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THE ADOPTION OF CHILDREN RULES, 1957.

IN pursuance of the powers conferred by the *Adoption of Children Act 1928* and the *Supreme Court Act 1928* and any other powers thereunto enabling the following Rules are made, and shall come into operation on and from the first day of June, 1957.

1. (1) These Rules may be cited as the Adoption of Children Citation. Rules 1957.

(2) These Rules shall come into operation on the 1st day of June, 1957. Commence-  
ment.

2. (1) The Adoption of Children (Supreme Court) Rules 1929, the Adoption of Children (County Court) Rules 1948, the Adoption of Children (Consents to Adoption and Revocation of Consents) Rules 1955, and the Adoption of Children (Court of Petty Sessions) Rules 1950 (in this clause called the "former Rules") are hereby annulled. Annulment of  
former Rules.

(2) Such annulment shall not affect any act matter or thing done under the former Rules before the coming into operation of these Rules, and where any application or other matter has before the coming into operation of these Rules been commenced under the former Rules such application or other matter shall be continued and carried on under the former Rules as if these Rules had not been made. Saving.

3. (1) In these Rules, unless the contrary intention appears— Interpretation.

"The Act" means the *Adoption of Children Act 1928* as amended by any Act.

"The County Court Rules" means the County Court Rules for the time being in force.

"The Court" means the Court in which the application is made.

"Judge" means a Judge of the Court in which the application is made.

"The Registrar" means the Registrar of the County Court in which the application is made.

"The Prothonotary" means the Prothonotary of the Supreme Court.

"The Supreme Court Rules" means the Supreme Court Rules for the time being in force.

“The infant” means the child proposed for adoption.

“The applicant” means the person or persons applying for an adoption order.

“Schedule” means schedule to these rules.

Application  
of Nos. 3630,  
&c.

(2) The Acts Interpretation Acts shall apply to the interpretation of these Rules in like manner as they apply to the interpretation of an Act of Parliament.

Application  
to be by  
summons.  
Schedule.

4. An application for an adoption order shall be made by summons in or to the effect of Form 1 of the Schedule in either the Supreme Court or a County Court at the option of the applicant. The proposed adopter shall be the applicant, and the Judge may direct any other person or any institution to be made a respondent.

Filing of  
summons.

5. The summons shall be filed in the Court immediately upon the issue thereof.

Mode of  
service.

6. (1) Unless the Judge otherwise directs every summons, notice, or other document required by these Rules to be served shall be served personally or by being posted in a prepaid registered envelope addressed to the person or institution to be served, and every such summons, notice, or document so posted shall at the expiration of twenty-four hours from the time of posting be deemed to have been served unless the contrary appears. The service of every summons, notice, or other document not served by the Court shall be verified by affidavit in or to the effect of Form 2 of the Schedule, unless the Judge otherwise directs.

Schedule.

(2) Where the person to be served is an infant service in accordance with this Rule shall be sufficient unless the Judge otherwise orders.

Affidavit in  
support of  
application.  
Schedule.

7. Every application for an adoption order shall be supported by evidence on affidavit in or to the effect of Form 3 of the Schedule, which shall disclose—

- (a) the age and sex of the applicant and of the infant and their relationship to each other;
- (b) particulars of the birth of the infant;
- (c) when the applicants are spouses—particulars of their marriage, including the church or other place and the date of the marriage ceremony and, if known, the name of the minister or other authorized person who performed the marriage ceremony;
- (d) the assets and income of the applicant;
- (e) whether the applicant has any children or adopted children and if so the respective sexes and ages of those children;
- (f) whether the consents referred to in sub-sections (3) and (4) of section four of the Act have been obtained and, if they have not, the reason why they have not been obtained;
- (g) whether any and what payment or reward has been made or agreed to be made to the applicant in respect of the adoption of the infant and whether any and what payment or reward has been made or agreed to be made to the parent of the infant or to any other person or institution in respect of the adoption of the infant;
- (h) whether any and what insurance has been effected on the life of the infant;
- (i) whether the applicant has made any previous application for the adoption of the infant and whether any adoption order has previously been made in respect of the infant—

and where the birth of the infant has been registered a certified copy of the entry in the register book of births shall be exhibited to the affidavit.

By whom  
affidavit  
sworn.

8. The affidavit in support of the application shall be sworn by the applicant, but where he cannot swear positively to all the facts of his own knowledge a further affidavit or affidavits shall be sworn by some other person or persons who can so swear to the facts: Provided that the Judge may in his discretion admit an affidavit deposing to any facts from information and belief if he considers that the difficulties of obtaining a further affidavit as aforesaid justify that course.

