

# NORTHERN TERRITORY OF AUSTRALIA

## ADOPTION OF CHILDREN REGULATIONS

As in force at 8 December 2008

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# NORTHERN TERRITORY OF AUSTRALIA

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as in force at 8 December 2008

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## ADOPTION OF CHILDREN REGULATIONS

### Regulations under the *Adoption of Children Act*

#### 1 Citation

These Regulations may be cited as the *Adoption of Children Regulations*.

#### 2 Commencement

These Regulations shall come into operation on the commencement of the *Adoption of Children Act 1994*.

#### 3 Interpretation

- (1) In these Regulations, unless the contrary intention appears, ***adopted person*** means a person in respect of whom an order for adoption has been made (whether made before or after the commencement of the Act) under a law in force in the Territory.
- (2) A reference in these Regulations to a form by number is a reference to the form so numbered in the Schedule.
- (3) Where, in these Regulations, the Registrar of Births, Deaths and Marriages is required to sign his name or add the date in relation to the making of an entry, or a notation in respect of an entry, in a register and the register is kept by electronic means, it shall be sufficient compliance with that requirement if the Registrar of Births, Deaths and Marriages enters identifying symbols equivalent to his signature and to the date.

#### 4 Application

- (1) An application by a person alone or a couple under section 17(1) of the Act (including the persons referred to in section 19 of the Act as applying to have their names included on the adoption list) shall be in accordance with Form 1.

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- (2) The Minister may require that a person who makes an application for the purposes of adopting a child under section 17(1), in support of the application:
- (a) provides to the Minister:
    - (i) a medical report in a form approved by the Minister;
    - (ii) written authorization for the Minister to obtain a criminal history report in respect of the person from the Police Force of the Northern Territory of Australia; or
    - (iii) written authorization for the release of medical information to the Minister; or
  - (b) undergoes a medical examination by a medical practitioner approved by the Minister for that purpose.

## **5 Information to be given to person consenting**

For the purposes of section 30(2) of the Act, the information in respect of the effect of an order for adoption and the alternatives to adoption an approved person shall give to the person who is required to consent to an adoption to whom he or she has given counselling shall be in accordance with Form 2.

## **6 Consent to adoption**

- (1) A consent to the adoption of a child shall be in accordance with Form 3.
- (2) A person consenting to the adoption of a child shall sign and date the instrument of consent, or shall acknowledge signing and dating the instrument of consent, in the presence of 2 witnesses who shall be:
  - (a) a Commissioner for Oaths, a justice of the peace, a lawyer (other than a lawyer acting for the person consenting to the adoption) or a public notary; and
  - (b) an approved person (except that person shall not be the approved person who counselled the person consenting to the adoption in accordance with section 30(1) of the Act).
- (3) The witnesses referred to in subregulation (2) shall each attest and subscribe the instrument of consent in the presence of the person consenting to the adoption, but a form of attestation is not necessary.

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## **7 Form of recording wishes of relinquishing parent**

- (1) A parent of a child he or she intends to relinquish for adoption may record his or her wishes in respect of:
  - (a) the suitability of a person or persons to adopt the child;
  - (b) arrangements with the adoptive parent or parents in respect of access to the child or the giving and receiving of information about the child; or
  - (c) the receipt of notice of the making of an application for an order for the adoption of the child in order to determine whether or not he or she wishes to be a party to the adoption proceedings,in accordance with Form 4.
- (2) A parent who records his or her wishes in accordance with Form 4 may vary, amend or revoke that instrument:
  - (a) in respect of a matter referred to in subregulation (1)(a) or (b), at any time while the child is not allocated to a person or persons wishing to adopt the child; or
  - (b) in respect of a matter referred to in subregulation (1)(c), at any time before an application for an order for adoption is made to the Court.

## **8 Prescribed forms for order for adoption, order discharging order for adoption and certificate issued by Minister**

- (1) A memorandum referred to in section 54(1) of the Act for an order for adoption must be in accordance with Form 5.
- (2) A memorandum referred to in section 54(1) of the Act for an order discharging an order for adoption must be in accordance with Form 5.
- (3) A certificate referred to in section 55(2) of the Act must be in accordance with Form 6.

