

Rule 5(4)(b).

SCHEDULE 2

REPORTS ON THE HEALTH OF THE CHILD AND OF THE APPLICANT(S)

This information is required for reports on the health of a child and of his prospective adopter(s). Its purpose is to build up a full picture of their health history and current state of health, including strengths and weaknesses. This will enable the Department's medical adviser to base his advice to the court on the fullest possible information, when commenting on the health implications of the proposed adoption. The reports made by the examining doctor should cover, as far as practicable, the following matters.

1. The Child

Name, date of birth, sex, weight and height.

A. A health history of each natural parent, so far as is possible, including:—

- (i) name, date of birth, sex, weight and height;
- (ii) a family health history, covering the parents, the brothers and sisters and the other children of the natural parent, with details of any serious physical or mental illness and inherited and congenital disease;
- (iii) past health history, including details of any serious physical or mental illness, disability, accident, hospital admission or attendance at an out-patient department, and in each case any treatment given;
- (iv) a full obstetric history of the mother, including any problems in the ante-natal, labour and post-natal periods, with the results of any tests carried out during or immediately after pregnancy;
- (v) details of any present illness including treatment and prognosis;
- (vi) any other relevant information which might assist the medical adviser; and
- (vii) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.

B. A neo-natal report on the child, including:—

- (i) details of the birth, and any complications;
- (ii) results of a physical examination and screening tests;
- (iii) details of any treatment given;
- (iv) details of any problem in management and feeding;
- (v) any other relevant information which might assist the medical adviser; and
- (vi) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.

C. A full health history and examination of the child, including:—

- (i) details of any serious illness, disability, accident, hospital admission or attendance at an out-patient department, and in each case any treatment given;
- (ii) details and dates of immunisations;
- (iii) a physical and developmental assessment according to age, including an assessment of vision and hearing and of neurological, speech and language development and any evidence of emotional disorder;
- (iv) for a child over five years of age, the school health history (if available);
- (v) any other relevant information which might assist the medical adviser; and
- (vi) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.

D. The signature, name, address and qualifications of the registered medical practitioner who prepared the report, and the date of the report and of the examinations carried out.

2. The Applicant

(If there is more than one applicant, a report on each applicant should be supplied covering all the matters listed below.)

A.

- (i) name, date of birth, sex, weight and height;
- (ii) a family health history, covering the parents, the brothers and sisters and the children of the applicant, with details of any serious physical or mental illness and inherited and congenital disease;
- (iii) marital history, including (if applicable) reasons for inability to have children;
- (iv) past health history, including details of any serious physical or mental illness, disability, accident, hospital admission or attendance at an out-patient department, and in each case any treatment given;
- (v) obstetric history (if applicable);
- (vi) details of any present illness, including treatment and prognosis;
- (vii) a full medical examination;
- (viii) details of any daily consumption of alcohol, tobacco and habit-forming drugs;
- (ix) any other relevant information which might assist the medical adviser; and
- (x) the name and address of any doctor(s) who might be able to provide further information about any of the above matters.

B. The signature, name, address and qualifications of the registered medical practitioner who prepared the report, and the date of the report and of the examinations carried out.

Rule 11(1) & (2).

SCHEDULE 3

MATTERS TO BE COVERED IN REPORTS SUPPLIED UNDER RULE 11(1) OR (2)

So far as is practicable, the report supplied by the adoption agency or, in the case of a report supplied under rule 11(2), the Department shall include all the following particulars:-

1. The Child
 - (a) Name, sex, date and place of birth and address;
 - (b) whether legitimate or illegitimate at birth and, if illegitimate, whether subsequently legitimated;
 - (c) nationality;
 - (d) physical description;
 - (e) personality and social development;
 - (f) religion, including details of baptism, confirmation or equivalent ceremonies;
 - (g) details of any wardship proceedings and of any court orders or resolutions relating to parental responsibility in respect of the child or to his custody, residence and maintenance;
 - (h) details of any brothers and sisters, including dates of birth, arrangements in respect of care and custody and whether any brother or sister is the subject of a parallel application;
 - (i) extent of access to members of the child's natural family and, if the child is illegitimate, his father, and in each case the nature of the relationship enjoyed;
 - (j) if the child has been in the care of the Department, details (including dates) of any placements with foster parents, or other arrangements in respect of the care of the child, including particulars of the persons with whom the child has had his home and observations on the care provided;
 - (k) date and circumstances of placement with prospective adopter and, where a Convention adoption is proposed, details of the arrangements which were made for the transfer of the child to the Island and that they were in accordance with regulation 11(10) of the Convention Regulations;
 - (l) names, addresses and types of schools attended, with dates, and educational attainments;
 - (m) any special needs in relation to the child's health (whether physical or mental) and his emotional and behavioural development and whether a report under section 19 of the Education Act 2001 is in force in respect of him;
 - (n) what, if any, rights to or interest in property or any claim to damages, under the Fatal Accidents Act 1981 or otherwise, the child stands to retain or lose if adopted;
 - (o) wishes and feelings in relation to adoption and the application, including any wishes in respect of religious and cultural upbringing; and
 - (p) any other relevant information which might assist the court.
2. Each Natural Parent, including where appropriate the father of an illegitimate child
 - (a) Name, date and place of birth and address;
 - (b) marital status and date and place of marriage (if any);
 - (c) past and present relationship (if any) with the other natural parent, including comments on its stability;
 - (d) physical description;
 - (e) personality;
 - (f) religion;
 - (g) educational attainments;

