

# RULES OF COURT

## YOUTH COURT OF SOUTH AUSTRALIA

### *Youth Court (Adoption) Rules 2018 made under the Youth Court Act 1993*

#### **Part 1- Preliminary**

##### **1—Short title**

These rules may be cited as the *Youth Court (Adoption) Rules 2018*.

##### **2—Commencement**

These rules will come into operation on the day on which section 7 of the *Adoption (Review) Amendment Act 2016* comes into operation.

##### **3—Interpretation**

- (1) In these rules, unless the contrary intention appears—

*adoption jurisdiction* of the Court means the jurisdiction of the Court under the *Adoption Act 1988*;

*adoption order* means an order of the Court under section 8 of the *Adoption Act 1988* and includes, if the case requires, an adoption order within the meaning of section 14 of that Act;

*Court* means the Youth Court.

- (2) A term used in these rules that is defined in the *Adoption Act 1988* has the same meaning in these rules as it has in that Act (unless the contrary intention appears).

##### **4—Application of rules**

These rules apply to the adoption jurisdiction of the Court.

##### **5—Object of rules**

The object of these rules is the fair, effective, expeditious and efficient conduct of the proceedings of the Court.

##### **6—Power to give directions**

The Court may, in any proceedings, if it considers it appropriate to do so in particular circumstances, do either or both of the following:

- (a) give directions as to the practice and procedure to be followed in the circumstances;
- (b) dispense with compliance with a provision of these rules (including a provision governing the exercise of a power of the Court).

##### **7—Forms**

- (1) It is sufficient compliance with these rules, as to the form of any document, if the document is substantially in accordance with the form specified by these rules.

- (2) Forms not provided by these rules may be prepared at the direction of the Court or by the Registrar on behalf of the Court.
- (3) All forms for use specifically in the adoption jurisdiction must use numbering with the prefix A.
- (4) The forms set out in Schedule 1 must be used for the purposes specified in that Schedule or these rules.

## **Part 2—Adoption applications**

### **8—Adoption application**

An application to the Court under section 8 of the *Adoption Act 1988* must be made using Forms A1 and A2 of Schedule 1.

### **9—Service**

- (1) A copy of an application for an adoption order must be served personally on—
  - (a) if the child who is the subject of the application is of or above the age of 10 years – the child; and
  - (b) each other party to the application.
- (2) The copy of an application must include notification of the place, date and time for the hearing of the application.
- (3) If it is not reasonably practicable to serve a copy of an application personally on a party, or the whereabouts of such a party cannot, after reasonable enquiries, be ascertained, the copy of the application may be served on that person by—
  - (a) posting it to the person at the person’s last known place of residence or employment; or
  - (b) sending it by fax or email to a fax number or an email address provided by the person (in which case the application will be taken to have been served at the time of sending); or
  - (c) in any other manner authorised by the Court.
- (4) The Court will not proceed to hear an application for an adoption order unless each party served with the application has had at least 5 days notice of the hearing.
- (5) The Court may dispense with service of an application on a child or other party under this rule if the Court considers that there is a proper reason to do so, including, for example—
  - (a) if the party is a birth parent who resides outside Australia; or
  - (b) if the child or other party is too young to understand the purpose or implications of the application or accompanying documents, or it is otherwise inappropriate in the circumstances to serve the documents on them.

### **10—Application to dispense with consent**

An application to the Court under section 18 of the *Adoption Act 1988* must be made using Form A3 of Schedule 1.

## **Part 3—Discharge applications**

### **11—Discharge application**

- (1) An application to the Court for the discharge of an adoption order under section 14 of the *Adoption Act 1988* must be made using Forms A4 and A2 of Schedule 1.
- (2) An application must—
  - (a) state the orders that are sought; and
  - (b) state the grounds of the application; and
  - (c) include particulars of the factual allegations or circumstances relied on to make out the grounds of the application; and
  - (d) be signed by the applicant, or on the applicant's behalf by the applicant's legal representative.
- (3) All statements and particulars in an application must be in plain language, and be set out and expressed clearly, specifically and succinctly.