## **9 Register of Adoptions**

- (1) This regulation applies if any of the following (an **adoption document**) for a child is received by the Registrar:
  - (a) a memorandum or certificate referred to in regulation 8(1), (2) or (3);

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- (b) a copy of an order made under section 52 of the Act;
    - (c) a document forwarded to the Registrar under section 54(2) of the Act;
    - (d) a memorandum or copy of an order referred to in section 57 of the Act.
  - (2) The Registrar must register the adoption document by entering particulars about the child and parents of the child in the Register of Adoptions:
    - (a) on the basis of the particulars (including incomplete particulars) in the adoption document and any order to which the document relates; and
    - (b) as the Registrar considers appropriate in the circumstances.
  - (3) The following must not be open for public inspection:
    - (a) the Register of Adoptions;
    - (b) any of the following received by the Registrar:
      - (i) an adoption document;
      - (ii) a copy of an order to which an adoption document relates.
  - (4) Subject to regulation 10, the Registrar must not issue a copy of, or an extract from, an entry in the Register of Adoptions or a document referred to in subregulation (3)(b), unless:
    - (a) a court orders the Registrar to do so; or
    - (b) both of the following apply:
      - (i) the Minister has, under Part 6 of the Act, provided information associated with the entry or document;
      - (ii) the copy or extract contains only information that may be provided under that Part; or
    - (c) both of the following apply:
      - (i) the Registrar is satisfied that the copy or extract is required for court proceedings;
      - (ii) the issuing of the copy or extract is approved by the Minister.

- 
- (5) The Registrar must ensure the information in the Register of Adoptions may be searched by reference to a name or other identifying information.

- (6) In this regulation:

**Registrar** means the Registrar of Births, Deaths and Marriages.

## **10 Certificate about adopted child**

- (1) A person may, in respect of an adopted person, make application in writing to the Registrar of Births, Deaths and Marriages for the issue to him or her of a certificate stating particulars, as they appear from an entry in the Register of Adoptions, of:

- (a) the date and place of birth of the adopted person; or
- (b) the name or names of the adoptive parent or adoptive parents, as the case may be, of the adopted person,

or both.

- (2) The Registrar of Births, Deaths and Marriages shall not accept an application under subregulation (1) unless it specifies:

- (a) sufficient particulars in respect of the entry referred to in that subregulation which enable the Registrar of Births, Deaths and Marriages to identify the relevant entry; and
- (b) except where the application is made by the person to whom the entry relates, the reason for which the certificate is required.

- (3) Subject to this regulation, the Registrar of Births, Deaths and Marriages shall, on receipt of an application duly made under subregulation (1) and the prescribed fee under the *Births, Deaths and Marriages Registration Act*:

- (a) search for the relevant entry in the Register of Adoptions; and
- (b) issue to the person making the application a certificate which shall state the name of the person to whom the entry relates, the date and place of birth of that person and the name or names of the adoptive parent or adoptive parents of that person.

- (4) Where an application for the issue of a certificate under this regulation is made by a person other than the person to whom the relevant entry in the Register of Adoptions relates, the Registrar of Births, Deaths and Marriages may refuse to issue the certificate if

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he or she is of the opinion that the person making the application has not a proper reason for requiring the issue of the certificate.

## **11 Registration of birth of adopted child**

- (1) This regulation applies only to a child:
  - (a) who was born in the Territory or an overseas country and in relation to whom:
    - (i) an order for the adoption of the child under Part 3 of the Act has been made; or
    - (ii) an order for the discharge of an order referred in subparagraph (i) has been made; or
  - (b) who was born in an overseas country and in relation to whom all of the following conditions are satisfied:
    - (i) under Part 4 of the Act, the adoption of the child is taken to have the same effect as an order for adoption made under the Act;
    - (ii) the birth of the child is not registered under a corresponding law within the meaning of the *Births, Deaths and Marriages Registration Act*;
    - (iii) at least one of the adoptive parents of the child is a resident of the Territory and has been residing in the Territory for a continuous period of at least 6 months;
    - (iv) the child is a resident of the Territory.
- (2) If the Registrar registers the adoption of a child and the birth of the child is not registered in the Register of Births, the Registrar must:
  - (a) register the birth of the child in the Register of Births; and
  - (b) include in the entry under paragraph (a) a notation stating the birth of the child is registered under this subregulation.
- (3) If the Registrar registers the adoption of a child and the birth of the child is registered in the Register of Births, the Registrar must:
  - (a) re-register the birth of the child in the Register of Births; and
  - (b) include in the entry under paragraph (a) a notation stating the entry is made under this subregulation; and



