECTOR FOR COMMUNITY WELFARE OF INTENTION TO APPLY FOR ADOPTION ORDER FOR A RELATED CHILD.

(To be used when child to be adopted is the natural child of one of the applicants or a relative of one or both of the applicants).

1. PARTICULARS OF APPLICANT/S

- (a) Full name/s
Include maiden name and former married names.
- (b) Full address/es.
- (c) Occupation/s.
- (d) Date of marriage.
- (e) Sex.
- (f) Date/s of birth.
- (g) Place/s of birth.

I/We
of
born on the
at and
born on the
at respectively,

2. PARTICULARS OF CHILD] (as known)

- (a) Sex of child.
- (b) Name of child, or if unnamed, state so.
- (c) Date of birth.
- (d) Place of birth.
- (e) Name of parents or guardian of child.
- (f) Address of parents or guardian.
- (g) Status of applicants in relation to child.

hereby give notice that I/We intend to apply to a Judge of the Family Court of Western Australia for an order in my/our favour for the adoption of a child named/unnamed born on the day of at and whose natural parents/guardian are/is of

3. PARTICULARS OF SOLICITOR/S

- (a) Name of solicitor/s.
- (b) Address of solicitor/s.

My/Our solicitor/s for the purpose of the application is/are of

4. SIGNATURE OF SOLICITOR OR AGENT OR APPLICANT

- (a) Place of signature.
- (b) Date.

Signed by:
at
this day of

22

Form 12.

Adoption of Children Act 1896.

ACKNOWLEDGMENT OF NOTICE OF INTENDED APPLICATION.

1. DATES

(a) Notice received On the _____ day of _____

(b) Notice signed I received a notice dated the _____ of an intended application by _____

2. PROPOSED APPLICANT(S)

(a) Name(s) _____

(b) Address(es) _____ of _____

(c) Occupation(s) _____

3. PARTICULARS OF CHILD

(a) Sex _____ in respect of a _____ child

(b) Name of child, or if unnamed, state so named/unnamed _____

(c) Date of birth _____ born on the _____ day of _____

(d) Place of birth _____ at _____

and I hereby advise that I have received and hold the following documents in respect of that application:

4. PARTICULARS OF DOCUMENTS

Give brief particulars of any consent, certificate given pursuant to s. 4F (2) or s. 22, and any revocation of a consent

1. _____

2. _____

3. _____

4. _____

5. SIGNATURE

Date of signing _____

.....
DIRECTOR.

/ /19

23

Form 13.

FAMILY COURT }
OF WESTERN AUSTRALIA }

No. of 19

IN THE MATTER of the Adoption
of Children Act 1896
and
IN THE MATTER of

CERTIFICATE BY A LEGALLY QUALIFIED MEDICAL PRACTITIONER
AS TO HEALTH OF CHILD TO BE ADOPTED.

1. PARTICULARS OF
PRACTITIONER

(a) Full name
(BLOCK LETTERS)

I

(b) Full address

of
a legally qualified medical practitioner hereby certify that on

(c) Date of examination

the day of

(d) Place of examina-
tion

at

2. PARTICULARS OF
CHILD

(a) Sex

I examined a child

(b) Name of child, or
if unnamed, state
mother's name

named/unnamed, whose mother is named

(c) Date of birth

said to have been born
the day of

(d) Place of Birth

at
and I informed myself of the results of a SEROLOGY TEST
carried out in relation to the child

3. CERTIFICATION

and I certify that, as far as I could determine the child is:
in good health and free from physical and mental defect

(a) Cross out if not
applicable

or

(b) Cross out if not
applicable — if ap-
plicable, specify any
complaint or physi-
cal or mental defect

suffering from the following:

4. SIGNATURE

Signed by:

(a) Place of signing

at

(b) Date of signing

on the day of

24

Form 14.

FAMILY COURT }
OF WESTERN AUSTRALIA }

No. of 19

IN THE MATTER of the Adoption
of Children Act 1896
and
IN THE MATTER of

APPLICATION FOR ORDER OF ADOPTION.

(a) Full name(s), address(es) and occupation(s)	I/We of
(b) Insert appropriate subsection and section	apply pursuant to subsection of section of the Adoption of Children Act 1896 to adopt as our/my child
(c) Details of child	a male/female child named/unnamed who was born on the day of 19 at and, if an order of adoption is made in my/our favour, to have the child thereafter known as
(d) Full proposed name of child.	Signed at this day of 19 . (Signature of Applicant(s)).
(e) Where s. 4 (3) applies	I of am the husband/wife of the abovenamed applicant and I consent to his/her application. Signed at 19 this day of (Signature of Husband/Wife).

Form 15.

FAMILY COURT }
OF WESTERN AUSTRALIA }

No. of 19

IN THE MATTER of the Adoption
of Children Act 1896
and
IN THE MATTER of

BEFORE THE DAY OF IN CHAMBERS
19 .

APPLICATION having been made pursuant to section 3 of the Adoption of Children Act
1896 by

for an order of adoption of
a child born on
at

IT IS ORDERED that the said child be adopted by the applicants as from the date of this
order AND THAT the child shall hereafter be known as

BY THE COURT,
REGISTRAR.

25

Form 15A.

FAMILY COURT OF }
WESTERN AUSTRALIA }

No. of 19 .