9. Every consent by a parent of the infant required under sub-section (3) of section four of the Act shall be in duplicate in writing in the form of Form 4 of the Schedule. A true copy of every such consent shall be delivered to the person giving such consent and the delivery of such copy and the execution of the consent shall be proved by affidavit in or to the effect of Form 5 of the Schedule. Consent by parent of infant to adoption order. Schedule. Schedule.
10. Every consent by any person other than a parent of the infant required under sub-section (3) of section four of the Act shall be in writing in the form of Form 6 of the Schedule. A true copy of every such consent shall be delivered to the person giving such consent and the delivery of such copy and the execution of the consent shall be proved by affidavit in or to the effect of Form 7 of the Schedule. Consent under section 4 (3) by person other than parent. Schedule. Schedule.
11. Every consent required under sub-section (4) of section four of the Act shall be in writing in the form of Form 8 of the Schedule. A true copy of every such consent shall be delivered to the person giving such consent and the delivery of such copy and the execution of the consent shall be proved by affidavit in or to the effect of Form 9 of the Schedule. Consent by wife under section 4 (4). Schedule. Schedule.
12. Every revocation of consent to the making of an adoption order shall be in writing in the form or to the effect of Form 10 of the Schedule. Revocation of any consent to adoption order.
13. All affidavits and documents in respect of any application shall be filed in the office of the Prothonotary when the application is being made in the Supreme Court and in the office of the Registrar when the application is being made in a County Court at the time of the issue of the summons, or thereafter as the occasion may require. Filing of affidavit.
14. (1) An application for an order that the Court dispense with any consent required by sub-section (3) of section four of the Act shall, unless the Judge is satisfied that the person whose consent is to be dispensed with cannot be found, be made by summons in the form of Form 11 of the Schedule or to the like effect which summons shall, unless the Judge shall otherwise order, be served personally upon the person whose consent is sought to be dispensed with. Summons to dispense with consent. Schedule.
- (2) The name of the applicant for the adoption order shall not appear in such summons and shall not be disclosed to the respondent, unless the Judge hearing the application shall otherwise order.
- (3) Where the respondent to such summons is a lunatic or person of unsound mind, the applicant shall on notice to the Public Trustee apply to a Judge for the appointment of a guardian *ad litem* of such lunatic or person of unsound mind and the Judge on such application shall appoint the Public Trustee or some other appropriate person guardian *ad litem* for the purpose of representing such lunatic or person of unsound mind on the application to dispense with his or her consent and it shall be the duty of such guardian *ad litem* to represent such lunatic or person of unsound mind accordingly.
15. As soon as practicable after the filing of the summons under Rule 4 the applicant shall apply to a Judge to appoint and the Judge shall by order in or to the effect of Form 12 of the Schedule appoint a guardian *ad litem* of the infant and appoint a time and place for the hearing of the application for an adoption order. Appointment of guardian ad litem of infant and of day for hearing. Schedule.
16. The Judge may require an affidavit to be filed as to the suitability of the person proposed for appointment as guardian *ad litem* of the infant. Affidavit in support.
17. When a guardian *ad litem* of the infant has been appointed and a day appointed for the hearing of the application, the applicant shall then cause a copy of the summons and a copy of a notice of hearing in or to the effect of Form 13 of the Schedule, together with a copy of the applicant's affidavit, to be served not less than five clear days before the hearing upon the guardian *ad litem*, and shall also cause a copy of the summons and a copy of the said notice of hearing to be served not less than five clear days before the hearing upon each person or institution who or which is made a respondent. Service of copies of summons and of notice of hearing on guardian ad litem of the infant and respondents, &c. Schedule.
18. The Judge may in his discretion order a copy of the notice of hearing to be served on any other person or institution, and in that event a copy of the said notice shall be so served not less than five clear days before the hearing for an adoption order. Service of copies of notice of hearing on other persons.

Production of infant on application. 19. Where the infant is in the actual custody of any person the Judge may require that person to produce the infant on the hearing of the application.

Service of copy of Rules re duties of guardian *ad litem* of the infant. Duties of guardian *ad litem* of the infant. 20. The Judge may in any case in his discretion order that a copy of Rules 21 and 22 of these Rules be served upon the guardian *ad litem* of the infant together with the copy of the notice of hearing.

