

**CHILDREN'S ACT
(CAP. 45:01)**

CHILDREN'S COURT RULES, 2010

ARRANGMENT OF RULES

PART I – PRELIMINARY

1. Citation and commencement
2. Interpretation

PART II – CRIMINAL PROCEEDINGS

3. Institution of proceedings
4. Charges and information
5. Decision and orders of the Court

PART III – CIVIL PROCEEDINGS

A. COMMENCEMENT OF ACTIONS

6. Commencement by entering of plaint and issue of summons
7. Filing of praecipe

B. SERVICE

8. Service of summons, notices and other documents

C. AMENDMENT

9. Change of plaintiff
10. Change of defendant
11. Amendment of proceedings in other cases
12. Amendment of particulars and notice of defence

D. SPECIAL DEFENCES

13. Special defences

E. LEGAL REPRESENTATION

14. Right to legal representation and legal aid

PART IV – CARE AND PROTECTION APPLICATIONS

A. MAKING AN APPLICATION

- 15. Commencement of proceedings
- 16. Filing of motion paper
- 17. Affidavits
- 18. Examination of person making affidavit
- 19. Scandalous or oppressive matter

B. GUARDIAN AD LITEM

- 20. Appointment of guardian ad litem
- 21. Duties and responsibilities of guardian ad litem
- 22. Discharge of guardian ad litem

C. FORSTERING

- 23. Application for order
- 24. Oral evidence
- 25. Order to foster

D. ADOPTION

- 26. Application for order
- 27. Report of Social Welfare Officer
- 28. Adoption Order

E. JOINT PARENTAL RESPONSIBILITY AGREEMENT

- 29. Joint parental responsibility

F. WARDSHIP

- 30. Application for order

PART V - GENERAL PROVISIONS (CIVIL PROCEEDINGS)

- 31. Acts done in person or by legal practitioner, next friend, agent or guardian ad litem
- 32. Service of notices where mode of service not prescribed
- 33. Service on legal practitioner next friend or guardian ad litem deemed good service
- 34. Notice by legal practitioner acting for a party
- 35. Change of legal practitioner
- 36. Sealing of documents
- 37. Notices and Forms

PART VI – SUPPLEMENTARY PROVISIONS

38. Evidence

39. Judgement, decisions, orders and directions of the Court

40. Fees

41. Appeals

SCHEDULE

FORMS

**CHILDREN'S ACT
(CAP. 45:01)**

CHILDREN'S COURT RULES, 2010

IN EXERCISE of the powers conferred on the Chief Justice under section 74 of the Children's Act, these Rules are hereby made.

PART I – PRELIMINARY

Citation and commencement

1. The Rules may be cited as the Children's Court Rules, 2010, and shall come into operation on the date of their publication in the Gazette.

Interpretation

2. In these Rules, unless the context otherwise requires-

“Act” means the Children's Act;

“child” means a person under the age of eighteen years;

“ Court” means the Children's Court established under section 68 of the Act;

“next friend” means a person who intervenes to assist a child to bring a legal action;

“parent” means the biological mother and father or adoptive mother or father of a child;

PART II – CRIMINAL PROCEEDINGS

Institution of proceedings
Cap. II:01

3. Criminal proceedings are instituted in accordance with the provisions of section 69 of the Criminal Procedure Code.

Charges and information

4. (1) A charge or information shall contain a statement of the specific offence or offences with which the child is charged, including such details as are necessary to understand the nature of the offence charged.

Cap. II:01

(2) The provisions of section 113 of the Criminal Procedure Code regarding the form and contents of charges and informations apply, mutatis mutandis, to the

framing of charges and informations under this rule.

Decision and orders of the Court

5. (1) After hearing what the parties and their witnesses have to say and the evidence adduced, the Court shall consider the whole matter and shall either dismiss the charge or on finding that the offence charged has been proved, may make any of the orders under sections 220(1)(b) to (h) and 221 of the Act.

PART III – CIVIL PROCEEDINGS

A. COMMENCEMENT OF ACTION

Commencement by entering plaint and issue of summons

6. Except as otherwise provided in these Rules, all actions shall be commenced by entering a plaint and issuing a summons.

Filing of praecipe

7. (1) The party entering the plaint shall file a praecipe containing-

- (a) the occupation, full name, description and residence or place of business of the plaintiff;
- (b) the full name and the residence or place of business of the defendant, and (where known) his or her description; and
- (c) a short statement of the cause of action, or remedy or relief sought, and the amount of the debt or damages claimed.

(2) The plaintiff shall also file, on entering the plaint, particulars of his or her demand or cause of action.

(3) The defendant may, within five days of being served with the summons, give notice to the plaintiff that he or she requires further particulars and the plaintiff shall within five days of service of the notice file full particulars of his or her claim, failing which the Court may order the plaintiff to file and deliver the particulars.

