

Application for a direction under section 88(1) of the Adoption and Children Act 2002 (Form A62)

Notes on completing the form

Important

This application form may be used to make an application to the High Court for a direction under section 88(1) of the Adoption and Children Act 2002 that, subject to the conditions which must be met, in the case of a Convention adoption section 67(3) does not apply, or does not apply to the extent specified in the direction.

If you are attaching any order of the High Court or a family court to your application, it must be a sealed copy of the order (that is, a copy that has been stamped with the seal of the court). An order issued by any other authority must be properly authenticated by that authority. If you are in any doubt about what is needed, please contact the court for assistance.

Take or send the completed application form, **and three copies**, to the High Court, together with the court fee and any documents you are attaching in support of your application. If you are not sure about the court fee payable for your application, or you think that you may be exempt from paying all or part of the fee, you should contact the court for information.

You may need to pay a fee with your application. You should read leaflet EX50 Civil and family court fees to find out what fee, if any, you need to pay. This leaflet is available from your local court or online at hmctsformfinder.justice.gov.uk

You may be exempt from paying all or part of the fee. The combined booklet and application form 'EX160A Court Fees - Do you have to pay them' gives more information. This leaflet is available from your local court or online at hmctsformfinder.justice.gov.uk

Notes on the application form

Note 1

The following persons may make this application:

- The adopted child;
- The adopters;
- Any parent;
- Any other person.

Note 2

If you do not want your private address and telephone number to be disclosed to any other party, do not enter those details on this application form. Instead you should enter the details on Form A65, which you must file at the court with your application. The information will not then be disclosed to any other person, except by order of the court.

Note 3

Enter your relationship to the child, for example, adopter, parent. If you are the child enter 'subject child'. If you do not have a relationship to the child enter 'none'.

Note 4

Please give the name of the child as it appears on the Convention adoption. **You must attach a copy of the order to your application.**

Note 5

The following people and institutions may be respondents to this application:

- The child's adopters;
- The child's parents
- The adoption agency;
- The local authority to whom notice under section 44 (notice of intention to apply for an order for parental responsibility prior to adoption abroad) has been given.

Please fill in their details as fully as possible.

The Attorney General will also be a respondent to these proceedings. The court already has the address for service on the Attorney General.

Note 6

Only complete this part if the child was placed by an adoption agency. This is only likely to be relevant where the United Kingdom was the State of origin in the Convention adoption proceedings.

Note 7

In Part 4 of the application please indicate the order you are asking the court to make and complete the relevant additional details required, for example, please insert the details of the extent to which section 67(3) of the Adoption and Children Act 2002 should not apply.

Note 8

Please set out the reasons for your application. If there is not enough room for your reply, please continue on a separate sheet. Put the child's name, the number of the Part and the paragraph reference at the head of the continuation sheet.

If you have withheld your address or telephone number on the application form, you should make sure that the reasons you give for your application do not include any information that could lead to those details being disclosed.

Note 9

Enter the date on which the Convention adoption was authorised and by whom (e.g. which Court or Authority), together with the details of the adopters and the child adopted.

Note 10

A full adoption is an adoption following which the child is to be treated in law as not being the child of any person other than the adopters or adopter.

Note 11

The Convention means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993.

Special assistance or facilities for disability if you attend court

Note 12

If you/either of you need special assistance or special facilities for a disability or impairment, please set out your requirements in full. The court staff will need to know, for example, whether you want documents to be supplied in an alternative format, such as Braille or large print. They will also need to know about any specific requirements you may have on the day of the hearing, such as wheelchair access, a hearing loop, or a sign language interpreter. The court staff will get in touch with you about your requirements. It is important that you make the court aware of all your needs. If you do not, the result may be that the hearing has to be adjourned.