

District Court - Schedule C - Forms in civil proceedings

S.I. NO. 17 of 2016
No. 58.31

SCHEDULE C
O. 58, r. 4(2)

Guardianship of Infants Act 1964, section 6C (inserted by section 49 of the Children and Family Relationships Act 2015)

Order appointing eligible person to be a guardian

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant, of in the court (area and) district aforesaid, for an order under section 6C of the Act appointing *him/*her, not being a parent of, to be a guardian of born on, born on, (a) child(ren) residing at

THE COURT

being satisfied that the said applicant is over the age of 18 years being satisfied that notice of application herein has been duly served upon each parent and guardian of the child(ren) concerned *and upon the Child and Family Agency *being satisfied that on the date of the application, the applicant—

(i) was *married to *in a civil partnership with *has been for over 3 years a cohabitant of, a parent of the said child(ren), and

(ii) has shared with that parent responsibility for the said child(ren)'s day-to-day care for a period of more than 2 years

*being satisfied that on the date of the application, the applicant—

(i) has provided for the said child(ren)'s day-to-day care for a continuous period of more than 12 months, and

(ii) the said child(ren) has/have no parent or guardian who is willing or able to exercise the rights and responsibilities of guardianship in respect of the child(ren)

Having heard the evidence of the applicant *(and of the parent(s) of the child(ren) *(and of the guardian(s) of the child(ren)

Having ensured that the child(ren) concerned, to the extent possible given *his/*her/*their age and understanding, *has/*have had the opportunity to make *his/*her/*their views on the matter known *and having regard to those views

Having regard to the number of persons who are guardians of the child(ren) concerned, and the degree to which those persons are involved in the upbringing of the child(ren)

*and being satisfied that the applicant and each guardian of the child(ren) consents to the making of this Order/*and being satisfied that the consent of a guardian of the child to the making of this Order is unreasonably withheld and that it is in the best interests of the said child(ren) to make such an order, ORDERS that the consent of the said be and is hereby dispensed with, for the purposes of section 6C of the said Act

and being satisfied that the best interests of the child(ren) require the making of this Order;

HEREBY APPOINTS the above-named applicant to be a guardian of the said child(ren) pursuant to section 6C of the Act.

*And having regard to the relationship between the child(ren) concerned and the said applicant so appointed as guardian of the child(ren), and the best interests of the child(ren), one or both of the parents of the child(ren) being still living, THE COURT EXPRESSLY ORDERS pursuant to section 6C(9) of the said Act that the said applicant so appointed as guardian of the child(ren) shall enjoy the following rights and responsibilities of a guardian to the extent specified as follows and subject to the limitations specified as follows—

| Rights and responsibilities of a guardian enjoyed by applicant appointed as guardian | Extent to which rights and responsibilities enjoyed by applicant appointed as guardian | Limitations (if any) |
|--|--|----------------------|
| *(a) to decide on the child(ren)'s place of residence | | |
| *(b) to make decisions regarding the child(ren)'s religious, spiritual, cultural and linguistic upbringing | | |
| *(c) to decide with whom the child(ren) is/are to live | | |
| *(d) to consent to medical, dental and other health related treatment for the child(ren), in | | |

| | | |
|---|--|--|
| respect of which a guardian's consent is required | | |
| *(e) under- *(i) section 2A(2) of the Firearms Act 1925; *(ii) section 5 of the Protection of Young Persons (Employment) Act 1996; *(iii) sections 50 and 50A of the International Criminal Court Act 2006; *(iv) sections 79, 79A and 79B of the Criminal Justice (Mutual Assistance) Act 2008; *(v) section 14 of the Passports Act 2008; *(vi) the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014. *(f) to place the child(ren) for adoption, and consent to the adoption of the child(ren), under the Adoption Act 2010 | | |

*And the Court orders, in respect of the prior appointment of as guardian of the child(ren) that

Dated this... day of..... 20...

Signed
Judge of the District Court

**Delete inapplicable words*