B. SERVICE

Service of summons, notices and other documents

8. The rules contained in Order IV of the Subordinate Court (Civil Proceedings) Rules on the service of summonses, notices and other documents apply mutatis

Cap. 8:02

mutandis to the service of summonses, notices and other documents under these Rules.

C. AMENDMENT

Change of plaintiff

9. Where an action is commenced in the name of the wrong person as plaintiff, or where it is doubtful whether it has been commenced in the name of the right person, the Court, if satisfied that it has been so commenced through a *bona fide* mistake, and that it is necessary for the determination of the real matter in dispute to do so, may order such other person to be substituted or added as plaintiff or otherwise on such terms, as to notice and otherwise, as may be just.

Change of defendant

10. Where a person other than the defendant appears at the trial, and admits that he or she is the person whom the plaintiff intended to charge, or ought to have charged, his or her name may be substituted for that of the defendant, if the plaintiff consents, and the action shall proceed in all respects as if the person had been originally named in the summons, and the costs of the person originally named as the defendant shall be in the discretion of the Court

Amendment of proceedings in other cases

11. The Court may, at the instance of either party, on such terms as it thinks fit, amend the proceedings where-

- (a) a party sues or is sued in a representative character, but it appears that he or she ought to have sued or been sued in his or her own right;
- (b) a party sues or is sued in his or her own right, but it appears that he or she ought to have sued or been sued in a representative character;
- (c) the name or description of a plaintiff in the summons is insufficient or incorrect; or
- (d) the name or description of a defendant in the summons is insufficient or incorrect and objection is taken to the name or description,

and the action shall proceed, in all respects, as if the proper name or description had been given in the

summons.

Amendment of
particulars and
notice of defence

12. (1) A plaintiff may file and deliver amended particulars of demand, and a defendant, whether by original action, counter-claim, or otherwise, may file an amended notice of defence.

(2) Either party may, in amending the particulars, increase the amount of his or her claim or counterclaim, as the case may be, on payment of the appropriate fee.

(3) The Court, if satisfied that the opposite party has not had a reasonable opportunity of preparing his or her case to meet any new matter introduced by the amendment, or for any sufficient cause, may disallow the amendment, or may adjourn the trial, and make such order as to costs as it thinks fit.

D. SPECIAL DEFENCES

Special defences

13. (1) A defendant may set-off any debt or demand claimed or recoverable by him or her from the plaintiff, or, where applicable, set up by way of defence, and claim and have the benefit of infancy or any statutory defence under section 14 of the Act or under any other Act.

(2) The defendant shall file with the Court, at least two days before the hearing, notice of any set-off or defence under subrule (1) of this rule.

(3) The notice shall contain a concise statement of the grounds of the special defence and the defendant shall furnish the Court with two copies of the notice, one being for the use of the Court and the other for the plaintiff.

(4) A defendant intending to rely on defence of infancy, shall in his or her statement state, if possible, the place and date of his or her birth.

(5) A defendant intending to rely on the defence of any Statute of Limitations, shall in his or her statement specify the date the statute began to run.

(6) A defendant intending to rely on any statutory defence shall in his or her statement (except in the case provided for by subrule (5) of this rule) state the year, Chapter or number and section of the Act or its short title, and the particular matter relied on, or shall otherwise sufficiently indicate the nature of the defence relied on.

(7) A plaintiff intending to rely on any of the special defences mentioned in this rule in answer to a counter-claim, shall file a notice of the special defence in accordance with this rule.

E. LEGAL REPRESENTATION AND LEGAL AID

Right to legal representation and legal aid
Cap. 6:07

14. (1) Where a child is not represented by a next friend and it appears to the Court that it will be in the best interest of the child for him or her to be represented by a legal practitioner, the Court may order that a legal practitioner to represent the child be appointed under the Legal Aid Act.

(2) The Court shall adjourn the hearing for the purpose of having the legal practitioner appointed to represent the child.

(3) The clerk of the Court shall, as soon as practicable after the order is made, submit an application for legal aid to the Executive Secretary of the National Agency for Legal Aid in accordance with the provisions of the Legal Aid Act.

PART IV - CARE AND PROTECTION APPLICATIONS

A. MAKING AN APPLICATION

Commencement of proceedings

15. (1) Unless otherwise provided, an application authorised in civil proceedings by the Act and these Rules to be made to the Court shall be made by motion.

(2) The person moving shall file with the motion paper all affidavits on which he or she intends to rely.

(3) A motion shall be made only after notice to the parties to be affected by it.

Filing of motion paper

16. (1) A party filing a motion paper shall give to the

clerk of the Court enough copies of the documents filed for service on the other parties to the proceedings.

(2) The clerk shall write on the motion paper the date, time and place for hearing the motion.

Affidavits
Cap.6:06

17. The provisions of the Evidence Act regarding affidavits apply to affidavits under these Rules.

Examination of
person making
affidavit

18. If an affidavit is to be relied on at a hearing, the Court may order the person making it to be examined and cross-examined before the Court and may order the person to attend the Court for the purpose.