21. (1) It shall be the duty of the guardian *ad litem* to investigate as fully as possible all the circumstances of the infant and the applicant, and all other matters relevant to the proposed adoption, with a view to safeguarding the interests of the infant, and, in particular, it shall be his duty to include in his investigation the following questions:—

- (a) Whether the statements in the applicant's affidavit are true and complete;
- (b) Whether any payment or other reward in consideration of the adoption has been received or agreed upon and whether that payment, reward or agreement is consistent with the welfare of the infant;
- (c) Whether the means and status of the applicant are such as to enable him to maintain and bring up the infant suitably, and what right to or interest in property the infant has;
- (d) What insurance, if any, has been effected on the life of the infant;
- (e) Whether it is desirable for the welfare of the infant that the Court should be asked to make an interim order or in making an adoption order to impose any particular terms or conditions or to require the adopter to make any particular provision for the infant.

(2) The guardian *ad litem* shall report in writing to the Judge the result of his investigation and shall also, if required by the Judge, report to him verbally and shall also, if required by the Judge, verify such report or reports or any part thereof by affidavit.

Information to be confidential. 22. The guardian *ad litem* of the infant or, where a body of persons is appointed such guardian *ad litem*, every officer or agent of that body shall regard all information obtained in the course of the investigation or otherwise in relation to the matter as confidential, and shall not divulge any part of it to any person except so far as may be necessary for the proper execution of his duty.

Hearing *in camera*. 23. Every summons and every application under the Act shall be heard and determined *in camera*.

Presence of parties. 24. The Judge may refuse to make an adoption order or an interim order unless all parties attend before him, but he shall have power in his discretion to dispense with the attendance of any party, and the Judge may direct that any of the parties shall attend separately and apart from the others, or that any party shall be interviewed privately by himself or the Prothonotary if the application is in the Supreme Court or the Registrar if the application is in a County Court.

As to previous unsuccessful applications. 25. If it appears that the applicant has made a previous application under the Act in respect of the same infant to the Supreme Court or to a County Court and that such application has been refused, the Judge shall not make an adoption order unless satisfied that there has been a substantial change in the circumstances.

Notice of adjournment. 26. On any adjournment of a hearing the Judge may direct to be served upon any respondent not in attendance or upon any other person or institution a notice of the time and place to which the hearing is adjourned.

Refusal or order by County Court on ground that application more fit for Supreme Court. 27. (1) If where an application is made to a County Court it appears to the Judge owing to special circumstances to be an application more fit to be dealt with by the Supreme Court, the Judge may, on that ground expressly, refuse to make an order, and in such case the Judge shall, by a memorandum under his hand, inform the Chief Justice of his refusal and his reasons therefor.

Delivery of documents to Supreme Court. (2) Where a Judge has under the foregoing provisions of this Rule refused to make an order the Registrar shall when directed by a Judge of the Supreme Court deliver all documents in relation to such application to the Prothonotary.

28. Where an application has been made in a County Court and has been refused by the Judge (whether under Rule 27 or not) the applicant may apply to a Judge of the Supreme Court to direct and the Judge of the Supreme Court may direct that the application shall be heard in the Supreme Court and may direct that all documents in relation to such application be delivered to the Prothonotary by the Registrar of the County Court in which such application was made and the Judge may appoint a time for the hearing of such application in the Supreme Court and may direct that the applicant shall give such notice as the Judge thinks proper of the time so appointed. The Judge of the Supreme Court may also direct that the steps taken in the County Court shall be deemed to be a sufficient compliance with the rules relating to applications in the Supreme Court or he may direct what further steps shall be taken under the rules relating to applications in the Supreme Court.

Right of applicant to apply to Supreme Court after refusal of order by County Court.

29. An interim order may provide for the supervision of the infant by the guardian *ad litem* of the infant or otherwise as the Judge may think advisable and shall be in or to the effect of Form 14 of the Schedule.

Interim order.  
Schedule.

30. Every adoption order made shall be in or to the effect of Form 15 of the Schedule.

Adoption order.

31. In the case of an application made in the Supreme Court the Prothonotary shall be the prescribed officer for the purpose of sub-section (4) of section seventeen of the Act and in the case of an application made to a County Court the Registrar shall be the prescribed officer for the purpose of sub-section (4) of section seventeen of the Act and upon the making of an adoption order the prescribed officer shall forward a sealed copy thereof to the Government Statist, in a prepaid registered postal envelope marked "confidential".

Notification to Government Statist.

32. No copy or duplicate of any order made by the Judge shall be given to or served upon any person other than the applicant or his solicitor and the Government Statist, unless the Court or a Judge thereof otherwise directs.

No copies of orders.

33. The Judge may make such orders as to costs, including the costs and expenses of any guardian *ad litem*, as he thinks fit, and may direct the costs to be taxed and where the application has been made in a County Court the Judge may direct the costs to be taxed according to such Scale of Costs applicable to actions in the County Court as he determines, and in default of such direction the costs shall be taxed under column B of the Scale. The Judge may direct that all the costs of a summons under the Act shall be borne and paid by the applicant.