### **12—Material supporting applications—other requirements**

- (1) An application to the Court as referred to in rule 11 must also be supported by an affidavit that sufficiently sets out the evidence on which the application is based.
- (2) Leave to file further material may be sought orally and at any stage of the proceedings and, unless the Court allows or directs otherwise, served on the other parties at least 5 business days before the next date for the hearing of the proceedings.

### **13—Service**

- (1) A copy of an application for the discharge of an adoption order must be served personally on—
  - (a) if the child who is the subject of the application is of or above the age of 10 years – the child; and
  - (b) each other party to the application.
- (2) The copy of an application must include notification of the place, date and time for the hearing of the application.
- (3) If it is not reasonably practicable to serve a copy of an application personally on a party, or the whereabouts of such a party cannot, after reasonable enquiries, be ascertained, the copy of the application may be served on that person by—
  - (a) posting it to the person at the person's last known place of residence or employment; or
  - (b) sending it by fax or email to a fax number or an email address provided by the person (in which case the application will be taken to have been served at the time of sending); or
  - (c) in any other manner authorised by the Court.
- (4) The Court will not proceed to hear an application for the discharge of an adoption order unless each party served with the application has had at least 5 days notice of the hearing.

- (5) The Court may dispense with service of an application on a child or other party under this rule if the Court considers that there is a proper reason to do so, including, for example—
  - (a) if the party is a birth parent who resides outside Australia; or
  - (b) if the child or other party is too young to understand the purpose or implications of the application or accompanying documents, or it is otherwise inappropriate in the circumstances to serve the documents on them.

#### **14—Investigations**

- (1) If the Court directs that an investigation be conducted under section 14(2) of the *Adoption Act 1988*, the Court must specify the particular circumstances to be investigated.
- (2) An investigation referred to in subrule (1) may only investigate the circumstances relating to the grounds on which a discharge order may be made as stated in the application for the discharge order.

### **Part 4—Miscellaneous**

#### **15—Application for recognition of international adoption order**

An application to the Court under section 21(2) of the *Adoption Act 1988* for the recognition of an international adoption order must be made using Forms A7 and Form A2 of Schedule 1.

#### **16—Notification of applications**

- (1) The Court will give the Chief Executive notice of any application—
  - (a) for an adoption order; or
  - (b) for the discharge of an adoption order; or
  - (c) for the recognition of an international adoption order.
- (2) The form of the notice will be decided by the Registrar and will be given to the Chief Executive by email sent to an email address agreed between the Registrar and the Chief Executive.

#### **17—Representation of party under 18 years**

- (1) If the Court considers that it is in the best interests of a party in any proceedings under the *Adoption Act 1988* who is less than 18 years of age to make an order under this rule, the Court may order that the party be represented by a legal practitioner.
- (2) If the Court makes an order under subrule (1) so as to provide for representation by a legal practitioner employed or engaged by the Legal Services Commission, the Court will notify the Commission by email sent to an email address agreed between the Registrar and the Commission.

## **18—Directions hearings**

- (1) This rule applies to any application to the Court for an adoption order or for the discharge of an adoption order.
- (2) An application will be listed for a directions hearing at a time determined by the Court.
- (3) At a directions hearing, the Court may give 1 or more of the following directions:
  - (a) limiting the issues to be determined on the hearing of the application;
  - (b) requiring or relating to the discovery, inspection and copying of evidentiary material;
  - (c) arranging for the calling of any witnesses;
  - (d) arranging for the preparation, provision or production of any report;
  - (e) any other direction that may facilitate the hearing of the application before the Court.
- (4) Nothing in this rule limits any direction that may, in any event, be given before or at the hearing of an application.