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- (c) include in the previous entry made for the child in the Register a notation stating:
    - (i) the previous entry is no longer current; and
    - (ii) the birth of the child is re-registered under this subregulation.
  - (4) If the Registrar registers the discharge of an order for the adoption of a child and the birth of the child was registered in the Register of Births before the order for the adoption was made, the Registrar must:
    - (a) subject to any contrary direction in the order for the discharge – revive the entry for the child in the Register that was current immediately before the order for the adoption was made; and
    - (b) include in the entry referred to in paragraph (a) a notation stating:
      - (i) the order for the adoption has been discharged; and
      - (ii) other entries in the Register for the child are no longer current; and
    - (c) include in each of the other entries referred to in subparagraph (b)(ii) a notation stating:
      - (i) the order for the adoption has been discharged; and
      - (ii) the entry is no longer current (to the extent to which such a notation has not been included).
  - (5) If the Registrar registers the discharge of an order for the adoption of a child and the birth of the child was not registered in the Register of Births before the order for the adoption was made, the Registrar must include in the current entry in the Register for the child a notation stating:
    - (a) the order for the adoption has been discharged; and
    - (b) the entry is no longer current.

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- (6) The Registrar must register or re-register the birth of a child by entering particulars about the child and parents of the child in the Register of Births:
- (a) on the basis of the particulars (including incomplete particulars) in the adoption document referred to regulation 9(1) and any order to which the adoption document relates; and
  - (b) as the Registrar considers appropriate in the circumstances.
- (7) Subject to regulation 3(3), a notation referred to in subregulation (2), (3), (4) or (5) must be signed and dated by the Registrar.
- (8) The notation must not be included in a copy of, or extract from, an entry in the Register of Births issued by the Registrar.
- (9) A registration or re-registration under this regulation has effect as if it were a registration made for section 13 of the Births, Deaths and Marriages Registration Act.

*Note for subregulation (9)*

*Accordingly, a certificate may be issued by the Registrar in relation to an entry about the child under the Births, Deaths and Marriages Registration Act.*

- (10) For this regulation:
- (a) a reference to the registration of the adoption of a child is a reference to the registration under regulation 9 of a document referred to in regulation 9(1) (other than a document about the discharge of an order for adoption) for the child; and
  - (b) a reference to the registration of the discharge of an order for the adoption of a child is a reference to the registration under regulation 9 of a document referred to in regulation 9(1) about the discharge of an order for the adoption of the child.
- (11) In this regulation:

**Registrar** means the Registrar of Births, Deaths and Marriages.

## **12 Memoranda of orders sent to States and other Territories**

A memorandum of an order for the adoption of a child, or an order discharging such an order, whose birth the Registrar has reason to believe is registered in a State or in another Territory of the Commonwealth shall be in accordance with Form 5.

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**13            Correction of errors, &c., in Register of Adoptions**

- (1) Where the Registrar of Births, Deaths and Marriages is satisfied that the Register of Adoptions kept by him or her contains an error or misstatement in, or an omission from, any particulars entered in it in pursuance of these Regulations, he or she may correct the Register of Adoptions by causing the true particulars or the particulars omitted from the Register of Adoptions, as the case may be, to be entered in the Register of Adoptions in association with the entry to which those last-mentioned particulars relate.
- (2) Where the Registrar of Births, Deaths and Marriages makes a correction in the Register of Adoptions under subregulation (1), he or she shall sign his or her name immediately under the correction and write the date on which the correction was made.

**14            Cancellation of entries in Register of Adoptions**

- (1) Where the Registrar of Births, Deaths and Marriages is satisfied that an entry in the Register of Adoptions kept by him or her is false, he or she may cancel the entry by entering in association with the entry the words "Cancelled under regulation 14 of the *Adoption of Children Regulations*", signing his name immediately under those words and adding the date on which the entry was cancelled.
- (2) The Registrar of Births, Deaths and Marriages shall not cancel an entry in the Register of Adoptions kept by him or her if any error or misstatement in, or omission from, the Register of Adoptions can be corrected under regulation 13.