Costs.

34. All documents filed in Court under these Rules shall be confidential, and the Prothonotary or Registrar as the case may be shall keep such documents secret and in a place of special security.

Documents to be confidential.

35. Subject to these Rules, the Supreme Court Rules and practice shall apply to proceedings in the Supreme Court under the Act, and the County Court rules and practice shall apply to proceedings in a County Court under the Act, so far in each case as they are applicable.

Supreme Court or County Court Rules to apply.

36. (1) The forms in the Schedule or forms to the like effect or as near thereto as the circumstances permit shall be used in relation to applications under the Act, and in any case where no appropriate form is included in the said Schedule the forms in use in the Court may be adopted with such variations as may be necessary.

Form of documents. Schedule.

(2) All documents filed in Court or used in relation to any application shall be endorsed on the outside in or to the effect of Form 16 of the Schedule or as near thereto as the circumstances permit.

Endorsement of document. Schedule.

## SCHEDULE.

## FORM 1.

Rule 4.

## FORM OF SUMMONS.

In the Supreme Court at \_\_\_\_\_, 19 \_\_\_\_  
 County \_\_\_\_\_

In the matter of the Adoption of Children Acts  
 and  
 In the matter of the *Supreme* Court Act 1928  
*County*  
 and  
 In the matter of (*name of infant*)  
 an infant.  
 (*Names of applicants*) Applicants.

Let all parties concerned attend before the Judge of the *Supreme* Court  
 County \_\_\_\_\_  
 at \_\_\_\_\_ at his Chambers, *in camera*, on a day to be fixed  
 hereafter, due notice of which will be given to all parties concerned, on  
 the hearing of an application on the part of (*names, address, and*  
*occupations of applicants*) in the State of Victoria, for an Order authorizing  
 them to adopt jointly the above-mentioned infant (*name*),  
 under the provisions of the Adoption of Children Acts.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

5s. duty stamp.

Prothonotary [or]  
 Registrar.

## FORM 2.

Rule 6.

## FORM OF AFFIDAVIT OF SERVICE.

In the Supreme Court at \_\_\_\_\_, 19 \_\_\_\_  
 County \_\_\_\_\_

In the matter of the Adoption of Children Acts  
 and  
 In the matter of the *Supreme* Court Act 1928  
*County*  
 and  
 In the matter of (*name of infant*)  
 an infant.  
 (*Names of applicants*) Applicants.

I, \_\_\_\_\_ (*name*), of \_\_\_\_\_ (*address*)  
 in the State of Victoria, (*occupation*) make oath and say—

That I served a true copy of the summons issued herein the  
 day of \_\_\_\_\_, 19 \_\_\_\_, together with a true copy of the notice  
 of the day appointed for hearing the application herein \* [and a true copy  
 of the applicants' affidavit herein] on \_\_\_\_\_ (*name*)  
 the duly appointed guardian *ad litem* herein [or the respondent herein (or  
*otherwise as the case requires*)] by delivering such true copies to \_\_\_\_\_  
 personally at \_\_\_\_\_ (*address*), on the \_\_\_\_\_  
 day of \_\_\_\_\_, 19 \_\_\_\_, [or by posting, at the post office at  
 \_\_\_\_\_ (*place*) on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_,  
 at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, such true copies in a  
 prepaid registered envelope addressed to \_\_\_\_\_ her at \_\_\_\_\_ (*address*) ]  
 him

Sworn at, &c.

\* In the case of service on guardian *ad litem*.

## FORM 3.

Rule 7.

FORM OF AFFIDAVIT OF APPLICANTS IN SUPPORT OF  
 APPLICATION.

In the Supreme Court at \_\_\_\_\_, 19 \_\_\_\_  
 County \_\_\_\_\_

In the matter of the Adoption of Children Acts  
 and  
 In the matter of the *Supreme* Court Act 1928  
*County*  
 and  
 In the matter of (*name of infant*)  
 an infant.  
 (*Names of applicants*) Applicants.

We, \_\_\_\_\_ (*name, occupation*) and \_\_\_\_\_ (*name*)  
 married woman, both of \_\_\_\_\_ (*address*), in the State of  
 Victoria, jointly and severally make oath and say as follows:—

1. That we, these deponents, are desirous of being jointly authorized  
 under the provisions of the Adoption of Children Acts to adopt  
 \_\_\_\_\_ (*name*), an infant residing at \_\_\_\_\_ (*address*)

## FORM 3.—continued.

2. (Particulars of date and place of marriage of applicants and the church or other place of the marriage ceremony and the minister or other authorized person who performed the ceremony, and a statement that the applicants have not been divorced or separated since the marriage.)