## **19—Proof of service**

- (1) If an application or other document is required to be served on another party, the Court may decline to consider the application or document until proof of service of the application has been filed in, or produced to, the Court.
- (2) Proof of service of an application or document may consist of an affidavit made by the person who served the application or document setting out—
  - (a) the date, time and place of service; and
  - (b) how the person to be served was identified; and
  - (c) how service was effected.
- (3) The Court may, however, require or permit oral evidence of service.

## **Part 5—Consequential amendments**

### **20—Amendment of *Youth Court (General) Rules 2016***

The *Youth Court (General) Rules 2016* are amended—

- (a) by striking out from rule 3(1) the definition of *adoption jurisdiction*; and
- (b) by striking out from rule 8(5) “for use specifically in the adoption jurisdiction must use numbering with the prefix *A* and forms”; and
- (c) by striking out Part 3 (and by deleting copies of any applications included in the rules for information purposes only).

## **Schedule 1—Forms**

# APPLICATION FOR AN ADOPTION ORDER

Form A1

Court	Youth Court	Action No	ADOPT-
-------	-------------	-----------	--------

Hearing location:	75 Wright Street ADELAIDE SA 5000	Hearing Date & time	<i>Court use only</i>
-------------------	--------------------------------------	---------------------	-----------------------

**Application type:** Application for an Adoption Order

**This Application is made under:** *Adoption Act 1988* section 8.

**Pre-action steps**

Has the Court made an order recognising the validity of, or dispensing with, the consent of a party?

YES                       NO

## Applicant 1/Adoptive Parent 1

Full Name			
Address <small>(Registered Office, if Body Corporate)</small>	<i>Street</i>		
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i> <i>DOB</i>
Telephone	<i>Mobile</i>	<i>Email Address</i>	
Solicitor for Applicant/Adoptive Parent	<i>Name</i>		<i>L Code &amp; P Code</i>
Address	<i>Street</i>		
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>
Telephone	<i>Mobile</i>	<i>Email Address</i>	

## Applicant 2/Adoptive Parent 2 (if applicable)

Full Name			
Address <small>(Registered Office, if Body Corporate)</small>	<i>Street</i>		
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i> <i>DOB</i>
Telephone	<i>Mobile</i>	<i>Email Address</i>	
Solicitor for Applicant/Adoptive Parent	<i>Name</i>		<i>L Code &amp; P Code</i>
Address	<i>Street</i>		
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>
Telephone	<i>Mobile</i>	<i>Email Address</i>	

Respondent 1/Birth Parent 1				
Full Name				
Address <i>(Registered Office, if Body Corporate)</i>	Street			
	City/Town/Suburb	State	Postcode	DOB
Telephone	Mobile	Email Address		
Solicitor for Birth Parent	Name			L Code & P Code
Address	Street			
	City/Town/Suburb	State	Postcode	
Telephone	Mobile	Email Address		

Respondent 2/Birth Parent 2				
Full Name				
Address <i>(Registered Office, if Body Corporate)</i>	Street			
	City/Town/Suburb	State	Postcode	DOB
Telephone	Mobile	Email Address		
Solicitor for Birth Parent	Name			L Code & P Code
Address	Street			
	City/Town/Suburb	State	Postcode	
Telephone	Mobile	Email Address		

Child				
Full Name				
Date of Birth				
Gender	<input type="checkbox"/> Female	<input type="checkbox"/> Male	<input type="checkbox"/> Non-Binary	<input type="checkbox"/> Indeterminate/Intersex/Unspecified
Place of Birth				
Is the child an Aboriginal or Torres Strait Islander?	<input type="checkbox"/> Yes	<input type="checkbox"/> No		

**TO THE PARTIES:**

**The applicant/s has/have applied for orders set out in this Application.**

**The Application will be considered at a directions hearing at the date and time set out at the top of this document.**

**ORDERS SOUGHT**

*(State the orders that are sought)*

The Applicant/s seek the following orders:

- 1. That pursuant to section 8(1) of the *Adoption Act 1988* the Child be adopted by the Applicant/s.
- 2. That pursuant to section 23(1) of the *Adoption Act 1988* the Child be known by the following name:

SURNAME:

OTHER NAMES:

3.

