

JM301*

Adoption Act 1994

Adoption Amendment Rules 2000

Made by the Judges of the Family Court of Western Australia under section 142 of the Act.

1. Citation

These rules may be cited as the *Adoption Amendment Rules 2000*.

2. The rules amended

The amendments in these rules are to the *Adoption Rules 1995**.

[* *Published in Gazette 19 January 1995, pp. 179-99.*

For amendments to 21 February 2000 see 1998 Index to Legislation of Western Australia, Table 4, p. 6.]

3. Rule 2 amended

Rule 2(1) is amended by deleting “has the meaning that it has in the *Family Court Act 1975*” and inserting instead —

“

means the Principal Registrar, a Registrar, or a Deputy Registrar of the Court

”.

4. Rule 5 amended

Rule 5(2)(c) is amended by inserting after “Schedule 1” —

“

and does not have a cover sheet headed in the form of Form 1 of Schedule 1 and upon which cover sheet appears a short description of the document (including, in the case of an affidavit, the name of the deponent and the date of swearing) and the name, address and telephone number of the solicitor (if any) filing, delivering, or serving the document or, if the person on whose behalf the document is filed, delivered, or served is not represented by a solicitor, the name, address for service and telephone number (if any) of that person.

”.

5. Rule 11 amended

Rule 11 is amended by inserting after “order” —

“

, other than an application for an adoption order under section 78A(1),

”.

6. Rule 11A inserted

After rule 11 the following rule is inserted —

“

11A. Form of applications for adoption orders under section 78A

An application for an adoption order under section 78A of the Act is to be in the form of Form 4A of Schedule 1.

”.

7. Rule 12 amended

Rule 12(1) is amended as follows:

- (a) after paragraph (a)(ii) by deleting “and”;
- (b) after paragraph (a)(iii) by inserting —

“

and

- (iv) in the case of an application for an adoption order under section 78A, that there also has been compliance with section 78A(2)(a) to (e) of the Act;

”.

8. Rules 12A to 12C inserted

After rule 12 the following rules are inserted —

“

12A. Form of application under section 136B

An application for an order under section 136B of the Act is to be in the form of Form 4B of Schedule 1.

12B. Form of application under section 136F

An application for a declaration under section 136F of the Act is to be in the form of Form 4C of Schedule 1.

12C. Evidence in support of applications under section 136B or 136F

A reference in rules 13, 14 and 15 to an application is a reference to an application under a provision of the Act referred to in the Table to this rule.

Table

Provision	Description of application
section 136 B	to terminate relationship of child and parent in relation to a simple adoption
section 136 F	to refuse to recognise an adoption or a decision to convert a simple adoption

”.

9. Rule 32 amended

Rule 32 is amended as follows:

- (c) after paragraph (a) by deleting “and”;
- (d) after paragraph (b) by deleting the full stop and inserting —

“

; and

- (c) a copy of the orders made in relation to each application made under section 136B or 136F of the Act.

”.

10. Schedule 1 amended

Form 4 in Schedule 1 is deleted and the following forms are inserted instead —

“

FORM 4 — APPLICATION FOR ADOPTION ORDER

[Rule 11]

Application for an adoption order

I/We

.....

.....

[State full name, address and occupation of each prospective adoptive parent]

apply to adopt.....

.....

.....

[State full name by which prospective adoptee is known and the date and place of birth of the prospective adoptee]

a child from [insert the name of the Convention country], a Convention country, who is to live in Western Australia. [include if applicable]

In the event that an adoption order is made, I/we apply for the Court to declare that the adoptee be known by the name.....

.....

DATED this day of .

.....
SIGNATURE/S of applicant/s

[*Note that if the application for the adoption order is in relation to a child, a written memorandum of the provisions of the adoption plan in relation to the child is to be filed with the application unless an application will be made for the Court to dispense with the requirement for the adoption plan: section 62 of the Act.]

FORM 4A — APPLICATION FOR ADOPTION ORDER UNDER SECTION 78A OF THE ADOPTION ACT 1994

[Rule 11A]

Application for an adoption order of child who is to live in a Convention country

I/We

.....

.....

[State full name, address and occupation of each prospective adoptive parent]

apply to adopt.....

.....

.....

.....

[State full name by which prospective adoptee is known and the sex and date and place of birth of the prospective adoptee]

an Australian child who is to live in [insert the name of the Convention country], a Convention country.

In the event that an adoption order is made, I/we apply for the Court to declare that the adoptee be known by the name.....

.....

DATED this day of .

.....

SIGNATURE/S of applicant/s

[Note that a written memorandum of the provisions of the adoption plan in relation to the child is to be filed with the application unless an application will be made for the Court to dispense with the requirement for the adoption plan: section 62 of the Act.]



FORM 4B — APPLICATION FOR ORDER

[Rule 12A]

Application for an order terminating the legal relationship of child and parent in relation to a simple adoption

I/We

.....

.....

.....

[State full name, address and occupation of each applicant]

apply, under section 136B of the *Adoption Act 1994*, for an order terminating the relationship between

.....

.....

.....

[State the full name of the pre-adoptive father and the full name and maiden name of the pre-adoptive mother]

and

.....

.....

.....

[State the full name, sex, and date and place of birth of the child]

DATED this day of .

.....

SIGNATURE/S of applicant/s

FORM 4C — APPLICATION FOR A DECLARATION

[Rule 12B]

Application for a declaration under section 136F of the *Adoption Act 1994*

I.....
.....
.....
.....

[*State full name and address of the State Central Authority*]

,the State Central Authority, apply, under section 136F of the *Adoption Act 1994*, for a declaration by the Court that the adoption of*/decision made in accordance with Article 27 of the Hague Convention in relation to*[*whichever is applicable*].....
.....
.....
.....

[*State the full name, sex, date and place of birth of the child*]

is not recognised.

DATED this day of .

.....
SIGNATURE/S of applicant/s

_____ ”.

Dated 10th March 2000.

Signed—

MICHAEL HENRY HOLDEN,
NICHOLAS TOLCON,
CAROLYN ELVINA MARTIN,
JOHN GERARD BARLOW,
JULIENNE PENNY.