

# Cais am orchymyn i ddirymu mabwysiad dan y Cytundeb neu orchymyn mabwysiadu dan y Cytundeb neu i fabwysiad tramor neu benderfyniad dan adran 91 beidio â bod yn ddilys (Ffurflen A63)

# Application for an order to annul a Convention adoption or Convention adoption order or for an overseas adoption or determination under section 91 to cease to be valid (Form A63)

## Nodiadau ar lenwi'r ffurflen

## Notes on completing the form

### Pwysig

### Important

Os ydych chi'n gosod ynghlwm â'ch cais unrhyw orchymyn gan yr Uchel Lys neu lys sirol, rhaid iddo fod yn gopi wedi'i selio (hynny yw, copi a stampiwyd gyda sêl y llys). Os ydych chi'n atodi gorchymyn a wnaed gan lys ynadon, rhaid iddo fod yn gopi ardystiedig (copi yr ardystiwyd gan swyddog y llys ei fod yn gopi cywir o'r gorchymyn gwreiddiol), neu gopi sydd â stamp y llys gwreiddiol arno. Rhaid i orchymyn a gyflwynwyd gan unrhyw awdurdod arall gael ei ddilysu'n iawn gan yr awdurdod hwnnw. Os oes gennych unrhyw ansicrwydd ynghylch beth sydd ei angen, cysylltwch â'r llys am gymorth.

If you are attaching any order of the High Court or a county court 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). If you are attaching an order made by a magistrates' court, it must be a certified copy (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.

Ewch a'r ffurflen gais wedi'i chwblhau, ynghyd â **thri chopi** ohoni i'r Uchel Lys, neu ei hanfon yno, ynghyd â ffi'r llys ac unrhyw ddogfennau yr ydych yn eu hatodi i gefnogi'ch cais.

Take or send the completed application form, **and three copies**, to the High Court, together with the court fee and any documents you are attaching in support of your application.

Os nad ydych yn sicr o'r ffi sy'n daladwy i'r llys am eich cais, neu y credwch y gallech fod wedi'ch eithrio rhag talu'r holl ffi neu gyfran ohoni, dylech gysylltu â'r llys am wybodaeth.

If you are not sure about the court fee payable for your application, or you think you may be exempt from paying all or part of the fee, you should contact the court for information.

## Nodiadau ar y ffurflen gais

**Nodyn 1** ➤ Gellir gwneud cais i'r Uchel Lys dan adran 89 Deddf Mabwysiadu a Phlant 2002 am:

- Orchymyn i ddirymu mabwysiad dan y Cytundeb neu orchymyn mabwysiadu dan y Cytundeb ar y sail fod y mabwysiad yn groes i bolisi cyhoeddus;
- Orchymyn fod mabwysiad tramor neu benderfyniad dan adran 91 yn peidio â bod yn ddilys ar y sail fod y mabwysiad neu'r penderfyniad yn groes i bolisi cyhoeddus neu nad oedd yr awdurdod a honnodd awdurdodi'r mabwysiad neu wneud y penderfyniad yn gymwys i ystyried yr achos; neu
- Benderfyniad i ba raddau, os o gwbl, yr effeithiwyd ar benderfyniad dan adran 91 gan benderfyniad dilynol dan yr adran honno.

Mae 'mabwysiad tramor' yn golygu mabwysiad sy'n digwydd mewn man, a restrir yn yr Atodlen i Orchymyn Mabwysiadu (Dynodi Mabwysiad Tramor) 1973] a thrwy ddilyn cyfraith y fan honno.

**Nodyn 2** ➤ Os nad ydych eisiau i'ch cyfeiriad preifat a'ch rhif ffôn gael eu datgelu i unrhyw barti arall, peidiwch â nodi'r manylion hynny ar y ffurflen gais hon. Yn hytrach, dylech nodi'r manylion ar Ffurflen A65 y mae'n rhaid i chi ei ffeilio yn y llys gyda'ch cais. Fydd y wybodaeth ddim yn cael ei datgelu i unrhyw berson arall wedyn, dim ond drwy orchymyn y llys.

**Nodyn 3** ➤ Nodwch eich perthynas â'r plentyn er enghraifft, y sawl sy'n mabwysiadu, rhiant. Os mai chi yw'r plentyn nodwch 'plentyn dan sylw'. Os nad oes gennych berthynas â'r plentyn nodwch 'dim'.

