

PRACTICE DIRECTION NUMBER 5 OF 1994

APPLICATION FOR LETTERS OF ADOPTION

When application is made to the Supreme Court for Letters of Adoption under section 16 of the Maintenance of Illegitimate Children Act (cap. 30) the following procedure must be followed:-

1. Ex parte application must be made to the Court for Letters of Adoption and for the appointment of a guardian ad litem in order to join the child as Defendant. Where the applicants seek the appointment of anyone other than the Solicitor-General as guardian ad litem, they must explain their reasons.
2. The Application may be letter but it must be supported by:
 - A. an affidavit by the applicants stating:
 - i. the name, age, residential address, nationality and occupation of the applicants;
 - ii. the name, date of birth and nationality of the child to be adopted;
 - iii. the name and residential address of the mother of the child and her relationship, if any, to the applicants;
 - iv. the date on which the applicants first took the child into their care and the dates of any period of periods in which the child has been in the sole care of the applicants;
 - v. the religious persuasion of the applicants, of the mother, (if known) and, if the child is over 12 years old, of the child;
 - vi. the religion in which the applicants intend to bring up the child and the intended arrangements for the child's education;

- vii. the place where the applicants intend to live with the child;
 - viii. that in respect of the proposed adoption there has been no payment to the mother or, if there has, details of such payment.
- B. A consent to the adoption signed by the mother of the child and a declaration that she understands the effect of an adoption order is to deprive her permanently of all rights over the child.
 - C. Letters from two responsible people who have personal knowledge of the applicants stating the writer's opinion of the suitability of the applicants to adopt the child.
 - D. A copy of the birth certificate of the child (or, if not available, certificate of live birth) and of the birth and marriage certificates of the applicants.
3. The application for appointment of the guardian ad litem will be heard in chambers and the judge will give further directions for the conduct of the proceedings. These will include the persons who are to be served, any reports required and arrangements for the child to be seen by the judge.



Gordon Ward

GORDON WARD
Chief Justice

Nuku'alofa
18 August 1992

GW/vt