

Application for a contact order under section 26 of the Adoption and Children Act 2002 or an order under section 51A of the Act (Form A53)

Notes on completing the form

Important

This form is for use only if you are applying for a contact order under Section 26 of the Adoption and Children Act 2002 or an order under section 51A of that Act.

If you are attaching any previous court order to your application, it must be a sealed copy of the order (that is, a copy that has been stamped with the seal of the court) or a certified copy if made by a magistrates' court (a copy certified by the court officer to be a true copy of the original order), or a copy that bears the stamp of the originating court. An order issued by any other authority must be properly authenticated by that authority. If you are in any doubt about what is needed, please contact the court for assistance.

Take or send the completed application form, and **three copies**, to the court, together with the court fee and any documents you are attaching in support of your application. If you are not sure about the court fee payable for your application, or you think that you may be exempt from paying all or part of the fee, you should contact the court for information.

Notes on the application form

Application under section 26:-

Note 1

Where a child under six weeks old has been placed for adoption under the Adoption and Children Act 2002 or an adoption agency is authorised to place a child for adoption under the Act, contact with the child may only be:

- by arrangement with the agency that has placed the child, or is authorised to do so, **or**
- by a court order made under section 26 of the 2002 Act.

Any existing provision for contact with the child made under the Children Act 1989 ceases to have effect (section 26(1) of the Adoption and Children Act 2002).

An application to the court for a contact order may be made by:

- the child;
- the adoption agency;
- any parent, guardian or relative;*
- any person in whose favour there was a child arrangements order determining with whom the child should have contact under the Children Act 1989 which ceased to have effect by virtue of section 26(1) of the 2002 Act;
- a person who had the benefit of a child arrangements order determining where the child should live immediately before the adoption agency was authorised to place the child for adoption, or placed the child for adoption at a time when he/she was less than six weeks old;
- a person who by virtue of an order made in the exercise of the High Court's inherent jurisdiction with respect to children (wardship) had care of the child immediately before the adoption agency was authorised to place the child for adoption, or placed the child for adoption at a time when he/she was less than six weeks old; **or**
- any person who has the permission of the court to make the application. An application for the court's permission must be made under Part 18 of the Family Procedure Rules 2010, using form FP2.

Application under section 51A:

An application to the court for an order under section 51A of the Adoption and Children Act 2002 may be made by:

- an adopted child;
- an adoptive parent; or
- any person who has the permission of the court to make the application. An application for the court's permission must be made under Part 18 of the Family Procedure Rules 2010, using form FP2.

*'relative' means a grandparent, brother, sister, uncle or aunt, whether of the full blood or half-blood, or by marriage or civil partnership.

Note 2

If you are an applicant who is not the prospective adopter(s) and you do not want your private address and telephone number, or the child's address, or (if the child does not live with you) the name of the person with whom the child lives, to be disclosed to any other party, **do not enter those details on this application form**. Instead you should enter the details on Form A65, which you must file at the court with your application. The details will not then be disclosed to any person, except by order of the court.

Section 51A application:- please state the child's birth name rather than their adopted name on the application (at Part 2 (a)). This is what will be displayed on the court order.

Note 3

If you are applying as an officer of the adoption agency that is authorised to place the child for adoption, or has placed the child for adoption, you should enter the name and address of the adoption agency, and the telephone number on which you can be contacted during working hours.

Note 4

Give details of:

- any child arrangements order determining with whom the child should live or with whom the child should have contact made under Children Act 1989 that was made in your favour;
- any order for contact made under section 34 of the Children Act 1989;
- any order made in exercise of the High Court's inherent jurisdiction with respect to children giving you care of the child,

which was in effect **immediately before** the adoption agency was authorised to place the child for adoption, or placed the child for adoption at a time when he/she was less than six weeks old. Please give the name of the court that made the order, the type of order, the date of the order and the case number.

If you are an adopted child or an adopted parent give details of the adoption order. Please give the name of the court, the date the order was made and the case number.

Please attach a copy of the order to your application.

Note 5

If there are any other earlier, or current, court proceedings relating to the child, give the name of the court, the nature of the proceedings and the date and effect of any order made. If you were a party to any proceedings that have been completed, you should attach a copy of the final order to your application. **You do not need to repeat any details of orders you have already given in Part 1 of the application form, or details of any placement proceedings you have given in paragraph (g) of Part 2.**

Note 6

Complete Part 3 if you are applying for an order for contact, or to prohibit contact post-adoption, under S51A. The respondent is the person who you are applying for an order against.

Note 7

If the child has previously been adopted, give the names of his/her adoptive parents and not those of his/her natural parents.

Note 8

If the child's parents were not married at the time of his/her birth, the child's father may have acquired parental responsibility

- by subsequent marriage to the child's mother;
- because he has a parental responsibility agreement with the mother, or has been granted a parental responsibility order, or
- because he registered the child's birth jointly with the child's mother (on or after 1 December 2003).

Give details of any court order or agreement in respect of parental responsibility in Part 2 About the child, paragraph (j).

Note 9

If the child does not have a guardian, enter 'not applicable'. Otherwise, enter the details of any person appointed to be the child's guardian by deed or will or otherwise in writing in accordance with section 5(5) of the Children Act 1989, or by an order made under section 5(1) or 14A of that Act. If the child has more than one guardian, please give the name and address of any other guardian(s) on a separate sheet, putting the child's full name, the number of the Part and the paragraph reference at the head of the sheet.

Note 10

If you are the prospective adopter an adopted child or an adoptive parent you should make sure that the reasons for your application do not include any information that could lead to your identity being disclosed. Any applicant who has withheld their address or telephone number, or the child's address or the name of the person with whom the child lives on the application form should make sure that they do not include any information that could lead to these details being disclosed.

Special assistance or facilities for disability if you attend the court

Note 11

If you need special assistance or special facilities for a disability or impairment, please set out your requirements in full. The court staff will need to know, for example, whether you want documents to be supplied in an alternative format, such as Braille or large print. They will also need to know about any specific requirements you may have on the day of the hearing, such as wheelchair access, a hearing loop, or a sign language interpreter.

The court staff will get in touch with you about your requirements. It is important that you make the court aware of all your needs. If you do not, the result may be that the hearing has to be adjourned.