Scandalous or
oppressive
matter

19. (1) If there is scandalous or oppressive matter in an affidavit, the Court may order that -

- (a) the affidavit be removed from the file;
- (b) the affidavit be removed from the file and destroyed; or
- (c) the scandalous or oppressive matter in the affidavit be struck out.

(2) In this rule-

“scandalous matter” means a matter that is both grossly disgraceful or defamatory and irrelevant to the proceedings;

“oppressive matter” means an unreasonably harsh matter.

B. GUARDIAN AD LITEM

Appointment of
guardian ad litem

20. (1) The Court may, if it deems it necessary, appoint a guardian ad litem for a child in accordance with the provisions of section 187 of the Act.

Form 1
Schedule

(2) The Court shall appoint a guardian ad litem by order in accordance with Form 1 in the Schedule to these Rules, and from among the panels of persons established by regulations made under section 188 of the Act.

Form 2
Schedule

(3) A guardian ad litem shall file in Court before appearance, his or her consent to be guardian ad litem in accordance with Form 2 in the Schedule to these Rules, accompanied by an affidavit as to his or her qualifications as a member of a panel established by the regulations mentioned in subrule (2) of this rule.

(4) Sufficient copies of the consent form and affidavit shall be filed by the guardian ad litem for service on all parties in the proceedings.

Duties and responsibilities of guardian ad litem

21. (1) The guardian ad litem shall safeguard and represent the best interests of the child and shall perform the responsibilities under this rule, unless it is impracticable or inadvisable to do so.

(2) The guardian ad litem shall before the hearing-

- (a) interview the child concerned, explain to the child the contents of the application before the Court and the child's rights in the proceedings, and ascertain whether the child wishes to exercise any of those rights;
- (b) inform the Court of any objections the child has and of the child's wishes to exercise his or her rights in the proceedings;
- (c) interview the parents or guardian of the child and explain to them their rights in the proceedings;
- (d) visit the child at his or her place of residence and where appropriate make a recommendation to the Court regarding the fitness of the proposed guardian of the child;
- (e) file a written final report at least seven days before the hearing, containing his or her investigative findings and recommendations to the Court; the deadline for filing the report may be extended by agreement of the parties or by leave of the Court.

(3) The guardian ad litem shall participate in all proceedings, including appeals, involving the child, notify the Court and the applicant's counsel if the child wishes to be represented by a legal practitioner, and may give evidence in the proceedings.

(4) The guardian ad litem may file-

- (a) such applications, documents and reports as are appropriate and which might assist the Court; and
- (b) copies of any record taken by him or her pursuant to the provisions of section 189 (1) (a) and (b) of the Act.

(5) Unless sooner discharged, the appointment of the guardian ad litem ends on the Court's final order or on the termination of an appeal in which he or she participates.

Discharge of
guardian ad litem

Form 3 Schedule

22. (1) The Court may, on its own motion or on the application of the child or the guardian ad litem, by order in accordance with Form 3 in the Schedule to these Rules, discharge the guardian ad litem.

(2) A guardian ad litem may be discharged if-

- (a) he or she ceases to be a member of a panel of guardians ad litem appointed under the Act,
- (b) the Court is satisfied that he or she has an interest in the proceedings which is adverse to that of the child; or
- (c) on his or her application to the Court to be discharged and the Court is satisfied that it is in the best interest of the child for another guardian ad litem to be appointed to represent the child.

(3) On the discharge of a guardian ad litem, he or she shall submit to the Court all documents, including copies of any records held by Government or the appropriate authority taken by him or her concerning the child, and relevant reports in his or her possession.

C. FOSTERING

Application for
order
Form 4 Schedule

23. (1) The Department of Social Welfare may by an originating application, in accordance with Form 4 in the Schedule to these Rules, apply to the Court for an order placing a child with a foster parent.

(2) The Department of Social Welfare shall submit sufficient copies of the application together with copies of-

- (a) the report of the committee, referred to in section 106(1) of the Act, containing the committee's recommendations for the child to be placed with a foster parent; and
- (b) any other document concerning the child which may assist the Court in making the order.

Oral evidence

24. (1) The Court may request an oral report from-

- (a) the Social Welfare Officer concerned;
- (b) the person in charge of the residential care home in which the child has been placed;
- (c) the prospective foster parent;
- (d) the parents or guardian of the child.

(2) The Court shall also hear and take into consideration the views of the child, if the Court is satisfied that he or she is capable of understanding the proceedings and expressing his or her views.

Order to foster
Form 5 Schedule

25. If the Court is satisfied that it is in the best interest of the child for him or her to be placed with a foster parent, the Court shall, by order in accordance with Form 5 in the Schedule to these Rules, place the child with the foster parent.

D. ADOPTION

Application for
order
Form 6
Schedule

26. (1) An originating application for an adoption order shall be made to the Court in accordance with Form 6 in the Schedule to these Rules.