4.

**ACCOMPANYING DOCUMENTATION**

This Application must be accompanied by a Form A2 – Statement of Particulars.

**SERVICE ON THE BIRTH PARENT/S AND CHILD:**

The party filing this document is required to serve it on all other parties at least 5 (five) clear business days prior to the first hearing, pursuant to rule 9.04 of the *Youth Court (Adoption) Rules 2018*.

- It is intended to serve this application on all other parties.
- It is not intended to serve this application on the following parties:                    because *(provide reasons here)*

**APPLICANT’S SIGNATURE**

.....  
Date

.....  
APPLICANT/APPLICANT’S SOLICITOR

.....  
Date

.....  
APPLICANT/APPLICANT’S SOLICITOR

**Court use only**

Date filed:  
No. of pages:

**YOUTH OF SOUTH AUSTRALIA**

**ADOPTION JURISDICTION**

Hearing location: Adelaide Youth Court, 75 Wright Street ADELAIDE SA 5000

Case number: ADOPT-

*(full name)*

Applicant 1/Adoptive Parent 1

*(full name)*

Applicant 2/Adoptive Parent 2

*(full name)*

Respondent 1/Birth Parent 1

*(full name)*

Respondent 2/Birth Parent 2

*(full name)*

Child

**STATEMENT OF PARTICULARS**

<b>Applicant 1/Adoptive Parent 1</b>		
Name	Full Name	
	Maiden Surname	
	Any Other Previous Names	
Birth Details	Date of Birth	
	Place of Birth	
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified	
Date of present marriage or commencement of qualifying relationship	Date of commencement	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying Relationship
Occupation		
Address	<i>Street</i>	
	<i>City/Town/Suburb</i>	<i>State</i> <span style="float: right;"><i>Postcode</i></span>
Contact Details	<i>Phone</i>	<i>Email Address</i>

Applicant 2/Adoptive Parent 2		
Name	Full Name	
	Maiden Surname	
	Any Other Previous Names	
Birth Details	Date of Birth	
	Place of Birth	
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/intersex/unspecified	
Date of present marriage or commencement of qualifying relationship	Date of commencement	<input type="checkbox"/> Marriage <input type="checkbox"/> Qualifying Relationship
Occupation		
Address	<i>Street</i>	
	<i>City/Town/Suburb</i>	<i>State</i> <i>Postcode</i>
Contact Details	<i>Phone</i>	<i>Email Address</i>

APPLICANT'S SIGNATURE	
..... Date	..... APPLICANT/APPLICANT'S SOLICITOR
..... Date	..... APPLICANT/APPLICANT'S SOLICITOR

# APPLICATION TO DISCHARGE AN ADOPTION ORDER

Form A3

Court	Youth Court	Action No	ADOPT-
-------	-------------	-----------	--------

Hearing location:	75 Wright Street ADELAIDE SA 5000	Hearing Date & time	<i>Court use only</i>
-------------------	--------------------------------------	---------------------	-----------------------

**Application type:** Application to Discharge an Adoption Order

**This Application is made under:** *Adoption Act 1988* section 14(1).

**Original order**

Date of original order:

File number:

**Applicant:**     Adopted Person     Birth Parent     Adoptive Parent     Chief Executive

*Do not enter the applicant details again below*

Full Name				
Address <small>(Registered Office, if Body Corporate)</small>	<i>Street</i>			
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>DOB</i>
Telephone	<i>Mobile</i>	<i>Email Address</i>		
Solicitor for Applicant/Adoptive Parent	<i>Name</i>			<i>L Code &amp; P Code</i>
Address	<i>Street</i>			
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	
Telephone	<i>Mobile</i>	<i>Email Address</i>		