**15            Offences relating to registration**

A person shall not:

- (a) destroy, deface or damage the Register of Adoptions; or
- (b) obtain the registration or re-registration of the birth of an adopted child otherwise than in accordance with these Regulations.

Penalty:        \$5,000.

**16            Notice of prohibition**

- (1) For the purposes of section 65(2) of the Act, a notice of prohibition shall be in accordance with Form 7.
- (2) A person who lodges a notice of prohibition with the Minister may, at any time, revoke the notice of prohibition by notice in writing served on the Minister.

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- (3) Service of the notice of revocation on the Minister under subregulation (2) shall be effected by delivering it personally, or by sending it by certified mail, to the appropriate office within the Department.
  - (4) On being served the notice of revocation in accordance with subregulation (3), the Minister shall, as soon as practicable, cause a record of the details of the notice of revocation and its receipt to be made and thereupon the notice of revocation shall take effect.

**17 Transitional matters for *Adoption of Children Amendment Act 2006***

- (1) These Regulations as amended by the *Adoption of Children Amendment Act 2006* apply to an adoption made before, on or after the commencement of that Act.
- (2) However, they apply to a child for whom a registration was made in the Register of Adoptions before the commencement of that Act with the following modifications:
  - (a) regulation 11(1)(b)(iii) and (iv) are taken to be omitted;
  - (b) if the last entry for the registration was made on or after 3 May 1994 – the Registrar is not required to do anything under regulation 11 for the child unless an application for it is made to the Registrar;
  - (c) if the last entry for the registration was made before 3 May 1994 – the Registrar is not required to do anything under regulation 11 for the child unless:
    - (i) an application for it is made to the Registrar; and
    - (ii) the Registrar considers it is appropriate in the circumstances.

- (3) In this regulation:

***Registrar*** means the Registrar of Births, Deaths and Marriages.

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**Schedule**

FORM 1

regulation 4

NORTHERN TERRITORY OF AUSTRALIA

section 38

*Adoption of Children Act*

ADOPTION APPLICATION

Please return to

Adoption and Substitute Care Unit  
NT Department of Health and Community Services  
PO Box 40596  
CASUARINA NT 0811

Full Names of Applicant(s) (Please PRINT)

.....

Phone Work: ..... Home: .....

Postal Address: .....

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I/we apply to the Minister for Health and Community Services NT to be approved as suitable persons to adopt a child/children.

I/we understand that being approved as suitable to adopt a child does not ensure that a child will be placed with me/us for adoption.

Applicant's signature: .....

Applicant's signature: .....

...../...../19....

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INFORMATION REQUIRED FROM PERSONS SEEKING APPROVAL AS  
SUITABLE TO ADOPT A CHILD/CHILDREN

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The information you provide is designed to assist in the assessment of your suitability to adopt a child. It also includes some of the matters the Court will consider if you make an application to the Court to adopt a child.

Information about your religion, race or ethnic background is relevant as the wishes of a birth parent must be taken into account before placing a child with you.

Information provided must be correct at the time you sign the form, however it is understood your circumstances may change to some extent.

If any question does not apply to you, please write "NA" in the answer space.

### PROPOSED ADOPTIVE PARENTS

Surname .....

Given Names .....

If surname has changed since birth, previous surnames (s)

Date and Place of Birth     .... / .... / 19....                .... / .... / 19....

.....

Occupation and Employer .....

.....

Date and Place of Marriage/traditional Aboriginal marriage

.... / .... / 19.... .....

Residential address (if not same as postal address)

.....

Family religion .....

Race or Ethnic origin .....

.....

Date of citizenship/naturalisation     .... / .... / 19....

..... / .... / 19....

Children of the above marriage

NAME	DOB	SEX	STATUS
.....	.....	.....	.....
.....	.....	.....	.....

.....

.....

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**STATUS**

Natural	N
Adopted	A
Fostered	F

**Previous Marriages/traditional Aboriginal marriages**

1. Divorce date and Number  
...../...../19....      ...../...../19....
2. Death of Spouse – date  
...../...../19....      ...../...../19....

