

HUMAN FERTILISATION & EMBRYOLOGY ACT 1990 / CHILD CARE & MAINTENANCE RULES 1997 PART VI

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FORM 22

HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

Rule 2.46(1)

Section 30

PETITION FOR PARENTAL ORDER

Court Reference No.

(1) Insert name of sheriffdom

SHERIFFDOM OF (1)

(2) Insert place of sheriff court

AT (2)

PETITION of

(3) Insert designation and address

(3)

and

[or serial number where one has been assigned]

(3)

Petitioners

for

a parental order under section 30 of the Human Fertilisation and Embryology Act 1990 in respect of

(4) Insert name as in birth certificate

(4)

The petitioners condescend as follows—

1. The petitioners are married to each other, are domiciled in Scotland, and reside at

(5) State full address

(5)

2. The petitioners are respectively and years of age.

(6) State name of child, the subject of the petition

3. (6)

* Delete as appropriate

is * male / female and is months old having been born on at

4. The child was received into the home of the petitioners on

** Delete as appropriate*

5. The child was carried by a woman other than the female petitioner as the result of

* the placing in her of an embryo / sperm and eggs / her artificial insemination.

(7) State which petitioner or if both state both petitioners

6. The gametes of (7)

were used to bring about the creation of the embryo of the child.

** Delete as appropriate*

7. The child is * not the subject of any other pending or completed court proceedings

(8) If the child is so subject give full details.

(8)

** Delete as appropriate*

(9) State full name and address of the father of the child

* 8. (9)

who is not the male petitioner, is the father of the child by virtue of section 28 of the Human Fertilisation and Embryology Act 1990

(10) or otherwise

(10)

and has freely and with full understanding of what is involved, agreed unconditionally to the making of the order sought.

** Delete as appropriate*

(11) State full name and address of the woman who carried the child

* 9. (11)

is the woman who carried the child and has freely and with full understanding of what is involved, agreed unconditionally to the making of the order sought.

** Delete as appropriate*

* 10. No money or benefit, other than for expenses reasonably incurred, has been given or received by the petitioners for or in consideration of

(a) the making of the order sought;

(b) any agreement required for the making of the order sought;

(c) the handing over of the child to the petitioners, or

(d) the making of any arrangements with a view to the making of the order,

(12) State any money or other benefit given or received by authority of the court and specify such authority

* other than (12)

* Delete as appropriate

* 11. The *father of the child *and the woman who carried the child cannot be found

(13) State the efforts which have been made to find the person(s) concerned

(13)

* is / * are incapable of giving agreement by reason of

(14) State reasons

(14)

The petitioners crave the court -

1. To order notice of the petition to be intimated to such person or persons as the court thinks fit.
2. To appoint a reporting officer and a curator *ad litem* to the child and direct them to report.
3. *To dispense with the agreement of the father of the child *and *the woman who carried the child who *cannot be found *is/are incapable of giving agreement.
4. On resuming consideration of this petition and the report by the reporting officer and the curator *ad litem*, to make a parental order in their favour under section 30 of the Human Fertilisation and Embryology Act 1990 in respect of the child.
5. To direct the Registrar General for Scotland to make an entry regarding the parental order in the Parental Order Register in the form prescribed by him giving

* Delete as appropriate

as the fore-name(s) and

as the surname of the child; and upon proof to the satisfaction of the court in the course of the proceedings to follow hereon, to find that the child was born on the day of in the year and is identical with the child to whom an entry numbered and made on the day of in the year , in the register of births for the registration district of

relates; and to direct the Registrar General for Scotland to cause such birth entry to be marked with the words "Parental Order" and to include the above mentioned date of birth in the entry recording the parental order in the manner indicated in that form.

6. To pronounce such other or further orders or directions upon such matters, including the expenses of this petition, as the court thinks fit.

Signed

Male petitioner

Signed

Female petitioner

Or

Signed

Solicitor for petitioners

(15) Address

(15)

FORM 23

HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

Rule 2.48(1)

Section 30 (r)

Form of
agreement for
parental order

Court Reference No.