3. (Particulars of any prior marriage of either applicant.)

4. (Particulars as to date and place of birth, and age of each applicant.)

5. (Particulars of issue or likelihood of issue of applicants. State if medical practitioner's opinion obtained.)

6. (Particulars of income and assets of applicants.)

7. (Particulars of birth of infant. If over sixteen years, a statement that the infant has never been married. Exhibit birth certificate.)

8. (Whether necessary consents have been obtained. If not, give reason.)

9. (State shortly the circumstances of how the proposal for adoption came about.)

10. (Relationship of applicants to infant.)

11. That we have not received nor agreed to receive, and that no person has made or given or agreed to make or give us, any payment or other reward in consideration of the adoption and that we have not made or agreed to make any payment or other reward to the parent of the infant or any other person or institution in consideration of the adoption.

12. That we are not aware of any insurance having been effected on the life of the said infant. (If any, state amount and when due.)

13. That we have not previously applied for an adoption order in respect of the said infant, and to the best of our knowledge and belief no adoption order has been made in respect of the said infant.

14. We desire the said infant to be registered in the name of (desired Christian names and surname).

Sworn at, &c.

## FORM 4.

## FORM OF CONSENT BY PARENT TO ADOPTION ORDER.

Rule 9.

In the matter of the Adoption  
of Children Acts

and

In the matter of (name of  
infant) an infant.

I, (name), the undersigned, of (address),  
being the mother<sup>(1)</sup> of the above-named infant, who was born at  
father<sup>(1)</sup> on the day of 19 (2)

(1) Strike out  
word not  
appropriate.

hereby state—

(2) Insert  
place and date  
of birth so far  
as known.

1. That I understand the nature and effect of an adoption order for which application may be made.

2. That in particular I understand that the effect of such order will be permanently and totally to deprive me of my parental rights in relation to the above-named infant.

3. That I hereby consent to the making of an adoption order in respect of the said infant.

4. That I further understand that this consent may be withdrawn by me upon the following conditions but not otherwise:—

(a) That within thirty days of the giving of this consent I sign a revocation thereof in the form or to the effect of the form set out hereunder;

(b) That within seven days of the signing of such revocation I deliver it or by registered letter post it to the Registrar of the County Court, Law Courts, Melbourne.

In witness whereof I have signed this consent on the day  
of 19, at

Signature

Signed in the presence of—

Signature  
Address  
Occupation

## FORM OF REVOCATION OF CONSENT TO ADOPTION ORDER.

In the matter of the Adoption  
of Children Acts

and

In the matter of (name of  
infant) an infant.

I, (name) the undersigned, of (address),  
hereby revoke the consent given by me and handed to (indicate by name or office the person to whom the consent was handed) and any other consent which I may have given to the making of an adoption order in respect of the said infant.

In witness whereof I have signed this revocation on the  
day of 19, at

Signature.

Rule 9. FORM 5.  
FORM OF AFFIDAVIT VERIFYING CONSENT BY PARENT OF INFANT.

In the matter of the Adoption of Children Acts

and  
In the matter of (name of infant) an infant.

I, (name), of (address) (occupation) make oath and say—

1. That I was present on the day of 19, and did see (name) the mother of the above-named infant, (name) sign the Consent to Adoption Order now produced and shown to me marked with the letter "A."

2. Before the said (name) signed the said consent, I read it over to her and explained the meaning and import thereof to her, and she appeared to understand it, and particularly she understood him, he that the effect of an adoption order would be permanently to deprive her of her parental rights, and she freely and voluntarily signed the said consent.

3. That she also understood the conditions therein stated as those upon which alone the said consent could be revoked.

4. That I delivered to her a true copy of the said consent to Adoption Order.

5. That the signature " " which appears at the foot of the said consent is the proper handwriting of the said (name) and the signature " " which also appears at the foot of the said consent is my proper name and handwriting.

\*6 That the said (name of mother) informed me that the said infant was illegitimate and no order had been made against any person for the maintenance of the said infant.

Sworn at, &c.

\* In the case of an illegitimate child.

Rule 10. FORM 6.  
FORM OF CONSENT TO ADOPTION ORDER, BY PERSON MENTIONED IN SECTION 4 (3) OF THE "ADOPTION OF CHILDREN ACT 1928," OTHER THAN A PARENT.

In the matter of the Adoption of Children Acts

and  
In the matter of (name of infant) an infant.