**Children of previous marriage/traditional Aboriginal marriage, living with you**

NAME	DOB	SEX	STATUS
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.....

.....

**STATUS**

Natural	N
Adopted	A
Fostered	F

Other residents in your home .....

Are you able to have children? .....

Applicant's physical description .....

Education History (Schools, approx. dates attended)

.....

.....

Employment History (occupations, dates) Attach extra pages if necessary

.....

.....

Interests/Activities .....

Community Involvement .....

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**FINANCIAL SITUATION**

Salary (gross weekly) .....

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Other Income eg Rent, Maintenance, Interest

.....

Bank Accounts and Overdrafts (details and approx. balance)

.....

Assets (other properties, vehicles etc and values)

.....

Liabilities Commitments, hire purchase, loans, mortgage, details of monthly payments and length of debt.)

.....

TOTAL Annual Income .....

TOTAL Annual Expenses .....

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Details of child you wish to adopt

Please tick one box in each category

Local Overseas Male Female Either sex

Age range: ..... Maximum age: .....

Preferred ethnicity: .....

Would you consider a child with a minor physical disability?

Yes No

Would you consider a child with an intellectual disability?

Yes No

Would you consider siblings?

Yes No

Have you previously been refused an adoption applicant?

Yes No Yes No

If 'yes', where? .....

Do you have a current adoption application with another agency?

Yes No



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If "yes", where? .....

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## REFERENCES

Please give details of two referees, excluding relatives.

1. Name: .....  
Occupation: .....  
Address: .....
  2. Name: .....  
Occupation: .....  
Address: .....
- 

I hereby declare that the particulars show herein are true and correct

.....	.....
Signature	Signature
...../...../19....	...../...../19....

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## Note

You may be required to:

- (a) provide:
  1. a medical report
  2. written authorisation for Minister to obtain a criminal history check
  3. written authorisation for the release of medical information to the Minister
- (b) undergo a medical examination by a medical practitioner of the Minister's choice

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FORM 2

regulation 5

NORTHERN TERRITORY OF AUSTRALIA

section 30(2)

*Adoption of Children Act*

PREScribed INFORMATION FOR PERSON CONSENTING TO  
ADOPTION

THE EFFECT OF AN ORDER FOR ADOPTION

On the making of an order for the adoption of a child:

- (a) the child becomes, for all purposes and as regards all relationships (but subject to Division 7 of Part 3 of the Act and any other law in force in the Northern Territory that expressly distinguishes between birth children and adopted children), the child of the adoptive parent or parents;
- (b) existing relationships in respect of the child cease to have effect except for the purpose of determining relationships relevant to an illegal marriage or the commission of a sexual offence;
- (c) an existing appointment as guardian ceases to have effect;
- (d) a previous adoption of the child ceases to have effect;
- (e) an order as to parentage or a maintenance order (except as to arrears owing) ceases to have effect;
- (f) rights in respect of property and succession to property are, subject to express provision otherwise, determined according to the relationship created by the adoption but property rights acquired before the adoption are not affected;
- (g) the child acquires the domicile of the adoptive parent, but the race, nationality and citizenship of the child are not affected.

THE ALTERNATIVES TO ADOPTION

The alternatives to relinquishing a child for adoption are:

- (a) the temporary placement of the child with relatives or friends until the parent or parents are able to care for the child. The parent or parents would remain the guardian(s) of the child and be responsible for the long term welfare of the child and make the decisions regarding the child's health, education and religious upbringing. The relatives or

friends would have responsibility for the daily care and control of the child including (as agreed) making decisions regarding accommodation, clothing, feeding, behaviour and urgent or routine health needs;

- (b) a temporary placement arrangement under section 46 of the *Care and Protection of Children Act*;
- (c) the making of a formal guardianship or custody order under the *Family Law Act* in favour of relatives or friends where the parent or parents consider(s) that he, she or they will not be able to care for the child for a long period of time. The parent or parents may apply to have the orders varied when they wish to assume responsibility for the child.