(2) The applicant shall submit sufficient copies of the application together with-

(a) the affidavit of consent to the adoption of the other spouse, where the application is by one spouse, unless the Court dispenses with the consent pursuant to the provisions of section 110 (2) of the Act;

(b) certified copies of the order of the Court placing the child with the applicant as foster parent of the child, under the supervision of a Social Welfare Officer;

(c) In the case of an application for inter-country adoption-

(i) evidence that the applicant has been ordinarily resident in The Gambia for at least six months immediately prior to the application, or has fostered the child for at least thirty-six months under the supervision of a Social Welfare Officer, and

(ii) a police check report from The Gambia Police Force and a home study report by the probation and welfare officer or other competent authority in the applicant's country concerning his or her suitability to adopt a child;

Form 7
Schedule

(d) the consent of the parents of the child, if known, to the adoption in accordance with Form 7 in the Schedule to these Rules, unless the Court dispenses with the consent where the parents are incapable of giving it; and

(e) any other document concerning the child or the applicant which might assist the Court in making the order.

Report of Social
Welfare Officer

27. The Social Welfare Officer responsible for the supervision of the child during the period of fostering by the applicant shall submit for the Court's consideration a report, which shall include the following information-

- (a) with respect to the child-
 - (i) the recommendations made as a result of the review sessions held pursuant to section 106 (6) of the Act,
 - (ii) confirmation of the period during which the child was fostered by the applicant,
 - (iii) his or her religion and any wishes in respect of religious upbringing,
 - (iv) the names, addresses and types of schools attended with dates and educational achievements,
 - (v) any special needs in relation to the child's health, whether physical or mental,
 - (vi) details of any wardship proceedings and of any Court orders or agreement or personal law relating to parental responsibility for the child or to maintenance and residence, in respect of any person who is not the natural parent of the child,
 - (vii) extent of contact with members of the child's natural family and whether the child's natural parents are capable of giving consent to the adoption,
 - (viii) whether the consent to the adoption of any other person who is not a natural parent of the child but claims any rights or obligations in respect of the child under any order of the Court or agreement or under personal law or otherwise should be obtained before the adoption order is made;
- (b) with respect to actions of the Department of Social Welfare;
 - (i) brief account of the actions, with particulars and dates of all written information

and notices given to the child, his or her natural parents and the prospective adopter,

- (ii) details of alternatives to adoption considered,
- (iii) reasons for considering that adoption would be in the best interest of the child (with date of relevant decision),
- (iv) reasons for considering that the prospective adopter would be suitable to be an adoptive parent and would be suitable for the child,
- (v) confirmation that no payment has been made or received, or agreed to be made or received, by any person in consideration of the adoption of the child, and
- (vi) any other information which might assist the Court in making the order.

Adoption order **28.** If the Court is satisfied with respect to matters referred to in section 1134 (1) of the Act, the court may make an adoption order in accordance with Form 8 in the Schedule to these Rules.

Form 8 Schedule

E. JOINT PARENTAL RESPONSIBILITY AGREEMENT

Joint parental responsibility **29.** (1) Where the father and mother of a child, who were not married to each other at the time of the child's birth, agree to have joint parental responsibility for the child, the parental responsibility agreement shall be in accordance with Form 9 in the Schedule to these Rules.

Form 9 Schedule

(2) The agreement shall be witnessed by a Justice of the Peace, Notary Public or commissioner for Oaths, who shall explain to the parents in a language they understand, if they are not literate in English, the contents of the agreement and state the same at the foot of the agreement.

(3) Both parents shall produce evidence of identity (National Identity Card, passport, voter's card or driver's Licence).

(4) The mother shall also produce the child's birth certificate as proof that she is the mother of the child.

(5) The parents shall make two copies of the signed or thumb-printed agreement and lodge in the Children's Court the agreement and copies, where the agreement will be recorded and filed and the copies stamped and returned to each parent at the address stated in the agreement.

(6) The agreement shall not take effect until it has been received and recorded at the Court.

(7) The agreement may be brought to an end only by an order of the Court made in accordance with the provisions of subsections (3) and (4) of section 145 of the Act.

F. WARDSHIP

Application for
Order

Form 10
Schedule

30. (1) An application for an order making a child a ward of court shall be made by originating application in accordance with Form 10 in Schedule to these Rules.

(2) Unless the court otherwise directs, the plaintiff shall file with the originating application an affidavit in support thereof.

(3) The date of the child's birth shall, unless the Court otherwise directs, be stated in the application, and the plaintiff shall-

- (a) on issuing the application or before or at the first hearing thereof lodge in the Court a certified copy of the entry in the Register of Births or, as the case may be, in the Adopted Children Register relating to the child; or
- (b) at the first hearing of the application apply for directions as to proof of birth of the child in some other manner.

(4) The name of each party to the proceedings shall be qualified by a brief description, in the body of the application, of his or her interest in or relation to the child.