I, (name), the undersigned, of (address) not being one of the parents of the above-named infant, but being—

(1) Strike out any description not applicable.

- (a) the guardian of the said infant,(1)
- (b) the person having the actual custody of the said infant,(1)
- (c) a person liable to contribute to the support of the said infant,(1)

hereby state—

1. That I understand the nature and effect of an adoption order for which application may be made.

2. That I hereby consent to the making of an adoption order in respect of the said infant.

3. That I further understand that this consent may be withdrawn by me upon the following conditions but not otherwise:—

- (a) That within thirty days of the giving of this consent I sign a revocation thereof in the form or to the effect of the form set out hereunder;
- (b) That within seven days of the signing of such revocation I deliver it or by registered letter post it to the Registrar of the County Court, Law Courts, Melbourne.

In witness whereof I have signed this consent on the day of 19, at

Signed in the presence of—

Signature  
Address  
Occupation

Signature

FORM OF REVOCATION OF CONSENT TO ADOPTION ORDER.

In the matter of the Adoption of Children Acts

and  
In the matter of (name of infant) an infant.

I, (name), the undersigned, of (address) hereby revoke the consent given by me and handed to (indicate by name or office the person to whom the consent was handed) and any other consent which I may have given to the making of an adoption order in respect of the said infant.

In witness whereof I have signed this revocation on the day of 19, at

Signature.



## FORM 7.

FORM OF AFFIDAVIT VERIFYING CONSENT TO ADOPTION ORDER, Rule 10.  
BY PERSON MENTIONED IN SECTION 4 (3) OF THE "ADOPTION  
OF CHILDREN ACT 1928." OTHER THAN A PARENT.In the matter of the Adoption  
of Children Acts  
andIn the matter of (name of  
infant) an infant.I, (name) of (address)  
(occupation) make oath and say—1. That I was present on the day of  
19 , and did see—(name)

(a) the guardian of the above-named infant,(1)

(b) the person having the actual custody of the said infant,(1)

(c) a person liable to contribute to the support of the said infant,(1)

sign the Consent to Adoption Order now produced and shown to me marked  
with the letter "A."2. Before the said (name) signed the said  
consent, I read it over to her him and explained the meaning and  
import thereof to her him and she appeared to understand it, and she he freely  
and voluntarily signed the said consent.3. That she he also understood the conditions therein stated as those  
upon which alone the said consent could be revoked.4. That I delivered to her him a true copy of the said Consent to Adoption  
Order.5. That the signature " " which appears at the foot of  
the said consent is the proper handwriting of the said (name) ,  
and the signature " " which also appears at the foot of the  
said consent is my proper name and handwriting.

Sworn at, &amp;c

(1) Strike  
out any  
description  
not applicable.

## FORM 8.

FORM OF CONSENT BY WIFE TO ADOPTION ORDER IN FAVOUR OF Rule 11.  
HER HUSBAND ONLY.In the matter of the Adoption  
of Children Acts  
andIn the matter of (name of  
infant) an infant.I, (name) , the undersigned, of (address) ,  
being the wife of (name, address, and occupation or status in life of husband),  
who is an applicant for an order authorizing him to adopt the above-named  
infant, hereby state—1. That I understand the nature and effect of the adoption order  
which is sought.2. That I consent to the making of such an adoption order in respect  
of the said infant in favour of my husband.3. That I further understand that this consent may be withdrawn by  
me upon the following conditions but not otherwise:—(a) That within thirty days of the giving of this consent I sign a  
revocation thereof in the form or to the effect of the form  
set out hereunder;(b) That within seven days of the signing of such revocation I deliver  
it or by registered letter post it to the Registrar of the County  
Court, Law Courts, Melbourne.In witness whereof I have signed this consent on the day  
of 19 , at

Signature

Signed in the presence of—

Signature  
Address  
Occupation

## FORM OF REVOCATION OF CONSENT TO ADOPTION ORDER.

In the matter of the Adoption  
of Children Acts  
andIn the matter of (name of  
infant) an infant.I, (name) , the undersigned, of (address) ,  
hereby revoke the consent given by me and handed to (indicate by name or  
office the person to whom the consent was handed) and any other consent  
which I may have given to the making of an adoption order in respect of  
the said infant.In witness whereof I have signed this revocation on the  
day of , at

Signature.

FORM 9.

Rule 11. FORM OF AFFIDAVIT VERIFYING CONSENT BY WIFE TO ADOPTION ORDER IN FAVOUR OF HUSBAND ONLY.

In the matter of the Adoption of Children Acts and In the matter of (name of infant) an infant.