- (h) past and present occupations and interests;
- (i) so far as available, names and brief details of the personal circumstances of the parents and any brothers and sisters of the natural parent, with their ages or ages at death;
- (j) wishes and feelings in relation to adoption and the application, including any wishes in respect of the child's religious and cultural upbringing;
- (k) reasons why any of the above information is unavailable; and
- (l) any other relevant information which might assist the court.

3. Guardian(s)

Give the details required under paragraph 2(a), (f), (j) and (i).

4. Prospective Adopter(s)

- (a) Name, date and place of birth and address;
- (b) relationship (if any) to the child;
- (c) marital status, date and place of marriage (if any) and comments on stability of relationship;
- (d) details of any previous marriage;
- (e) if a parent and stepparent are applying the reasons why they prefer adoption to an order relating to the custody of the child;
- (f) if a natural parent is applying alone, the reasons for the exclusion of the other parent.
- (g) if a married person is applying alone, the reasons for this;
- (h) physical description;
- (i) personality;
- (j) religion, and whether willing to follow any wishes of the child or his parents or guardian in respect of the child's religious and cultural upbringing;
- (k) educational attainments;
- (l) past and present occupations and interest;
- (m) particulars of the home and living conditions (and particulars of any home where the prospective adopter proposed to live with the child, if different);
- (n) details of income and comments on the living standards of the household.
- (o) details of other members of the household (including any children of the prospective adopter even if not resident in the household);
- (p) details of the parents and any brothers or sisters of the prospective adopter, with their ages or ages at death;
- (q) attitudes to the proposed adoption of such other members of the prospective adopter's household and family as the adoption agency or, as the case may be, the local authority considers appropriate;
- (r) previous experience of caring for children as stepparent, foster parent, childminder or prospective adopter and assessment of ability in this respect, together where appropriate with assessment of ability in bringing up the prospective adopter's own children;
- (s) reasons for wishing to adopt the child and extent of understanding of the nature and effect of adoption;
- (t) any hopes and expectations for the child's future;
- (u) assessment of ability to bring up the child throughout his childhood;
- (v) details of any adoption allowance payable;
- (w) confirmation that any referees have been interviewed, with a report of their views and opinion of the weight to be placed thereon; and

- (x) any other relevant information which might assist the court.
- 5. Actions of the adoption agency or Department supplying the report
 - (a) Reports under rule 11(1):
 - (i) brief account of the agency's actions in the case, with particulars and dates of all written information and notices given to the child, his natural parents and the prospective adopter;
 - (ii) details of alternatives to adoption considered;
 - (iii) reasons for considering that adoption would be in the child's best interests (with date of relevant decision); and
 - (iv) reasons for considering that the prospective adopter would be suitable to be an adoptive parent and that he would be suitable for this child (with dates of relevant decisions) or, if the child has not yet been placed for adoption, reasons for considering that he is likely to be so placed.

OR

- (b) Reports under rule 11(2):
 - (i) confirmation that notice was given under section 17 of the Act, with the date of that notice;
 - (ii) brief account of the Department 's actions in the case; and
 - (iii) account of investigations whether child was placed in contravention of section 16 of the Act.

6. Generally

- (a) Whether any respondent appears to be under the age of majority or under a mental disability; and
- (b) whether, in the opinion of the body supplying the report, any other person should be made a respondent (for example, a person claiming to be the father of an illegitimate child, a spouse or ex-spouse of a natural parent, a relative of a deceased parent, or a person with any of the parental rights and duties).