(5) Unless the Court otherwise directs, the application shall state the whereabouts of the child or, as the case may be, that the plaintiff is unaware of his or her whereabouts.

(6) Upon being served with the application, the defendant other than the child shall forthwith lodge in the Court a notice stating the address of the defendant and the whereabouts of the child or, as the case may be, that the defendant is unaware of his or her whereabouts, and unless the Court otherwise directs, service a copy of the same on the plaintiff.

(7) Where any party other than the child changes his or her address or becomes aware of any change in the whereabouts of the child after the issue or, as the case may be, service of the application, he or she shall, unless the Court otherwise directs, forthwith lodge notice of the change in the Court and serve a copy of the notice on every other party.

(8) The application shall contain a notice to the defendant informing him or her of the requirements of sub-rules (6) and (7) of this rule.

(9) In this rule, a reference to the whereabouts of a child is a reference to the address at which the person with whom he or she is living and any other information relevant to the question where he or she may be found.

PART V - GENERAL PROVISIONS (CIVIL PROCEEDINGS)

Acts done in person or by legal practitioner, next friend, agent or guardian ad litem

31. Where under these or any other rules an act may be done by a party, the act may be done either in person or by the party's legal practitioner, next friend, agent or guardian ad litem where appropriate.

Service of notices where mode of service not prescribed

32. A notice, proceeding, or document required by these Rules to be served on a party, and as to which a mode of service is not prescribed by these Rules or by the Subordinate Court (Civil Proceedings) Rules, may also

Cap. 8:02

be served by delivering the notice, proceeding or document to the person on whom it is to be served, or at the residence or place of business of the person, but where the person to be served is a child, the parent or guardian shall be so served.

Service on legal practitioner next friend or guardian ad litem deemed good service

33. Where a party acts by a legal practitioner, a next friend, or a guardian ad litem appointed by the Court, service of any proceeding or document on the legal practitioner's, next friend's, or guardian ad litem's office shall be deemed good service, except where by these Rules, personal service on the party is required, in which case personal service shall not be effected on a child but on the child's parent or guardian.

Notice by legal practitioner acting for a party

34. Except where the plaint is entered by a legal practitioner acting for the plaintiff, and the particulars of demand or cause of action have been signed by the legal practitioner or on behalf of the plaintiff, a legal practitioner acting for a party in an action or matter before the Court may give notice to the Court and to the other party or that party's legal practitioner, that he or she is acting for the plaintiff, and service of a document, notice or proceeding shall be served by or on the legal practitioner accordingly.

Change of legal practitioner

35. (1) A party acting by a legal practitioner is at liberty to change his or her legal practitioner and shall give forty-eight hours' notice in writing to the Court and the legal practitioner, if any, acting for the other party to the action or proceedings of the change, and of the name and place of business of the new legal practitioner.

(2) Until the notice is filed and a copy of it served, the former legal practitioner shall be deemed to continue as the legal practitioner of the party.

Sealing of documents

36. A summons, notice or other document, or any copy of a summons, notice or document, shall be sealed with the seal of the Court before it is issued.

Notices and Forms

37. (1) All notices required by these Rules shall be in writing, unless expressly authorised by the Court to be given orally.

(2) Where an application, order, notice, or consent is required to be in accordance with a Form in the Schedule to these Rules, it is sufficient if the application, order, notice or consent is in a form which substantially complies with the prescribed Form.

PART VI – SUPPLEMENTARY PROVISIONS

Evidence
Cap. 6:06

38. (1) Except as otherwise provided by this rule or ordered by the Court, oral evidence given in any proceedings shall be on oath or affirmation administered in accordance with the provisions of the Evidence Act.

(2) The Court may, if it thinks it just and expedient, receive oral evidence, though not given on oath, of a person who declares that the taking of an oath is unlawful according to his or her religious belief or who, because of lack of religious belief, ought not, in the opinion of the Court, to be admitted to give evidence on oath.

(3) Where in any criminal proceedings before the Court, a child of tender years called as a witness does not, in the opinion of the Court, understand the nature of an oath, his or her evidence may be received, though not given on oath, if, in the opinion of the Court, he or she possesses sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth.

(4) Where evidence admitted by virtue of subrule (3) of this rule is given on behalf of the prosecution, the child accused of the offence shall not be liable to a decision by the Court that the offence has been proved against him or her unless the evidence is corroborated by some other material evidence in support of it implicating the accused.

(5) The Court may in all proceedings allow a child to make a statement, though not on oath, and the statement and answers of the child to questions the Court may put to the child on the statement may be admitted in evidence.

(6) The Court shall keep and maintain minutes of all proceedings before it, in which all oral evidence and statements shall be recorded.

(7) The provisions of the Evidence Act shall apply, mutatis mutandis, to proceedings under these Rules, with such modifications as may be necessary having due regard to provisions of the Act safeguarding the rights and interests of the child.