I, (name), of (address) (occupation) make oath and say—

1. That I was present on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and did see—(name) the wife of (name, address, and occupation or status in life of husband) who is an applicant for an order authorizing him to adopt the above-named infant sign the Consent to Adoption Order now produced and shown to me marked with the letter "A."
2. Before the said (name) signed the said consent, I read it over to her and explained the meaning and import thereof to her and she appeared to understand it, and she freely and voluntarily signed the said consent.
3. That she also understood the conditions therein stated as those upon which alone the said consent could be revoked.
4. That I delivered to her a true copy of the said Consent to Adoption Order.
5. That the signature " \_\_\_\_\_ " which appears at the foot of the said consent is the proper handwriting of the said (name) and the signature " \_\_\_\_\_ " which also appears at the foot of the said consent is my proper name and handwriting.

Sworn at, &c.

FORM 10.

Rule 12. FORM OF REVOCATION OF CONSENT TO ADOPTION ORDER.

In the matter of the Adoption of Children Acts and In the matter of (name of infant) an infant.

I, (name), the undersigned, of (address) hereby revoke the consent given by me and handed to (indicate by name or office the person to whom the consent was handed) and any other consent which I may have given to the making of an adoption order in respect of the said infant.

In witness whereof I have signed this revocation on the day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_

Signature.

FORM 11.

Rule 14. FORM OF SUMMONS TO DISPENSE WITH CONSENT REQUIRED UNDER SECTION 4 (3) OF THE ADOPTION OF CHILDREN ACT 1928.

In the Supreme Court at \_\_\_\_\_, 19\_\_\_\_  
County \_\_\_\_\_  
In the matter of the Adoption of Children Act 1928 and In the matter of the Supreme Court Act 1928 In the matter of (name of infant) an infant.

Let all parties concerned attend before His Honour Judge of the Supreme Court at his Chambers in \_\_\_\_\_ in camera at the hour of \_\_\_\_\_ in the forenoon on day of \_\_\_\_\_, 19\_\_\_\_, on the hearing of an application for an order dispensing with the consent of \_\_\_\_\_ to the making of an adoption order in respect of the above-named infant under the provisions of the Adoption of Children Acts.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Prothonotary [or] Registrar.

FORM 12.

FORM OF ORDER APPOINTING GUARDIAN AD LITEM  
AND APPOINTING DAY OF HEARING.

Rule 15.

In the Supreme Court at \_\_\_\_\_, 19 \_\_\_\_  
County \_\_\_\_\_

In the matter of the Adoption of Children Acts  
and  
In the matter of the Supreme Court Act 1928  
County \_\_\_\_\_  
and  
In the matter of (name of infant)  
an infant.  
(Names of applicants) Applicants.

Upon application made this day to me, and upon reading the summons herein issued the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, and the joint and several affidavit of (applicants' names) and the affidavits of (names of other deponents) filed herein and the exhibits referred to therein, I do direct that the hearing of the said application be held before the Judge of the Court at his Chambers, *in camera*, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, at Ten o'clock [or, in the case of courts held at places other than Melbourne, at half-past Nine o'clock] in the forenoon, and that \_\_\_\_\_ (name) \_\_\_\_\_ (address)

\_\_\_\_\_, in the State of Victoria,  
(occupation) \_\_\_\_\_, be appointed guardian ad litem of the  
above-named infant \_\_\_\_\_ (name) \* [and that the consent of  
(name) \_\_\_\_\_, the mother  
father of the said infant be dispensed with].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

5s. duty stamp.

Judge.

\* If required.

FORM 13.

FORM OF NOTICE OF DAY APPOINTED FOR HEARING  
APPLICATION.

Rule 17.

In the Supreme Court at \_\_\_\_\_, 19 \_\_\_\_  
County \_\_\_\_\_

In the matter of the Adoption of Children Acts  
and  
In the matter of the Supreme Court Act 1928  
County \_\_\_\_\_  
and  
In the matter of (name of infant)  
an infant.  
(Names of applicants) Applicants.

To \_\_\_\_\_  
(Name,  
Address,  
Occupation.)

Take notice that a summons has been issued in the above matter praying that an order may be made for the adoption of the above named (infant's name) \_\_\_\_\_ by the above named (applicants' names) \_\_\_\_\_ the applicants herein, \* [and that you have been appointed guardian ad litem to the said infant] and that the said application will be heard before \_\_\_\_\_ at his Chambers, *in camera*, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, at Ten o'clock [or, in the case of courts held at places other than Melbourne, at half-past Nine o'clock] in the forenoon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

2s. 6d. duty stamp.

Prothonotary [or]  
Registrar.

\* In the copy served on guardian ad litem only.