## Respondent/Adoptive Parent 1

Full Name				
Address <small>(Registered Office, if Body Corporate)</small>	<i>Street</i>			
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>DOB</i>
Telephone	<i>Mobile</i>	<i>Email Address</i>		
Solicitor for Applicant/Adoptive Parent	<i>Name</i>			<i>L Code &amp; P Code</i>
Address	<i>Street</i>			
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	
Telephone	<i>Mobile</i>	<i>Email Address</i>		

<b>Respondent/Adoptive Parent 2 (if applicable)</b>				
Full Name				
Address <i>(Registered Office, if Body Corporate)</i>	Street			
	City/Town/Suburb	State	Postcode	DOB
Telephone	Mobile	Email Address		
Solicitor for Applicant/Adoptive Parent	Name			L Code & P Code
Address	Street			
	City/Town/Suburb	State	Postcode	
Telephone	Mobile	Email Address		

<b>Respondent/Birth Parent 1</b>				
Full Name				
Address <i>(Registered Office, if Body Corporate)</i>	Street			
	City/Town/Suburb	State	Postcode	DOB
Telephone	Mobile	Email Address		
Solicitor for Birth Parent	Name			L Code & P Code
Address	Street			
	City/Town/Suburb	State	Postcode	
Telephone	Mobile	Email Address		

<b>Respondent/Birth Parent 2</b>				
Full Name				
Address <i>(Registered Office, if Body Corporate)</i>	Street			
	City/Town/Suburb	State	Postcode	DOB
Telephone	Mobile	Email Address		
Solicitor for Birth Parent	Name			L Code & P Code
Address	Street			
	City/Town/Suburb	State	Postcode	
Telephone	Mobile	Email Address		

<b>Child</b>	
Full Name	
Date of Birth	
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Non-Binary <input type="checkbox"/> Indeterminate/Intersex/Unspecified
Place of Birth	
Is the child an Aboriginal or Torres Strait Islander?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**TO THE PARTIES:**

**The applicant has applied for orders set out in this Application.**

**The Application will be considered at a directions hearing at the date and time set out at the top of this document.**

**ORDERS SOUGHT**  
*(State the orders that are sought)*

The Applicant seeks the following orders:

1. That pursuant to section 14(1) of the *Adoption Act 1988* the adoption order dated \_\_\_\_\_ is discharged.
- 2.
- 3.

**GROUND AND PARTICULARS OF THE APPLICATION**  
*(Select the grounds of the Application and outline the particulars of the factual allegations for the grounds)*

The Adoption order or a consent for the purposes of the adoption order was obtained by fraud, duress or other improper means

Particulars	1.1 1.2 1.3
-------------	-------------------

It is in the best interests of the adopted person, taking into account the rights and welfare of the adopted person, for the discharge order to be made

Particulars	2.1 2.2 2.3
-------------	-------------------

**ACCOMPANYING DOCUMENTATION**

This Application must be accompanied by a Form A2 – Statement of Particulars, and a Form A6 – Affidavit setting out the facts on which the sought orders are based, and sworn before a Justice of the Peace.

**SERVICE ON THE BIRTH PARENT/S AND CHILD:**

The party filing this document is required to serve it on all other parties at least 5 (five) clear business days prior to the first hearing, pursuant to rule 13.04 of the *Youth Court (Adoption) Rules 2018*.

It is intended to serve this application on all other parties.