IN THE MATTER of the Adoption of Children Act 1896

and

IN THE MATTER of
BEFORE
IN CHAMBERS

The day of 19 .

APPLICATION having been made pursuant to sections 3 and 4 (4) of the Adoption of Children Act 1896 by

for an order of adoption of

a child born on

at

and on being satisfied that the applicant was married to one of the natural parents of the said child on the

day of 19 at

IT IS ORDERED that the said child be adopted by the applicant and as from the date of this order the applicant and the said

shall be the parents of the said child

AND THAT the child shall hereafter be known as

BY THE COURT
REGISTRAR

26

Form 16.

No.

of 19

FAMILY COURT }
OF WESTERN AUSTRALIA }

IN THE MATTER of the Adoption
of Children Act 1896
and
IN THE MATTER of

APPLICATION FOR VARIATION OF GUARDIANSHIP.

1. DETAILS OF
DIRECTOR'S
GUARDIANSHIP

WHEREAS by virtue of a general

(a) Whether general consent or order dispensing with consent

consent/order dated the

(b) Date of consent/order

day of

2. PARTICULARS OF
CHILD

the Director of Community Welfare is guardian of a

(a) Sex

child

(b) Name, or if not named state so

named/unnamed

(c) Date of birth

born on the

(d) Place of birth

at

3. PARTICULARS OF
APPLICANT(S)

(a) Full name(s)

I/We

(b) Full address(es)

of

(c) Occupation(s)

4. PARTICULARS OF
PROPOSED
GUARDIAN

hereby apply for an order that

(a) Full name

(b) Full address

of

(c) Occupation

be made guardian of the child on the grounds that:

5. GROUNDS OF
APPLICATION

Set out reasons for proposed change of guardianship

6. SIGNATURE OF
APPLICANT(S)

Date of signing

/ /19

27

Form 17.

FAMILY COURT }
OF WESTERN AUSTRALIA }

No. of 19

IN THE MATTER of the Adoption
of Children Act 1896
and
IN THE MATTER of

APPLICATION FOR DISCHARGE OF AN ORDER OF ADOPTION.

WHEREAS on an application made pursuant to section 3 of the Adoption of Children Act 1896 by an order was made by the Honourable in Chambers on the day of 19 that a child born on at be adopted by those persons and that the child was thereafter to be known as

I the Attorney General/Director of the Department for Community Welfare of Western Australia apply pursuant to subsection (1) of section 9 of the Act to have that order discharged on the grounds that:

and I apply pursuant to subsection (4) of section 9 for the following consequential or ancillary order:

DATED the day of 19 .

It is intended to serve this application on being person(s) concerned in this application.

Note: This application must be accompanied by an affidavit setting out the grounds for the application.

Form 18.

FAMILY COURT }
OF WESTERN AUSTRALIA }

No. of 19

IN THE MATTER of the Adoption
of Children Act 1896
and
IN THE MATTER of

BEFORE IN CHAMBERS.
UPON THE APPLICATION of the Attorney General/Director of the Department for Community Welfare of Western Australia dated the day of 19 and UPON READING the affidavit of filed herein

IT IS ORDERED that the order of adoption made by on the day of 19 that the child thereafter known as be adopted by is hereby discharged

AND IT IS FURTHER ORDERED that:

DATED the day of 19 .

BY THE COURT,
REGISTRAR.

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FAMILY COURT }
OF WESTERN AUSTRALIA }

Form 19.

No. of 19

IN THE MATTER of the Adoption
of Children Act 1896
and
IN THE MATTER of

*MEMORANDUM OF ADOPTION ORDER/DISCHARGE OF ADOPTION ORDER.

1. Date of Birth | The day of 19
2. Place and State, Ter- |
ritory or Country of |
Birth |
3. Registration of Birth |
Number |
*4. Date of Order/Discharge |
of Order |
DATED the day of 19 .

REGISTRAR.

(For further particulars, when required, see attached schedule.)

* Delete as appropriate.

Form 20.

FAMILY COURT }
OF WESTERN AUSTRALIA }

No. of 19

IN THE MATTER of the Adoption of Children Act 1896 section 4H (5)
and
IN THE MATTER of
NOTICE TO THE REGISTRAR.

TO: The Registrar of the Family Court of Western Australia.

AND TO: (Name and address of parents or guardians of the child before the Director became guardian known to the Director upon whom it is intended to serve this notice).

WHEREAS the Director became guardian of the child by virtue of—

Complete or
delete as
appropriate.
Delete (1) or
(2) which-
ever is
inapplicable.

- (1) consent(s) to adoption signed by
day of 19 and by on the
day of 19 the only on the
persons known to the Director as parents or guardians of the child
before the Director became guardian;
- (2) an order made on the day of
19 by a Judge of the Family Court of Western Australia pursuant
to section 4H (11) of the Act.

TAKE NOTICE that the Director is of the opinion that—

Delete as
appropriate.

it is not possible or desirable to place the child in the custody of any
person for the purposes of adoption; the welfare and interest of the
child would not be promoted by adoption

for the following reason:

DATED this day of 19 .

Director.

NOTE:

Section 4H (5) of the adoption of Children Act 1896 provides that on service
of this notice on the Registrar of the Family Court and on every person known
to the Director as a parent, or guardian immediately before the Director
became guardian of the child, the Director ceases for all purposes to be guardian
of the child and the person who was the guardian of the child immediately
before the Director became guardian is again the guardian of the child.