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FORM 3

regulation 6

NORTHERN TERRITORY OF AUSTRALIA

section 31

*Adoption of Children Act*

CONSENT OF ADOPTION

I, (1)  
of (2)  
as (3)  
hereby consent to the adoption of (4)  
who was born on (5) at (6)  
\*by any person or persons who the Minister, or the Minister's delegate, is  
satisfied is suitable to adopt (4)  
\*by (7)

I have received counselling by (8), an approved person under  
the Act, and have been given and have read or had read to the me  
information explaining the effect of an order for adoption and the alternatives  
to the adoption of (4).

I am aware that should I wish to revoke this my consent to the adoption of (4)  
I must do so by written notice served on the Minister before the expiration of  
one month after the date of this consent.

.....  
Signature Date

Before or acknowledged before:

.....  
.....

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I, (8)  
of (9)  
an approved person under the Act, hereby declare that I have, as required by  
section 30 of the Act, counselled (1)  
before he or she has consented to the adoption of (4)  
and on (10) ..... gave him or her information in the prescribed form.

.....  
Signature Date

## NOTES

- (1) Name of person consenting to the adoption.
- (2) Address of person consenting to the adoption.
- (3) Specify capacity in which consenting, eg: parent or guardian.
- (4) Name of child to be adopted as appears in Birth Register.
- (5) Date of birth of child to be adopted.
- (6) Place of birth of child.
- (7) Full name(s) and address(es) of person(s) to adopt the child where one is a relative of the child or the spouse of a relative of the child, or where the Minister as the child's guardian will consent to the adoption.
- (8) Name of approved person who counselled person consenting to the adoption.
- (9) Address of the approved person.
- (10) Date information given to persons consenting

## regulation 7

section

## STATEMENT BY RELINQUISHING PARENT IN RESPECT OF ADOPTION

- \* I have received advice and counselling concerning the adoption of my child and am aware that I may participate in the selection of the adoptive parents of my child and be advised when the application for an order for adoption of my child is to be made and that I may be a party to the adoption proceedings.
- \* I do/do not wish to participate in the selection of the adoptive parents of my child.
- \* I do/do not wish to be advised of the making of the application for an order for adoption and the date and time of the hearing of the application.
- \* I do/do not wish that my child be placed with, and brought up by, a family that has the same ethnic and cultural origins as I do.
- \* I do wish that my child be brought up in the \_\_\_\_\_ religion.
- \* I do/do not wish to have access to my child and/or receive information about him or her after he or she has been adopted. I am aware that such arrangements can only be made and continue in force while complied with by myself and the adoptive parent(s). I am also aware of the counselling and mediation facility provided under the Act should a dispute arise between myself and the adoptive parent(s) in respect of the arrangements.
- \* I am aware that I may amend vary or revoke this statement before the allocation of my child to persons wishing to adopt him or her concerning matters relating to the selection of the adoptive parents and otherwise at anytime.

Date \_\_\_\_\_

- \* Delete where appropriate.

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FORM 5

regulations 8 and 12

NORTHERN TERRITORY OF AUSTRALIA

sections 54(1) and 56

*Adoption of Children Act*

MEMORANDUM OF ORDER

No.

In the Local Court of the Northern Territory of Australia at  
Order

Date of order

Particulars of child

Full name of child before adoption

Sex of child

Date and time of birth

Place of birth

Whether the child's birth is a multiple birth and if so, the numerical order in  
which the child was born

Weight of child at birth

Birth father's full name at date of adoption

Birth father's previous surname(s)

Birth mother's full name at date of adoption

Birth mother's previous surname(s)

Full name of child after adoption

Particulars of adoptive parents

Adoptive father:

full name

occupation

usual place of residence

date of birth

place of birth

age at date of birth of adopted child

Adoptive mother:

full name

maiden family name

occupation

usual place of residence

date of birth

place of birth

age at date of birth of adopted child

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if the adoptive mother has had other children – the full name, sex and date of birth of each of them (including adopted children and deceased children) and whether the child arose from a current relationship

Other particulars

Whether or not the child or a birth parent or adoptive parent of the child is of Australian Aboriginal or Torres Strait Islander origin

Whether the adoptive parents of the child are residents of the Territory and have been residing in the Territory for a continuous period of at least 6 months