It is not intended to serve this application on the following parties: \_\_\_\_\_ because *(provide reasons here)*

APPLICANT'S SIGNATURE

.....  
Date

.....  
APPLICANT/APPLICANT'S SOLICITOR

# APPLICATION FOR RECOGNITION OF AN ADOPTION ORDER MADE OUTSIDE AUSTRALIA

Form A4

Court	Youth Court	Action No	ADOPT-
-------	-------------	-----------	--------

Hearing location:	75 Wright Street ADELAIDE SA 5000	Hearing Date & time	<i>Court use only</i>
-------------------	--------------------------------------	---------------------	-----------------------

**Application type:** Application for an Adoption Order

**This Application is made under:** *Adoption Act 1988* section 21(2).

**Original order**

Date of original order:

Country where original order made:

### Applicant 1/Adoptive Parent 1

Full Name				
Address <small>(Registered Office, if Body Corporate)</small>	<i>Street</i>			
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>DOB</i>
Telephone	<i>Mobile</i>	<i>Email Address</i>		
Solicitor for Applicant/Adoptive Parent	<i>Name</i>			<i>L Code &amp; P Code</i>
Address	<i>Street</i>			
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	
Telephone	<i>Mobile</i>	<i>Email Address</i>		

### Applicant 2/Adoptive Parent 2 (if applicable)

Full Name				
Address <small>(Registered Office, if Body Corporate)</small>	<i>Street</i>			
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>DOB</i>
Telephone	<i>Mobile</i>	<i>Email Address</i>		
Solicitor for Applicant/Adoptive Parent	<i>Name</i>			<i>L Code &amp; P Code</i>
Address	<i>Street</i>			
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	
Telephone	<i>Mobile</i>	<i>Email Address</i>		

<b>Respondent 1/Birth Parent 1</b>				
Full Name				
Address <i>(Registered Office, if Body Corporate)</i>	Street			
	City/Town/Suburb	State	Postcode	DOB
Telephone	Mobile	Email Address		
Solicitor for Birth Parent	Name			L Code & P Code
Address	Street			
	City/Town/Suburb	State	Postcode	
Telephone	Mobile	Email Address		

<b>Respondent 2/Birth Parent 2</b>				
Full Name				
Address <i>(Registered Office, if Body Corporate)</i>	Street			
	City/Town/Suburb	State	Postcode	DOB
Telephone	Mobile	Email Address		
Solicitor for Birth Parent	Name			L Code & P Code
Address	Street			
	City/Town/Suburb	State	Postcode	
Telephone	Mobile	Email Address		

<b>Child</b>				
Full Name				
Date of Birth				
Gender	<input type="checkbox"/> Female	<input type="checkbox"/> Male	<input type="checkbox"/> Non-Binary	<input type="checkbox"/> Indeterminate/Intersex/Unspecified
Place of Birth				
Is the child an Aboriginal or Torres Strait Islander?	<input type="checkbox"/> Yes	<input type="checkbox"/> No		

**TO THE PARTIES:**

The applicant/s has/have applied for orders set out in this Application.

The Application will be considered at a hearing at the date and time set out at the top of this document.

**ORDERS SOUGHT**

*(State the orders that are sought)*

The Applicant/s seek the following orders:

- 1. That pursuant to section 21(2) of the *Adoption Act 1988* the adoption order made on \_\_\_\_\_ in \_\_\_\_\_ is to be recognised under the law of the State.
- 2.
- 3.

**ACCOMPANYING DOCUMENTATION**

This Application must be accompanied by a Form A2 – Statement of Particulars.

**SERVICE ON THE BIRTH PARENT/S AND CHILD:**

The party filing this document is required to serve it on all other parties at least 5 (five) clear business days prior to the first hearing, pursuant to the *Youth Court (Adoption) Rules 2018*.