**Nodyn 4** ➤ Rhowch enw'r plentyn fel mae'n ymddangos ar y mabwysiad dan y Cytundeb, y gorchymyn mabwysiadu dan y Cytundeb neu orchymyn mabwysiadu tramor arall neu benderfyniad dan adran 91. **Rhaid i chi roi copi o'r gorchymyn (neu'r penderfyniad) ynghlwm â'ch cais.**

## Notes on the application form

**Note 1** ➤ An application may be made to the High Court under section 89 of the Adoption and Children Act 2002 for:

- An order to annul a Convention adoption or Convention adoption order on the ground that the adoption is contrary to public policy;
- An order that an overseas adoption or a determination under section 91 cease to be valid on the ground that the adoption or determination is contrary to public policy or that the authority which purported to authorise the adoption or make the determination was not competent to entertain the case; or
- A decision about the extent, if any, to which a determination under section 91 has been affected by a subsequent determination under that section.

An 'overseas adoption' is one occurring in a place, under the law of that place, listed in the Schedule to the Adoption (Designation of Overseas Adoptions) Order 1973.

**Note 2** ➤ If you do not want your private address and telephone number 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 information will not then be disclosed to any other person, except by order of the court.

**Note 3** ➤ Enter your relationship to the child, for example, adopter, parent. If you are the child enter 'subject child'. If you do not have a relationship to the child enter 'none'.

**Note 4** ➤ Please give the name of the child as it appears on the Convention adoption, Convention adoption order or other overseas adoption order or determination under section 91. **You must attach a copy of the order (or determination) to your application.**

**Nodyn 5**

Os oes yna unrhyw achosion blaenorol neu gyfredol yn ymwneud â'r plentyn, rhwch enw'r llys hwnnw, natur yr achos a dyddiad ac effaith unrhyw orchymyn a wnaed. Rhaid i chi roi copi o unrhyw orchymyn llys ynghlwm â'ch cais. Nid oes angen i chi nodi yma fanylion y mabwysiad dan y Cytundeb, gorchymyn Mabwysiadu dan y Cytundeb neu orchymyn mabwysiadu tramor arall neu benderfyniad dan adran 91 yr ydych yn gofyn i'r llys ei ddirymu neu ddatgan ei fod yn annilys; Yn hytrach, dylech roi'r manylion hynny yn Rhan 4 'Ynghylch y cais hwn'.

Os oeddech chi'n barti i unrhyw achosion a gwblhawyd, dylech roi copi o'r gorchymyn terfynol ynghlwm â'ch cais.

Os oes unrhyw achosion blaenorol neu gyfredol yn ymwneud â brawd, chwaer, hanner brawd, hanner chwaer, llysfrawd neu lyschwaer i'r plentyn, rhwch enw'r llys, natur yr achosion a'r dyddiad ac effaith unrhyw orchymyn a wnaed, neu ddyddiad y gwrandawriad nesaf os yw'r achosion yn gyfredol.

Os oeddech chi'n barti i unrhyw achosion a gwblhawyd, dylech roi copi o'r gorchymyn terfynol ynghlwm â'ch cais.

**Nodyn 6**

Rhwch enwau rhieni mabwysiadol y plentyn.

**Nodyn 7**

Yn Rhan 4 y cais, nodwch os gwelwch yn dda, y gorchymyn/gorchmynion yr ydych yn gofyn i'r llys eu gwneud a llenwch y manylion ychwanegol perthnasol y gofynnir amdanynt. **Dylech sicrhau eich bod yn atodi copi o'r gorchymyn (neu'r penderfyniad) i'r cais hwn.**

Os ydych chi'n gwneud cais am ddirymu'r mabwysiad dan y Cytundeb, neu'r gorchymyn mabwysiadu dan y Cytundeb, llenwch baragraff (a) yn Rhan 4. Dylech wedyn roi eich rhesymau dros gredu fod y mabwysiad dan y Cytundeb neu'r gorchymyn mabwysiadu dan y Cytundeb yn groes i bolisi cyhoeddus ym mharagraff (d).

**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. You should attach a copy of any court order to the application. You do not need to enter here the details of the Convention adoption, Convention adoption order or other overseas adoption order or determination under section 91 you are asking the court to annul or declare invalid. Instead, you should enter those details in Part 4 'About this application'.

If you were a party to any proceedings that have been completed, you should attach a copy of the final order to your application.

If there are earlier, or current, court proceedings relating to a full, half or step brother or sister of the child, give the name of the court, the nature of the proceedings and the date and effect of any order made, or the date of the next hearing if proceedings are current.

If you were a party to any proceedings that have been completed, you should attach a copy of the final order to your application.

**Note 6**

Give the names of the child's adoptive parents.