Judgement, decisions, orders and directions of the Court

39. (1) All judgements, decisions, order and directions of the Court shall be pronounced by the Chairperson or such other member of the Court as the Chairperson directs, and no judgement, decision, order or direction of the Court with respect to the determination of any question shall be separately pronounced by any other member of the Court.

(2) Judgements, decisions and orders of the Court shall be enforced in accordance with the provisions of section 237 of the Act.

Fees

40. The fees prescribed for actions in proceedings in a Magistrates' Court shall apply where appropriate to actions in proceedings in the Court.

Appeals

41. The Court shall explain to the parties concerned in any proceedings the right to appeal from its decision in accordance with the rules on appeals from a Subordinate Court to a Superior Court.

**SCHEDULE
FORMS**

FORM 1
[Rule 20 (2)]

Appointment of Guardian ad litem

In theChildren's Court Appl. No.....

In the matter of the Children's Act and

**In the matter of a child
(name of child)**

WHEREAS the Court deems it necessary that a guardian ad litem of the above-named child be appointed to

safeguard the interests of the child in this action.

IT IS ORDERED that a guardian ad litem be appointed from the panels of persons established under the Act.

IT IS FURTHER ORDERED that the person selected by virtue of this Order for the appointment of a guardian ad litem files in this Court his or her consent to be guardian ad litem of the above-named child.

Dated the day of 20.....

Signature.....
Chairperson of the Court

FORM 2
[Rule 20 (3)]

Consent to Act as Guardian ad litem

In theChildren’s Court..... Appl. No....

In the matter of the Children’s Act and

**In the matter of..... a child
(name of child)**

I of CONSENT to be guardian
(name) (address)
ad litem of the above-named child in this action and I
AUTHORISE of
..... (name)
(address)

Legal Practitioner (s) to use my name as the guardian ad litem of the above-named child in this action and to act on my behalf.

Dated the day of 20....

(Signature)

FORM 3
[Rule 22 (1)]

Discharge of Guardian ad litem

**In the Children's Court Appl.
No.....**

In the matter of the Children's Act and

**In the matter a child
(name of child)**

Upon hearing an application byfor an order that of, guardian ad litem of the above-named child in this action be discharged from being the guardian ad litem in this action;

And the Court being satisfied that it is in the best interest of the above-named child that another guardian ad litem of the child be appointed in this action;

IT IS ORDERED that the said be discharged from being the guardian ad litem in this action on the grounds that [he or she has ceased to be a member of a panel of guardians ad litem established under the Act or he or she has acquired an interest in the subject matter of this action adverse to that of the above-named child or he or she desires to retire from his or her office as guardian ad litem of the said child in this action].

Dated the day of 20.....

Signature
Chairperson of the
Court

FORM 4

[RULE 23 (1)]

**ORIGINATING APPLICATION for Order Placing a
Child with a Foster Parent.**

In the Children's Court Appl.

No.....

In the matter of the Children's Act and

**In the matter of a child
(name)**

I, an authorised officer of the Department of Social Welfare, hereby apply for an order placing a child with
(name)

.....Of
(name of prospective foster parent) (address)

as a foster parent, and give the following particulars in support of the application.

Dated this day of 20.....

PARTICULARS

1. THE CHILD

- (a) Name, sex, date and place of birth and address,
- (b) Physical description,
- (c) Religion,
- (d) Details of any wardship proceedings and of any Court order relating to parental responsibility for the child or to maintenance and residence,
- (e) Extent of contact with members of the child's natural family,
- (f) If the child has been in the care of a residential care home, details (including dates) of the placement,
- (g) Names, addresses and types of schools attended, with dates and educational achievements,
- (h) Any special needs in relation to the child's

health, whether physical or mental,

- (i) Wishes and feelings in relation to the application for fostering, including any wishes in respect of religious upbringing, and
- (j) Any other relevant information which might assist the Court.

2. EACH PARENT OR GUARDIAN

- (a) Name, date and place of birth and address,
- (b) Marital status,
- (c) Physical description,
- (d) Religion,
- (e) Educational achievements,
- (f) Past and present occupations,
- (g) Wishes and feelings in relation to the application for fostering, including any wishes in respect of the child's religious upbringing,
- (h) Reasons why any of the above information is unavailable, and
- (i) Any other relevant information which might assist the Court

3. PROSPECTIVE FOSTER PARENT

- (a) Name, date and place of birth and address,
- (b) Marital status,
- (c) Relationship (if any) to the child,
- (d) Physical description,
- (e) Religion and whether willing to follow any wishes

of the child or his or her parents or guardian in respect of the child's religious upbringing,

- (f) Past and present occupations,
- (g) Particulars of the home and living conditions,
- (h) Details of income and comments on the living standard of the household,
- (i) Previous experience of caring for children as step-parent, foster parent or child-minder and assessment of ability in this respect, together where appropriate with assessment of ability in bringing up the prospective foster parent's own children,
- (j) Reasons for wishing to be a foster parent and extent of understanding of the responsibilities of a foster parent,
- (k) Any hopes and expectations for the child's future,
- (l) Confirmation that at least two referees as to the character of the prospective foster parent have been interviewed, with comments on the weight to be placed on their views and opinions, and
- (m) Any other relevant information which might assist the Court.