7. Further information to be provided in proceedings relating to a Convention adoption/foreign adoption

- (a) Where the Island is the country of origin, confirmation that either —
 - (i) each parent or guardian of the child freely, and with full understanding of what is involved, agrees unconditionally to the making of an adoption order (whether or not he knows the identity of the applicants), or
 - (ii) there is in force in respect of the child an order under section 18 of the Adoption Act 1976 (an Act of Parliament), section 18 of the Adoption (Scotland) Act 1978 (an Act of Parliament) or article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987;
- (b) Where the Island is the country of origin, confirmation that, after possibilities for placement of the child within the Island have been given due consideration, an intercountry adoption is in the child's best interest;
- (c) Confirmation that the requirements of rule 17 and, in the case of a Convention adoption, the rule 25 have been complied with.
- (d) For a Convention adoption, where the Island is either the country of origin or the receiving country, confirmation that the Department of Health and Social Security and the Central Authority of the other country have agreed that the adoption may proceed, that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorised to enter and reside permanently in the receiving country. The documents supplied by the Central Authority of the country of origin should be attached to the report together with a translation if necessary.

8. Conclusions

(This part of the report should contain more than a simple synopsis of the information above. As far as possible, the court should be given a fuller picture of the child, his natural parents and, where appropriate, the prospective adopter.)

- (a) Except where the applicant or one of them is a parent of the child, a summary by the medical adviser to the body supplying the report, of the health history and state of health of the child, his natural parents and, if appropriate, the prospective adopter, with comments on the implications for the order sought and on how any special health needs of the child might be met;
- (b) opinion on whether making the order sought would be in the child's best long-term interests, and on how any special emotional, behavioural and educational needs of the child might be met;
- (c) opinion on the effect on the child's natural parents of making the order sought;
- (d) if the child has been placed for adoption, opinion on the likelihood of full integration of the child into the household, family and community of the prospective adopter, and on whether the proposed adoption would be in the best long-term interests of the prospective adopter;
- (e) opinion, if appropriate, on the relative merits of adoption and custody; and
- (f) final conclusions and recommendations whether the order sought should be made (and, if not, alternative proposals).

Rule 24(2)(b).

SCHEDULE 4

ADDITIONAL INFORMATION TO BE INCLUDED IN FORM 1 IN THE CASE OF A
CONVENTION ADOPTION

21 Convention adoption

[Where the Isle of Man is the receiving country —

The Child

- (i) has not attained the age of 18 years at the date of the application; and
- (ii) was habitually resident in [*country*] which is a Convention country outside the British Islands on the date on which the Article 17(c) agreement was made.

The Applicants

- (iii) Both spouses (in the case of an application by a married couple) or the applicant (in the case of an application by one person) have attained the age of 21 years and have been habitually resident in the British Islands for a period of not less than one year ending with the date of the application; and
- (iv) [Both spouses (in the case of an application by a married couple) or the applicant (in the case of an application by one person) are British citizens by virtue of the British Nationality Act 1981] [Whereas [*name of applicant(s)*] is/are not a British citizen by virtue of the British Nationality Act 1981, the Home Office has confirmed that the child is authorised to enter and reside permanently in the Isle of Man .]]

OR

[Where the Isle of Man is the country of origin —

The Child

- (i) The child has not attained the age of 18 years at the date of the application;
- (ii) either each parent or guardian of the child freely, and with full understanding of what is involved, agrees unconditionally to the making of an adoption order (whether or not he knows the identity of the applicants), or the child is free for adoption by virtue of an order made under section 18 of the 1976 Act, section 18 of the Adoption (Scotland) Act 1978, or Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987;
- (iii) the child is habitually resident in [*territory*] which is part of the British Islands on the date of the application.

The Applicants

Both spouses (in the case of an application by a married couple) or the applicant (in the case of an application by one person) have attained the age of 21 years and are habitually resident in [*country*] which is a Convention country outside the British Islands on the date of the application.]

Notes

Paragraph 21. The report on the child prepared by the Central Authority of the country of origin should be exhibited. In sub-paragraph (iv) delete the words in square brackets which do not apply. Where one of the applicants is not a British citizen by virtue of the British Nationality Act 1981, notice of confirmation from the Home Office that the child is authorised to enter and reside permanently in the Isle of Man should be exhibited.

MADE 1st April 2003

J. M. Kerruish

Her Majesty's First Deemster and Clerk of the Rolls

David Doyle

Second Deemster

EXPLANATORY NOTE

(This Note is not part of the Rules)

These Rules make provision for adoption proceedings in the High Court and similar proceedings under the Adoption Act 1984. They replace the Adoption Rules 1985, and make new provision (in Part 4) for Convention adoptions under the 1993 Hague Convention on Protection of Children and Co-operation in respect of intercountry Adoption (Cm 2691).