**Note 7**

In Part 4 of the application please indicate the order(s) you are asking the court to make and complete the relevant additional details required. **You should ensure you attach a copy of the order (or determination) to this application.**

If you are applying for an order to annul the Convention adoption or Convention adoption order complete paragraph (a) in Part 4. You should then give your reasons for believing that the Convention adoption or Convention adoption order is contrary to public policy in paragraph (d).

Os ydych chi'n gwneud cais am orchymyn y dylai mabwysiad tramor neu benderfyniad dan adran 91 beidio â bod yn ddilys, llenwch baragraff (b) yn Rhan 4. Dylech dicio'r blwch priodol i nodi a yw hyn oherwydd:

- eich bod yn credu fod y mabwysiad tramor neu'r penderfyniad yn groes i bolisi cyhoeddus neu
- nad oedd yr awdurdod a honnodd awdurdodi'r mabwysiad neu'r penderfyniad yn gymwys i wneud hynny;

a rhowch eich rheswm/rhesymau dros hyn ym mharagraff (d).

Os ydych chi'n gofyn i lys benderfynu i ba raddau yr effeithiwyd ar benderfyniad dan adran 91 gan benderfyniad dilynol dan yr un adran, llenwch baragraff (c) Rhan 4. Dylech wedyn roi eich rhesymau dros y cais ym mharagraff (d).

#### Nodyn 8

Ni ellir gwneud cais i ddirymu mabwysiad dan y Cytundeb neu orchymyn mabwysiadu dan y Cytundeb ond os oedd y person a fabwysiadwyd neu'r rhai oedd yn mabwysiadu yn byw'n arferol yng Nghymru a Lloegr yn union cyn y gwneir cais. Cadarnhewch fod hyn yn wir os gwelwch yn dda drwy dicio'r blwch perthnasol ym mharagraff (a) Rhan 4.

#### Nodyn 9

Nodwch y rhesymau dros eich cais os gwelwch yn dda. Os nad oes digon o le ar gyfer eich ateb, ewch ymlaen ar ddalen ar wahân os gwelwch yn dda. Rhowch enw'r plentyn, rhif y Rhan a chyfeirnod y paragraff ar ben y ddalen barhau.

Os ydych wedi gwrthod rhoi'ch cyfeiriad neu rif ffôn ar y ffurflen gais, dylech sicrhau nad yw'r rhesymau a roddwch dros eich cais yn cynnwys unrhyw wybodaeth allai arwain at ddatgelu'r manylion hynny.

If you are applying for an order that the overseas adoption or determination under section 91 should cease to be valid please complete paragraph (b) in Part 4. You should tick the appropriate box to indicate whether this is because:

- you believe the overseas adoption or determination to be contrary to public policy or
- the authority which purported to authorise the adoption or determination was not competent to do so;

and give your reason(s) for this in paragraph (d).

If you are asking the court to decide the extent to which a determination under section 91 has been affected by a subsequent determination under that section, complete paragraph (c) of Part 4. You should then give your reasons for the application in paragraph (d).

#### Note 8

An application to annul a Convention adoption or Convention adoption order can only be made if immediately before an application is made the person adopted or the adopter(s) were habitually resident in England and Wales. Please confirm that this is the case by ticking the appropriate box in paragraph (a) of Part 4.

#### Note 9

Please set out the reasons for your application. If there is not enough room for your reply, please continue on a separate sheet. Put the child's name, the number of the Part and the paragraph reference at the head of the continuation sheet.

If you have withheld your address or telephone number on the application form, you should make sure that the reasons you give for your application do not include any information that could lead to those details being disclosed.

## Cymorth neu gyfleusterau arbennig ar gyfer anabledd os byddwch yn mynychu'r llys

**Nodyn 10** ➤ Os byddwch chi/ un ohonoch angen cymorth neu gyfleusterau arbennig ar gyfer anabledd neu nam, nodwch eich gofynion yn llawn os gwelwch yn dda. Bydd staff y llys angen gwybod, er enghraifft, a ydych eisiau i ddogfennau gael eu darparu mewn fformat gwahanol, megis Braille neu brint bras. Byddant hefyd angen gwybod am unrhyw ofynion penodol allai fod gennych ar ddiwrnod y gwrandawriad, megis mynediad i gadair olwyn, system dolen sain, neu ddehonglydd iaith arwyddion. Bydd staff y llys yn cysylltu â chi ynghylch eich gofynion. Mae'n bwysig eich bod yn hysbysu'r llys o'ch anghenion. Oni wnewch hynny, efallai y bydd yn rhaid gohirio'r gwrandawriad o ganlyniad.

## Special assistance or facilities for disability if you attend court

**Note 10** ➤ If you/either of 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.