

HUMAN FERTILISATION & EMBRYOLOGY ACT 2008 /
CHILD CARE & MAINTENANCE RULES 1997 PART VI

To be used for applications made on or after 6 April 2010

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FORM 22

HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

Rule 2.46(1)

Section 54

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)

or insert serial number where one has been assigned

and

(3)

Petitioners

for

a parental order under section 54 of the Human Fertilisation and Embryology Act 2008

in respect of

(4) Insert name as in birth certificate

(4)

The petitioners condescend as follows—

1. The petitioners are

(5) Delete as appropriate

(5) married to each other,

(5) civil partners of each other

(5) two persons who are living as partners in an enduring family relationship and are not within prohibited degrees of relationship in relation to each other,

are domiciled in the

(5) United Kingdom / Channel Islands / Isle of Man,

and reside at

(6) State full address

(6)

2. The petitioners are respectively and years of age.

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

3. (7)

is

(5) male / female

and is

(5) months / years

old having been born

on

at

4.

(5) A court has not previously refused the petitioners' application for a parental order in respect of the child

(5) A court has previously refused the petitioners' application for a parental order in respect of the child but the court directed that section 33(1) of the Adoption and Children (Scotland) Act 2007 as modified, should not apply

(5) A court has previously refused the petitioners' application for a parental order in respect of the child but the petitioners aver that it is proper for the court to hear the application because

(8) Give full details

(8)

5. The child is not and never has been married or a civil partner.

6. The child's home is with the petitioners.

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

(5) the placing in her of an embryo

(5) the placing in her of sperm and eggs

(5) her artificial insemination.

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

8. The gametes of (9)

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

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

(10) If the child is so subject delete "not" and give full details

(10)

(11) State full name and address of the other parent of the child

(5) 10. (11)

who is

(5) the father of the child by virtue of sections 35 or 36 of the Human Fertilisation and Embryology Act 2008

(5) the other parent of the child by virtue of sections 42 or 43 of the Human Fertilisation and Embryology Act 2008

(12) Specify

(5) the other parent of the child by virtue of *(12)*

where he or she is not one of the petitioners

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

(5) 11. (13)

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

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.

12. 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,

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

(5) other than (14)

(5) 13.

(5) The father of the child by virtue of sections 35 or 36 of the Human Fertilisation and Embryology Act 2008

(5) The other parent of the child by virtue of sections 42 or 43 of the Human Fertilisation and Embryology Act 2008

(15) specify

(5) The other parent of the child by virtue of (15)

(5) and

(5) the woman who carried the child

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

(5) cannot be found (16)

(17) State reasons

(5) is / are incapable of giving agreement by reason of (17)

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.

(5)

3. To dispense with the agreement of

(5) the other parent of the child

(5) and

(5) the woman who carried the child

(5) who cannot be found

(5) who is/are incapable of giving agreement.

4. On resuming consideration of this petition and the reports by the reporting officer and the curator *ad litem*, to make a parental order in their favour under section 54 of the Human Fertilisation and Embryology Act 2008 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

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

First petitioner

Signed

Second petitioner

Or *Either both petitioners should sign the petition or their solicitor may sign on their behalf*

Signed

Solicitor for petitioners

(18) Insert address of solicitor if any (18)

FORM 23

HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

Rule 2.52(1)

Section 54 (6)

Form of
agreement to a
parental order

Court Reference No.

*(1) Insert name of child as
it is given in the birth
certificate*

In the petition applying for a parental order in relation to *(1)*

(2) Delete as appropriate

(2) to which the court has assigned the serial number *(3)*

(3) Insert serial number

*(4) Insert name and
address*

I, *(4)*

confirm that I am

(2) the woman who carried the child

(2) the father of the child by virtue of sections 35 or 36 of the
Human Fertilisation and Embryology Act 2008

(2) the other parent of the child by virtue of sections 42 or 43
of the Human Fertilisation and Embryology Act 2008

(5) Specify

(2) the other parent of the child by virtue of *(5)*

I confirm that:-

1. I fully understand that the effect of the making of a
parental order in respect of the child will be to extinguish
all the parental responsibilities and parental rights which I
have at present in respect of the child.

2. I understand that the court cannot make a parental order
in relation to the child without my agreement

(2) and the agreement of

(2) the woman who carried the child

(2) the father of the child by virtue of sections 35 or 36 of
the Human Fertilisation and Embryology Act 2008

(2) the other parent of the child by virtue of sections 42 or
43 of the Human Fertilisation and Embryology Act 2008

(2) the other parent of the child by virtue of *(5)*

where he is not one of the petitioners

unless the court dispenses with agreement on the ground
that the person concerned cannot be found or is incapable

of giving agreement.

3. 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. 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. 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,

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

(2) other than (6)

(7) Insert place of signing

(8) Insert date of signing

Signed by the woman who carried the child, father or other parent of the child

I have signed this agreement at (7)

on the (8) day of Two thousand and

This agreement was signed in the presence of:-

Signature of witness

(9) Insert full name and address

(9)

FORM 24

HUMAN FERTILISATION AND EMBRYOLOGY ACT 1990

Rule 2.54(3)

Section 54

**Intimation of
diet of the
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:

You are given NOTICE that a hearing will take place at

*Insert name of sheriff
court*

Sheriff Court,

*Insert full address of
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 54 of the Human Fertilisation and Embryology Act 2008 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 care 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

First petitioner

Signed

Second petitioner

Or *Either both
petitioners should sign
the petition or their*

*solicitor may sign on their
behalf*

Solicitor for petitioners

Insert Solicitor's Address

Or *where serial number
assigned, the sheriff clerk*

Sheriff Clerk

*Insert sheriff clerk's
address*

FORM 25

HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

Rule 2.55(3)(b)

Section 22(1) or 24

**Intimation of
diet of the
hearing**

Court Reference No.

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

To:

You are given NOTICE that a hearing will take place at

*Insert name of sheriff
court*

Sheriff Court,

*Insert full address of
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 2.55 of the Act of Sederunt (Child Care and Maintenance Rules) 1997 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 *The solicitor for the
minuter may sign on their
behalf*

Solicitor for Minuter

Insert Solicitor's Address

Or *where serial number
assigned, the sheriff clerk*

Sheriff Clerk

*Insert sheriff clerk's
address*