FORM 14.

FORM OF INTERIM ORDER.

Rule 29.

In the Supreme Court at \_\_\_\_\_, 19 \_\_\_\_  
 County \_\_\_\_\_

In the matter of the Adoption of Children Acts  
 and  
 In the matter of the Supreme Court Act 1928  
 County \_\_\_\_\_  
 and  
 In the matter of (name of infant)  
 an infant.  
 (Names of applicants) Applicants.

Upon reading the summons herein issued the day of \_\_\_\_\_, 19 \_\_\_\_, and upon reading the affidavits of (names of applicants), the applicants therein, and (names of other deponents), sworn and filed herein and the exhibits referred to therein, and upon hearing the solicitor for the said applicants and the evidence of (name of guardian ad litem), of (address and occupation), the duly appointed guardian ad litem of the infant herein.

And the Judge being satisfied that it is for the benefit of the said infant that (s)he should for the present be in the custody of the said (names of applicants) and that all the requirements of the Adoption of Children Acts have been complied with:—

\*[The following payment or reward is sanctioned, viz.:—(details of authorized payment or reward.)

And it is ordered that the determination of the summons be postponed, and that the custody of the said infant be given to the said (names of applicants) for the period of . . . . from the date of this order by way of a probationary period \*[and subject to the supervision of (name of guardian ad litem or other person directed to supervise), of (address and occupation), who shall be at liberty at all reasonable times to visit and interview the said infant alone, and to make all necessary inquiries as to the comfort and well-being of the said infant].

And any of the parties, including the guardian ad litem of the said infant, shall be at liberty to apply as they may be advised.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

5s. duty stamp.

Judge.

\* Where appropriate.

FORM 15.

FORM OF ADOPTION ORDER.

Rule 30.

In the Supreme Court at \_\_\_\_\_, 19 \_\_\_\_  
 County \_\_\_\_\_

In the matter of the Adoption of Children Acts  
 and  
 In the matter of the Supreme Court Act 1928  
 County \_\_\_\_\_  
 and  
 In the matter of (name of infant)  
 an infant.  
 (Names of applicants) Applicants.

Upon reading the summons herein issued the day of \_\_\_\_\_, 19 \_\_\_\_, and upon reading the affidavits of (applicants' names), the applicants herein, and (names of other deponents), sworn and filed herein and the exhibits referred to therein, and upon hearing the solicitor for the said applicants and the evidence of (name of guardian ad litem) of (address and occupation), the duly appointed guardian ad litem of the infant herein.

And the Judge being satisfied that it is for the benefit of the said infant that (s)he should be adopted by the said (names of applicants), and that all the requirements of the Adoption of Children Acts have been complied with:

It is ordered that the said (name of male applicant), (occupation), and (name of female applicant), his wife, both of (address) in the State of Victoria, be authorized to adopt the said infant.

And it is directed that the Government Statist shall make an entry recording this adoption in the Adopted Children Register in the form set out in the Schedule to the Adoption of Children Act 1928.

And it having been proved to the satisfaction of the Judge that the said infant was born on the day of \_\_\_\_\_, 19 \_\_\_\_, and is identical with (name as in birth certificate) to whom an entry numbered (as in column No. 1 of certificate) and made on the day of \_\_\_\_\_, 19 \_\_\_\_, in the Register of Births at (as in column No. 10 of the certificate) relates it is further directed that the Government Statist shall cause such birth entry or entries to be marked with the word "adopted", and shall include the above date of birth in the entry recording the adoption in the manner indicated in the Schedule to the said Act, and that the said infant shall be registered in the name of (full Christian names and surname).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_

5s. duty stamp.

Judge.

FORM 16.

FORM OF ENDORSEMENT ON DOCUMENTS.

Rule 36.

19     , No.  
In the Supreme Court at  
County

In the matter of the Adoption of Children Acts  
and  
In the matter of the *Supreme* Court Act 1928  
*County*  
and  
In the matter of (*name of infant*)  
an infant.  
(*Names of applicants*)     Applicants.

SUMMONS.

(*or as the case requires*).

Dated the 4th day of April, 1957, at Judge's Chambers,  
Supreme Court, Melbourne.

E. F. HERRING, *C.J.*  
CHARLES J. LOWE, *J.*  
NORMAN O'BRYAN, *J.*  
JOHN V. BARRY, *J.*  
ARTHUR DEAN, *J.*  
R. R. SHOLL, *J.*  
E. H. HUDSON, *J.*  
R. V. MONAHAN, *J.*  
G. A. PAPE, *J.*

11/11/2020

11/11/2020

11/11/2020