

PART 3

PROCEEDINGS FOR PARENTAL ORDERS

24. Interpretation of Part 3

In this Part —

"the 2001 Act" means the Children and Young Persons Act 2001;

"the birth father" means the father of the child, including a person who is treated as being the father of the child by section 87 of the 2001 Act where he is not the husband within the meaning of section 89 of the 2001 Act;

"the birth mother" means the woman who carried the child;

"the birth parents" means the birth mother and the birth father;

"the husband and wife" means the persons who may apply for a parental order where the conditions set out in section 89(1) of the 2001 Act are met;

"parental order" means an order under section 89 of the 2001 Act (parental orders in favour of gamete donors) providing for a child to be treated in law as a child of the parties to a marriage.

25. Parties

- (1) The applicants shall be the husband and wife.
- (2) The respondents shall be —
 - (a) the birth parents (except where the applicants seek to dispense with their agreement under section 89(6) of the 2001 Act), and
 - (b) any other persons or body with parental responsibility for the child at the date of the application.

26. Answer

Within 14 days of the service of an application for a parental order, each respondent must file and serve on all the other parties an answer in the appropriate form.

27. Personal attendance of applicants

The Court shall not make a parental order except upon the personal attendance before it of the applicants.

28. Amendment and revocation of orders

- (1) Any application made under paragraph 4 of Schedule 2 to the Adoption Act 1984⁶ (as modified by the Parental Orders Regulations 2001⁷) for the amendment of a parental order or for the revocation of a direction to the Chief Registrar shall be made by delivering it to or sending it by post to the Chief Registrar.
- (2) Notice of the application shall be given by the Chief Registrar to such persons (if any) as the Court thinks fit.

⁶ 1984 c.14

⁷ SD 737/01

29. Custody, inspection and disclosure of documents and information

- (1) All documents relating to proceedings for a parental order shall, while they are in the custody of the Court, be kept in a place of special security.
- (2) Any person who obtains information in the course of, or relating to proceedings for a parental order, must treat that information as confidential and shall only disclose it if—
 - (a) the disclosure is necessary for the proper exercise of his duties, or
 - (b) the information is requested—
 - (i) by a Court or public authority (whether in the Island or not) having the power to determine proceedings for a parental order (or an order corresponding to a parental order) and related matters, for the purpose of the discharge of its duties in that behalf, or
 - (ii) by a person who is authorised in writing by the Department of Health and Social Security to obtain the information for the purposes of research.

30. Application for removal, return etc. of child

- (1) An application under sections 17(1), 19(1) or 19(2) of the Adoption Act 1984 (as applied with modifications by the Parental Orders Regulations 2001) must be made in the proceedings for the order.
- (2) The respondents must be all the parties to the proceedings under section 89 and such other person or body, not being the child, as the Court thinks fit.
- (4) The Court may at any time give directions as to the conduct of the application under this rule.
- (5) Where an application under this rule is determined, the Chief Registrar shall serve notice of the determination on all the parties.