- It is intended to serve this application on all other parties.
- It is not intended to serve this application on the following parties: \_\_\_\_\_ because *(provide reasons here)*

**APPLICANT’S SIGNATURE**

.....  
Date

.....  
APPLICANT/APPLICANT’S SOLICITOR

.....  
Date

.....  
APPLICANT/APPLICANT’S SOLICITOR

**YOUTH OF SOUTH AUSTRALIA**

**ADOPTION JURISDICTION**

Hearing location: Adelaide Youth Court, 75 Wright Street ADELAIDE SA 5000

Case number: ADOPT-

Date filed:  
No. of pages:

*(full name)*

Adoptive Parent 1

*(full name)*

Adoptive Parent 2

*(full name)*

Birth Parent 1

*(full name)*

Birth Parent 2

*(full name)*

Child

**INTERLOCUTORY APPLICATION**

Hearing location:	Adelaide Youth Court 75 Wright Street ADELAIDE SA 5000	Hearing Date & time	<i>Court use only</i>
-------------------	--	------------------------	-----------------------

**APPLICATION DETAILS**

File Name: In the matter of

Application type: With consent of the parties / Without consent of the parties

Application to be determined: In court / In chambers

This application is: Urgent / Not urgent *(if urgent, provide reasons)*

This Application is made under: *Adoption Act 1988* section

**Filed by the** *(insert party title/s)*

Name/s	
--------	--

**TO THE PARTIES**

The \_\_\_\_\_ has applied for orders set out in this Application based on the facts set out in the accompanying Affidavit.

The Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application, or make submissions about it, you must attend the hearing and you may be required to file a Response at a later stage.

**ORDERS SOUGHT**

The applicant seeks the following orders:

- 1.
- 2.

**SERVICE**

The party filing this document is required to serve it on all other parties at least 5 (five) clear business days prior to the next hearing, pursuant to the *Youth Court (Adoption) Rules 2018*

- It is intended to serve this Application on all parties.
- It is not intended to serve this Application on the following parties: *(list party/ies)* because *(provide reasons here)*

**ACCOMPANYING DOCUMENTATION**

This Application must be accompanied by a Form A6 - Affidavit

**SIGNATURE**

.....  
Date

.....  
*(PARTY TITLE)/(PARTY TITLE) SOLICITOR*

**YOUTH OF SOUTH AUSTRALIA**

**ADOPTION JURISDICTION**

Hearing location: Adelaide Youth Court, 75 Wright Street ADELAIDE SA 5000

Case number: ADOPT-

Date filed:  
No. of pages:

*(full name)*  
Adoptive Parent 1

*(full name)*  
Adoptive Parent 2

*(full name)*  
Birth Parent 1

*(full name)*  
Birth Parent 2

*(full name)*  
Child

**AFFIDAVIT**

**AFFIDAVIT DETAILS**

File Name: In the matter of

Affidavit Type: Affidavit of Facts / Affidavit of Service

Are there exhibits attached to the Affidavit: Yes / No

*(if yes, set out the number of exhibits attached and their title)*

*(For Affidavit of Facts only)*

This Affidavit is in support of an Originating / Interlocutory Application: Yes / No

**Filed by the** *(insert party title/s)*

Name/s

**Deponent details** *(person swearing/affirming Affidavit)*

Full Name				
Occupation				
Address	<i>Street</i>			
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>DOB</i>
<i>Telephone</i>	<i>Mobile</i>	<i>Email Address</i>		

**NOTE TO PARTIES & DEPONENT**

The person swearing or affirming this Affidavit (deponent) and the authorised witness must sign and date each page of the Affidavit in addition to completing the sworn / affirmed section at the bottom of this document.

Refer to Affidavit Instructions at the bottom of this document for further information.

**A - AFFIDAVIT OF FACTS**

I swear on oath/affirm that:

*(set out the text in separate numbered paragraphs)*

*(if the affidavit is in support of an application - state the material facts on which the orders sought are based)*

**B - AFFIDAVIT OF SERVICE**

I swear on oath/affirm that I served:

Name: *(insert name of person served)*

on date: *(insert date of service)*

at location: *(insert service location)*

with the following document/s: *(describe document/s served)*

by the following service method: *(set out the method of service)*

*(if applicable)*

At the time of service the person served stated *(record what the person served said)*.

Note

If the document served is already a document on the court file it should not be attached to the Affidavit.