Whether or not the child is a resident of the Territory

Whether the birth of the child has been registered in the Register of Births of a State or another Territory

Place and date of marriage or traditional Aboriginal marriage of the adoptive parents of the child

Full name, sex and date of birth of each of the other children (including adopted children and deceased children) arising from the relationship between the adoptive parents of the child

Full name, sex and date of birth of each of the other adopted children (including deceased children) of the adoptive parent of the child if the child only has one adoptive parent

Full name, occupation, usual place of residence and relationship (if any) to the child, of the person furnishing the particulars in this form

Full name of the doctor, midwife or health worker responsible for the professional care of the birth mother at the birth, and other persons present at the birth

Dated

REGISTRAR



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FORM 6

regulation 8

NORTHERN TERRITORY OF AUSTRALIA

section 55(2)

*Adoption of Children Act*

CERTIFICATE OF MINISTER

I, (1), the Minister responsible for the administration of the *Adoption of Children Act*, pursuant to section 55(2) of the Act, certify that the adoption of (2) (in relation to whom particulars are included in the Schedule) by (4) of (5) on (6) in (7) is an adoption to which section 51 of the Act applies.

Dated

MINISTER

NOTES

- (1) Name of Minister
- (2) Full name of child the subject of the certificate
- (3) Date of birth of child
- (4) Full name of adoptive parent(s) of child
- (5) Address of adoptive parent(s) of child
- (6) Date of adoption
- (7) Country of adoption

SCHEDULE

Particulars of child

Full name of child before adoption

Sex of child

Date and time of birth

Place of birth

Whether the child's birth is a multiple birth and if so, the numerical order in which the child was born

Weight of child at birth

Birth father's full name at date of adoption

Birth father's previous surname(s)

Birth mother's full name at date of adoption

Birth mother's previous surname(s)

Full name of child after adoption

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Particulars of adoptive parents

Adoptive father:

full name  
occupation  
usual place of residence  
date of birth  
place of birth  
age at date of birth of adopted child

Adoptive mother:

full name  
maiden family name  
occupation  
usual place of residence  
date of birth  
place of birth  
age at date of birth of adopted child  
if the adoptive mother has had other children – the full name, sex and date of birth of each of them (including adopted children and deceased children) and whether the child arose from a current relationship

Other particulars

Whether or not the child or a birth parent or adoptive parent of the child is of Australian Aboriginal or Torres Strait Islander origin

Whether the adoptive parents of the child are residents of the Territory and have been residing in the Territory for a continuous period of at least 6 months

Whether or not the child is a resident of the Territory

Whether the birth of the child has been registered in the Register of Births of a State or another Territory

Place and date of marriage or traditional Aboriginal marriage of the adoptive parents of the child

Full name, sex and date of birth of each of the other children (including adopted children and deceased children) arising from the relationship between the adoptive parents of the child

Full name, sex and date of birth of each of the other adopted children (including deceased children) of the adoptive parent of the child if the child only has one adoptive parent

Full name, occupation, usual place of residence and relationship (if any) to the child, of the person furnishing the particulars in this form

Full name of the doctor, midwife or health worker responsible for the professional care of the birth mother at the birth, and other persons present at the birth

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FORM 7

regulation 16

NORTHERN TERRITORY OF AUSTRALIA

section 65(2)

*Adoption of Children Act*

NOTICE OF PROHIBITION

THIS FORM IS TO BE USED BY AN ADOPTED PERSON OR A RELINQUISHING PARENT WHO WISHES TO DISALLOW THE RELEASE OF INFORMATION IN RESPECT OF AN ADOPTION WHICH TOOK PLACE BEFORE 3 MAY 1994 WHICH WOULD IDENTIFY HIM OR HER.

PLEASE PROVIDE AS MUCH INFORMATION AS YOU ARE ABLE TO AS THIS WILL ASSIST US IN QUICKLY LOCATING YOUR RECORDS.