4. DEPARTMENT OF SOCIAL WELFARE

- (a) Reasons for considering that the prospective foster parent would be suitable to be a foster parent for the child, and
- (b) any other relevant information which might assist the Court.

FORM 5
[Rule 25]

ORDER Placing a Child with a Foster Parent

In the..... Children's Court

Appl. No.....

In the matter of the Children's Act and

**In the matter of, a child
(name of child)**

UPON the Application of the Department of Social Welfare by Originating Application dated.....20..... for an order placing, a child with (name of child) (name of foster parent)

of as a foster parent
(address of foster parent)

UPON reading the Particulars contained in the originating Application and the reports and other documents submitted by the Department of Social Welfare and hearing the parties concerned.

AND UPON the Court being satisfied that the order applied for is in the best interest of the child

IT IS ORDERED that the said be
(name of child)

placed withof as
(name of foster parent) (address)

a foster parent under the supervision of a Social Welfare Officer

Dated this day of 20.....

(Signed)
.....
Chairperson of the
Court

FORM 6
[Rule 26 (1)]

ORIGINATING APPLICATION for an Order for Adoption

In theChildren's Court Appl. No.....

In the matter of the Children's Act and

**In the matter of a child
(name)**

PART I

Particulars of applicant (s)

1. Name of (first) applicant in full.....
Address.....
Occupation.....

Date of birth.....

Relationship (if any) to child

Name of (second)* applican
full.....
Address.....
Occupation.....
Date of birth.....

Relationship (if any) to child

2. I am/we* are resident in The Gambia and domiciled in
.....

3. I am a widow/widower/unmarried/I am married to
..... of/ we* are married to each other
and our marriage certificate (or other evidence of
marriage) is attached.*

4. The consent of my husband/wife to the making of an
adoption order authorising me to adopt the child is
attached⁺ (or I request the Court to dispense with the
consent of my husband/ wife on the ground that he/she
cannot be found/ is incapable of giving his/her
consent/we have separated and are living apart and the
separation is likely to be permanent).

5. I/we* attach a certificate as to my health/the health of
each of us signed by a fully registered medical

practitioner.

+Use only where application is by spouses jointly.

PART II

Particulars of child

6. Name in full.....
(as shown in the child's birth certificate or if previously adopted, his or her adoption certificate).

7. The child is of the sex and is not and has not been married.

8. The child is the person to whom the attached birth or adoption certificate relates/The child was born in.....on or about

(if the child does not have a birth or adoption certificate enter date and place of birth so far as is known)

9. I/we* attach a report as to the health of the child made by a fully registered medical practitioner.

10. The child is the child of

Name of mother.....
Address.....
and Name of father (if known)
Address.....

11. The guardian, if any, of the child is
Name.....
Address.....

12. I/We* attach a document/documents signifying the consent of the child's mother/father/guardian to the making of an adoption order authorising me/us* to adopt the child. OR

I/We* request the Court to dispense with the consent of the child's mother/father/guardian on the ground that he/she is not known/is incapable of giving his/her

consent.

13. The following body or person has the rights and powers of a parent of the child-

Name.....
Address.....

14. The following person is liable by virtue of an order of the Court or an agreement to contribute to the maintenance of the child-

Name.....
Address.....

Particulars of the court order or agreement-

Name of Court.....
Date of order..... or
Date of agreement.....

15. If an adoption order is made pursuant to this application, the child is to be known by the following names-

Surname.....
Other names.....

PART III

General

16. The child was received into my/our* care and possession on the day of, 20....., and has been continuously in my/our* care and possession since that date.

17. I have not made/Neither* of us has made a previous application for an adoption order in respect of the child [or (name of applicant) made an application No..... to the Children's Court on the day of 20....., which was dealt with as follows].

18. I/We* have not received or given, or agreed to receive or give, any reward or payment for, or in consideration of, the adoption of the child or for giving consent to the making of the adoption order.

19. I/We* desire that my/our identity should be kept confidential.

I/We* being desirous of adopting the child hereby apply for an adoption order in respect of the child.

Signature (s)*

Dated the day of, 20.....

*Use only where application is by spouses jointly.

FORM 7
[Rule 26 (2)(d)]
Consent to Adoption Order

In the Children’s Court
No.....

Appl.

In the matter of the Children’s Act and
In the matter of a child
(name)

1. I/We understand that an application for an adoption order has been or is to be made in respect of..... to whom the birth/adoption certificate now produced and shown to me/us and marked “A” relates.