**SWORN / AFFIRMED**

Sworn / Affirmed by the deponent

at *(place)*

on *(date)*

.....  
*(signature of deponent)*

before me .....

*(signature and title of attesting witness)*

*(print name of witness)*

*(ID number of witness)*

**SERVICE ON THE BIRTH PARENT/S AND CHILD:**

The party filing this document is required to serve it on all other parties at least 5 (five) clear business days prior to the next hearing, pursuant to the *Youth Court (Adoption) Rules 2018*

It is intended to serve this application on all other parties.

It is not intended to serve this application on the following parties:                      because *(provide reasons here)*

## AFFIDAVIT INSTRUCTIONS

- Each page of the affidavit (but not any annexure) must be signed by both the deponent and the person who it is sworn before.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing of affidavits ('witness'). Persons authorised to witness an affidavit are:
  - (a) a Registrar or Deputy Registrar  
(or any other officer of the Court whom the Registrar has assigned for the purpose)
  - (b) a public notary;
  - (c) a commissioner for taking affidavits;
  - (d) a justice of the peace for South Australia;
  - (e) any other person authorised by law to take affidavits.
- Each page of the affidavit, including any exhibit, must be consecutively numbered starting with page 1.
- The contents of the affidavit cannot be altered after the affidavit has been sworn or affirmed.
- An exhibit to an affidavit must be clearly marked in a way that clearly identifies it as the exhibit referred to in the affidavit.
- Attach a 'front page' to the first page of each exhibit. The front page must include the deponent's initials followed by a number, starting with 1. For example, the first exhibit of an affidavit of James William Green would be identified as "JWG1". The second exhibit would be "JWG2".
- An exhibit in a later affidavit sworn by the same deponent should not use the same number of a previous exhibit in a previous affidavit.
- Each exhibit to an affidavit must be signed on the front page of the exhibit by the person before whom the affidavit is sworn.
- The person serving the affidavit must serve copies of all documents exhibited or annexed to an affidavit with the affidavit.
- If the deponent is illiterate, blind or incapable of signing the affidavit because of physical disability, see Rule 19.4 of the *Magistrates Court (Civil) Rules 2013*.
- If the deponent does not appear to understand English sufficiently, see Rule 19.5 of the *Magistrates Court (Civil) Rules 2013*.
- An affidavit is to be sworn if it is made in this state in accordance with section 6 of the Evidence Act 1929 or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.

**Court use only**

Date filed:  
No. of pages:

**YOUTH OF SOUTH AUSTRALIA**

**ADOPTION JURISDICTION**

Hearing location: Adelaide Youth Court, 75 Wright Street ADELAIDE SA 5000

Case number: ADOPT-

*(full name)*  
Adoptive Parent 1

*(full name)*  
Adoptive Parent 2

*(full name)*  
Birth Parent 1

*(full name)*  
Birth Parent 2

*(full name)*  
Child

**RESPONSE**

<b>Filed by</b> <i>(insert party title/s)</i>	
Name/s	

<b>Responding Party details</b> <i>(person responding to the originating Application)</i>				
Full Name				
Address	<i>Street</i>			
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>DOB</i>
<i>Telephone</i>	<i>Mobile</i>	<i>Email Address</i>		

**SERVICE ON THE BIRTH PARENT/S AND CHILD:**  
The party filing this document is required to serve it on all other parties at least 5 (five) clear business days prior to the next hearing, pursuant to the *Youth Court (Adoption) Rules 2018*

It is intended to serve this application on all other parties.

It is not intended to serve this application on the following parties: \_\_\_\_\_ because *(provide reasons here)*

## RESPONSE

### Part 1

#### Response to facts set out in support of the Application

*(identify which facts from the Application you agree with or disagree with)*

1.

### Part 2

#### Other facts relevant to the application

*(describe any other facts not included in the Application that are relevant)*

1.

### Part 3

#### Remedies

*(set out why you oppose the orders sought in the Application)*

1.