SECTION A – To be completed by all persons intending to lodge a notice of prohibition

CURRENT SURNAME

GIVEN NAMES

DOB

SEX m f

CURRENT ADDRESS

POSTCODE

TELEPHONE (HOME)

(WORK)

ARE YOU (Please Tick Appropriate Box)

an adopted person

a relinquishing parent

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SECTION B (to be completed by adopted person)

YOUR ADOPTIVE PARENTS NAMES

MOTHER

FATHER

ADOPTIVE PARENTS ADDRESS AT TIME OF ADOPTION (if unknown – please indicate "unknown")

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SECTION C (to be completed by relinquishing parent)

RELINQUISHING PARENT/S FULL NAME/S AT THE TIME THE CHILD WAS RELINQUISHED FOR ADOPTION:

MOTHER .....

FATHER .....

(if recorded at time of birth)

ADDRESS AT THAT TIME

IF THE CHILD WAS NAMED AT BIRTH, WHAT WAS THAT NAME

DATE OF BIRTH OF CHILD

PLACE OF BIRTH OF CHILD

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SECTION D (to be completed by all persons intending to lodge a notice of prohibition)

TO THE MINISTER

I wish to lodge a notice of prohibition under section 65(2) of the *Adoption of Children Act* to disallow the provision of information as follows:

I disallow the provision of information in respect of the adoption details of which I have specified above.

I disallow the provision of information that would identify me, being my name and last-known address and any other information kept under the Act which might enable a person to ascertain my identity and/or whereabouts.

I wish this notice of prohibition to remain in force from (1)

to (2)

I understand the following in relation to the notice of prohibition:

- The notice of prohibition will remain in force for the period I have specified herein;
- I may renew the notice of prohibition for further periods each of which must not be more than 3 years;
- If, on the expiration of the notice of prohibition, the Minister has not received notification of the renewal of the notice of prohibition, information that would identify me may be released;
- Persons who lodge a notice of prohibition will be advised in writing of the receipt of the notice of prohibition and of confirmation of the date of

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expiration of the notice. No further advice for the renewal of the notice will be provided;

- I may, at any time, revoke the notice of prohibition by notice in writing to the Minister in accordance with regulation 16(2) of the *Adoption of Children Regulations*.

NAME

SIGNATURE

DATE

NOTES

(1) Specify date the notice of prohibition is to commence. (Note, that date cannot be earlier than the date you sign the notice).

(2) Specify date the notice of prohibition is to expire (which, in accordance with section 65(4) of the Act, must not be later than 3 years after the commencement date of the notice).

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

#### ***Adoption of Children Regulations (SL No. 12, 1994)***

Notified	3 May 1994
Commenced	3 May 1994

#### ***Births, Deaths and Marriages Registration (Consequential Amendments) Act 1996 (Act No. 27, 1996)***

Assent date	19 April 1996
Commenced	1 January 1997 (s 2, s 2 <i>Births, Deaths and Marriages Registration Act 1996</i> (Act No. 26, 1996) and Gaz G49, 4 December 1996, p 5)

#### ***Adoption of Children Amendment Act 2006 (Act No. 6, 2006)***

Assent date	26 April 2006
Commenced	26 April 2006

#### ***Legal Profession (Consequential Amendments) Act 2007 (Act No. 7, 2007)***

Assent date	17 May 2007
Commenced	s 10: 1 July 2007 (Gaz G26, 27 June 2007, p 3); rem: 17 May 2007

#### ***Care and Protection of Children Act 2007 (Act No. 37, 2007)***

Assent date	12 December 2007
Commenced	Ch 1 and pts 3.3 and 5.1: 7 May 2008 (Gaz G18, 7 May 2008, p 4); Ch 2 (exc pt 2.1, div 6 and s 127), Ch 3, pts 3.1 and 3.2 (exc s 187) and Ch 5, pts 5.2 to 5.6: 8 December 2008 (Gaz G47, 26 November 2008, p 6); rem: nc

### **3 LIST OF AMENDMENTS**

r 6	amd Act No. 7, 2007, s 16
r 8	amd Act No. 27, 1996, s 6
	sub Act No. 6, 2006, s 9
r 9	sub Act No. 6, 2006, s 9
r 10	amd Act No. 27, 1996, s 7(2); Act No. 6, 2006, s 10
r 11	sub Act No. 6, 2006, s 11
r 15	amd Act No. 6, 2006, s 12
r 17	ins Act No. 6, 2006, s 13
sch	amd Act No. 6, 2006, s 14; Act No. 37, 2007, s 341