

Form S7 Order

Form S7

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER

YOUTH COURT OF SOUTH AUSTRALIA
SURROGACY JURISDICTION

IN THE MATTER OF [*name[s] of child[ren]*]

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Intended Parent / First Parent

Only displayed if applicable

Second Intended Parent / Second Parent

Surrogate Mother

Only displayed if applicable

First Intervener

Only displayed if applicable

Second Intervener

Introduction

Hearing

[Hearing date]

[Presiding Officer]

Appearances

Displayed as applicable

[First Intended Parent Appearance Information]

[Second Intended Parent Appearance Information]

[Surrogate Mother Appearance Information]

[Other Party Appearance Information]

Date of Order:

Next box only displayed if originating process is application for an order under section 18 of the *Surrogacy Act 2019*.
Next box only displayed if one or more recitals are entered

Recitals

The Court is satisfied that:

Order granted

- Making the order is in the best interests of the child.
- The abovenamed Intended Parent/Parents is a/are fit and proper person/people to assume the role of parent to the child/children.
- The Intended Parent's/Parents' consent has been lawfully obtained.
- The abovenamed Surrogate Mother's consent has been lawfully obtained.
- The requirements of a lawful surrogacy agreement as provided for under section 10 of the *Surrogacy Act 2019* have been complied with.
- A declaration of the relationship between the child and the Intended Parent/Parents, and the child and the Surrogate Mother, is to be made.
- An order declaring the name of the child is to be made.

Next box only displayed if application to dispense with Surrogate Mother's consent is granted.

Recitals

The Court is satisfied that:

- It is appropriate to make an order dispensing with the consent of the Surrogate Mother.

Next box only displayed if application to order excusing failure to comply with requirement under Part 3 is made:

Recitals

The Court is satisfied that:

- It is appropriate to excuse the failure to comply with a requirement under Part 3 of the *Surrogacy Act 2019*.
Section 18(7) of the *Surrogacy Act 2019*.

Next box only displayed if an order in favour of one intended parent is made.

Recitals

The Court is satisfied that:

- It is appropriate to make an order in favour of one Intended Parent under section 18(9) of the *Surrogacy Act 2019*.

Next box only displayed if another order is made:

Recitals

The Court is satisfied that:

- It is appropriate to dismiss the application.
- It is appropriate to grant leave for the application to be withdrawn.
- [Any consequential or ancillary orders to be made as the Court considers appropriate].

Next box only displayed if originating process is application for an order under section 18 of the *Surrogacy Act 2019*.

Order:

The Court orders that:

Order granted

- The relationship between the child [*name*] and [*name of Intended Parent/Intended Parents*] is to be treated as that of child and parent.
- The relationship between the child [*name*] and [*name of Surrogate Mother*] is no longer to be treated as that of child and parent.
- All other relationships of the child are to be defined as per the orders above.
- The child shall be named:
- SURNAME: (*name*)
FIRST (AND SECOND) NAMES: (*name/s*)
- The Registrar is to give notice of this Order in the prescribed form to the Registrar of Births, Deaths and Marriages.

Next box only displayed if application to dispense with Surrogate Mother's consent is granted.

Order:

The Court:

The Court is satisfied that either:

- Reasonable efforts have been made to give notice of the application to each intended parent under the relevant lawful surrogacy agreement, or
- Reasonable efforts have been made to give notice of the application to each intended parent under the relevant lawful surrogacy agreement and the child (as the Court orders is appropriate).

Makes an order dispensing with the consent of the Surrogate Mother on the following grounds:

- 1.
- 2.
- 3.

Next box only displayed if application to order excusing failure to comply with requirement under Part 3 is made:

Order:

The Court:

Excuses the failure to comply with a requirement under Part 3 of the *Surrogacy Act 2019* on the following grounds:

- 1.
- 2.
- 3.

Next box only displayed if an order in favour of one intended parent is made.

Order:

The Court:

Makes an order in favour of one Applicant Intended Parent on the basis that:

- The Other Intended Parent consents to the making of an order in favour of the Applicant Intended Parent.
- The Applicant Intended Parent cannot, after making reasonable inquiries, contact the Other Intended Parent to obtain their consent to the making of an order.
- Relevant circumstances exist as prescribed by the regulations.

Next box only displayed if another order is made:

Order:

The Court orders that:

The application is dismissed on the following ground/s:

- 1.
- 2.
- 3.

Leave is granted for the application to be withdrawn.

[Details of any consequential or ancillary orders to be made as the Court considers appropriate]

Order

It is ordered

Mandatory if outcome is adjournment or interim order

That the hearing of the application is adjourned until *[date]*.

If outcome is interim order

The period between service upon the *[party title] [name]* and the hearing of the application is reduced to *[number of days]* days.

If outcome is interim order

Service upon the *[party title] [name]* is dispensed with.

That the child be separately represented in proceedings.

[Other] orders in separately numbered paragraphs

The following only displayed if order to revoke granted:

Recitals

The Court is satisfied that:

Order to revoke granted

The original order was obtained by fraud, duress or other improper means.

Order to revoke granted

A consent relied on for the making of the original order was not an effective consent because it was obtained by fraud, duress or inducement.

Order to revoke granted

There are exceptional reasons why the original order should be discharged.

The following only displayed if order to revoke dismissed:

Recitals

The Court declines to make an order to revoke an order made under section 18 of the *Surrogacy Act 2019*.

Order:

The Court is not satisfied that an order to revoke an order made under section 18 of the *Surrogacy Act 2019* is appropriate because:

- 1.
- 2.
- 3.

Court use only

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Signature of Judicial Officer