2. I am *the mother/father/guardian/we are the parents of the child.

3. I/We understand that the effect of an adoption order will be to deprive me/us permanently of my/our rights as a parent(s) / guardian of the child, and to transfer those

rights to the applicant (s); in particular I/We understand that, if an order is made, I/We shall have no right to see or get in touch with the child or to have the child returned to me/us.

4. I/We further understand that the Court cannot make an adoption order without the consent of each parent or guardian of the child unless the Court dispenses with a consent on the ground that the person is incapable of giving consent.

5. I/We further understand that, when the application for an adoption order is heard, this document may be used as evidence of my/our consent to the making of the order unless I/We inform the Court, while the application is pending, that I/We no longer consent.

6. I/We hereby consent to the making of an adoption order authorising the adoption of the child by the applicant (s) [on condition that the religious persuasion in which the child is proposed to be brought up is] +

Full name(s)
Address
.....

*Delete all except the appropriate description
+Delete the words in brackets unless the consenting party does desire to impose a condition as to the religious upbringing of the child.

Signature(s)
.....
Address.....
.....

This Form was signed by the above-mentioned person(s) before me at
On the day of, 20.....

Signature:.....
Full name
Notary Public/Commissioner for Oaths

FORM 8
[Rule 28]
Adoption Order

In theChildren's Court

Appl. No....

In the matter of the Children's Act and

**In the matter ofa child
(name of child)**

WHEREAS an application has been made by
.....of (hereinafter called the
applicant(s)* for an adoption order in respect of
.....
(names and surname as in birth or adoption certificate
.....(hereinafter called the child);

AND WHEREAS the Court is satisfied that the
applicant(s)* is/are* qualified in accordance with the
provisions of the Children's Act to adopt the child and
that the conditions precedent to the making of an
adoption order by the Court have been fulfilled;

IT IS ORDERED that the applicant(s)* be authorised to
adopt the child.

AND IT IS DIRECTED that the Department of Social
Welfare makes in the Adopted Children Register an entry
recording the particulars set out in the Schedule to this
Order.

Dated the..... day of, 20.....

Signature

Chairperson of the Court

SCHEDULE

Date and country of birth	Name and surname of child	Sex of child	Names, surname, address and occupation(s) * of adopter or adopters*	Date of adoption order and name of Court by which made
---------------------------	---------------------------	--------------	---	--

*Use only where the application is by spouses jointly.

FORM 9
[Rule 29]

PARENTAL RESPONSIBILITY AGREEMENT

In the Children’s Court Appl.
No....

In the matter of the Children’s Act and

**In the matter ofa child
(name of child)**

A Parental Responsibility Agreement regarding

The Child Full Name:.....

.....
Gender Date of birth Date of 18th birthday

Between

The mother:.....
Name

.....
Address

and the Father:.....
Name

.....
Address

We declare that:.....

we are the mother and father of the above child and we agree that we shall have joint parental responsibility for the child.

.....
Signed (Mother)

.....
Signed (Father)

or

or

thumb-printed

thumb-printed

.....
Date

.....
Date

Certificate of Witness:

.....
The following evidence of identity was produced by the person signing or thumb-printing above:

.....
The following evidence of identity was produced by the person signing or thumb-printing above:

.....
Signed or thumb-printed
In the presence of:
Name of Witness

.....
Signed or thumb-printed
in the presence of:
Name of witness

.....
.....
Address

.....
.....
Address

.....
Signature of witness
(A Justice of the Peace,
Notary Public or
Commissioner for Oaths)

.....
Signature of witness
(A Justice of the Peace,
Notary Public or
Commissioner for Oaths)

Note: You should both seek legal advice on your legal positions under the agreement and the Act prior to making the agreement.

FORM 10
[Rule 30 (1)]

**ORIGINATING APPLICATION FOR AN ORDER FOR
WARDSHIP**

In the Children's Court **Appl.**
No:.....

In the matter of the Children's Act and

**In the matter of a child
(name)**

Between Plaintiff

And

..... Defendant

To:..... of

Let of attend

the court on the day of 20.... at

.....o'clock in the noon, on the hearing of an
application on the part of
for an order for wardship in respect of the above-named
child, who was born on the day of 19/20.....
The plaintiff is related to or has interest in the said child
as follows:.....

(Brief description of relation or interest)

.....
The whereabouts of the said child is.....

.....
The plaintiff is unaware of the whereabouts of the said

child.*

Issued at the day of 20.....

*Delete if inapplicable.

Signed
Chairperson of the Court

TAKE NOTICE that on being served with this application you are required to forthwith lodge in the Court a notice stating your address and the whereabouts of the child or, as the case may be, that you are unaware of the child's whereabouts and serve a copy of the same on the plaintiff.

TAKE NOTICE further that should you change your address or become aware of any change in the whereabouts of the child, after the issue or service of this application, you are required to forthwith lodge in the Court a notice of the change and serve a copy of the same on every other party.

Note: If you do not attend either in person or by your legal practitioner at the time and place mentioned above, such order will be made and proceedings taken as the Court may think just and expedient.