In the
Petition
of

*Insert designation and
address of each petitioner*

and

*[or serial number where
one has been assigned]*

for

a parental order under section 30 of the
Human Fertilisation and Embryology Act 1990
in respect of

*Insert name as in birth
certificate*

Insert name and address

I,

** Delete as appropriate*

being *the father of the child by virtue of section 28 of the
Human Fertilisation and Embryology Act 1990

(or otherwise)

*the woman who carried the child hereby state

** Delete as appropriate*

1. That I understand that the effect of the parental order for
which application has been made will be to deprive me
permanently of parental rights and responsibilities relating
to the child and to vest them in the petitioners; and, in
particular, I understand that, if an order is made, I shall
have no right to see or get in touch with the child or to
have *him /her returned to me.

** Delete as appropriate*

2. That I understand that the court cannot make a parental
order in relation to the child without my agreement and
the agreement of the *woman who carried /father of the
child, where he is not one of the petitioners unless the
court dispenses with an agreement on the ground that the

person concerned cannot be found or is incapable of giving agreement.

3. That I understand that when the hearing of the petition to determine the application for a parental order in relation to the child is heard, this document may be used as evidence of my agreement to the making of the order unless I inform the court that I no longer agree.
4. That I freely, and with full understanding of what is involved, agree unconditionally to the making of a parental order in relation to the child.
5. That I have not received or given any money or benefit, other than for expenses reasonably incurred, for or in consideration of
 - (a) the making of a parental order,
 - (b) the execution of this agreement,
 - (c) the handing over of the child to the petitioners, or
 - (d) the making of any arrangements with a view to the making of a parental order,

** Delete as appropriate*

State any money or other benefit given or received by authority of the court and specify such authority

Insert place of signing

Insert date of signing

Signed by father of the child or woman who carried the child

Insert place of signing

Insert date of signing

*other than

I have signed this agreement at
on the day of

Signed

This agreement was signed by before me at
on the day of

Signed

** Delete as appropriate*

Insert full name and address

* Reporting Officer / Witness

FORM 24

HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

Rule 2.54(3)

Section 30

**Intimation of
date of hearing
of application
for a parental
order**

Court Reference No.

*Insert full name and
address of person to
whom this intimation is
to be sent*

To:

*Insert name of sheriff
court*

You are given NOTICE that a hearing will take place at

*Insert full address of
court*

Sheriff Court,

Insert date

on

Insert time

at

*Insert full name of child
as given in the birth
certificate*

in relation to the child

when the court will consider an application for a parental order under section 30 of the Human Fertilisation and Embryology Act 1990 in respect of the child.

** Delete as appropriate*

You are *not obliged to attend the hearing *unless you wish to do so.

If you do not attend this hearing the court may make an order as noted above.

** Delete as appropriate*

*While the petition is pending you must not, except with the leave of the court, remove the child from the custody of the petitioners.

** Delete as appropriate*

*The court has been requested to dispense with your agreement to the making of an order on the ground[s] that

Specify ground(s)

Insert date

Date

Signed

Male petitioner

Signed

Female petitioner

Or
Signed

Solicitor for petitioners

Insert Solicitor's Address

FORM 25

HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

Rule 2.55(3)

**Intimation of
hearing under
s.27(1) or 29 of
the 1978 Act as
modified and
applied in
relation to
parental orders**

Court Reference No.

*Insert full name and
address of person to
whom this intimation is
to be sent*

To:

*Insert name of sheriff
court*

You are given NOTICE that a hearing will take place at

*Insert full address of
court*

Sheriff Court,

Insert date

on

Insert time

at

*Insert full name of child
as given in the birth
certificate*

in relation to the child

when the court will consider a minute of application under rule 14 of the Act of Sederunt (Sheriff Court Parental Orders (Human Fertilisation and Embryology) Rules) 1994 in respect of the child. A copy of the application is attached.

You do not need to attend this hearing if you do not wish to be heard by the court.

Insert date

Date

Signed

Minuter

Or

Signed

Solicitor for Minuter

Insert Solicitor's Address