

Form 3.31 Application for dispensing with consent to adoption

Court Procedures Rules 2006

(see r 3170 (Dispensing order—application))

Adoption Act 1993

(see s 35 (Dispensing with consent))

In the Supreme Court of the Australian Capital Territory

No SC of (year) (*Court to complete*)

Adoption Act 1993

In the adoption of (*full name of child or young person*)

Take notice that the Court will hear an application *[by/on behalf of] the *[proposed adoptive parent(s)/director-general/principal officer of (*name of private adoption agency*)] on (*date*), at (*time*) (or as soon after that as this application can be heard), for the Court to dispense with the requirement for

Filed for the applicant by:

(*the applicant's address for service and telephone number (if any) or, if the applicant is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor*)

consent of *(full name of person whose consent is to be dispensed with)* to the adoption of *(full name of child or young person)*.

If you intend to oppose the application, you must file in the Court a notice of opposition not later than 10 days after the day this notice is served on you.

This application is made—

*by the proposed adoptive parent(s).

*for the proposed adoptive parent(s) by *(name)*, solicitor(s).

*on behalf of the adoptive parent(s) by *[the director-general/*(name)*, the principal officer of *(name)*, a private adoption agency]

*by the director-general

*by *(name)*, the principal officer of *(name)*, a private adoption agency.

(the application must be made at the same time as the application for adoption, unless the Adoption Act 1993, s 35 (3) applies)

Supporting affidavit

This application is supported by the affidavit of *(name of applicant(s))*

*[sworn/affirmed] on *(date)*.

Date:

(signature of applicant/applicant's solicitor)

(name of applicant/applicant's solicitor)

(a sealed copy of the application and a stamped copy of the supporting affidavit must be served on the following people not later than 28 days before the return date for the application:

- (a) each person interested in the adoption proceeding to which the application for the dispensing order relates; and*
- (b) if the application for the dispensing order is made by someone other than the director-general—the director-general; and*
- (c) if the Court considers it to be in the interests of justice—anyone nominated by the Court (see r 3171))*

**To: (name and address of each person to be served)*

**omit if, or whichever is, inapplicable*

(If an associated person is not entitled, under the Adoption Act 1993, div 5.3 (Identifying information), to access to identifying information about a birth parent, a birth relative or the adopted child or young person, the copy of the document to be served on the associated person must not include that identifying information (see r 3211)).

(If the name of a birth parent of the child or young person to be adopted is unknown to the proposed adoptive parent(s), care should be taken to ensure that this information is not disclosed to the proposed adoptive parent(s) in filling out this form. In such a case, if practicable, this form should be filled out and signed by the solicitor(s) for the proposed adoptive parent(s), by the director-general responsible for adoption or by the principal officer of the relevant adoption agency (as appropriate)).