

Adoption Proceedings

Intercountry Adoption Centres

Guidance issued by the President of the Family Division

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Introduction

1. In January 2008, the President of the Family Division issued revised intercountry adoption guidance entitled “Adoption Proceedings Intercountry Adoption Centres (A20(1))”. It set out the courts in which intercountry adoption proceedings must be commenced and which judges are approved to hear these proceedings. The revised guidance reflected the Family Procedure (Adoption) Rules 2005 which came into force on 30 December 2005 giving effect to the Adoption and Children Act 2002 (the Act).
2. On 25 November 2008 the Allocation and Transfer of Proceedings Order 2008 came into effect. The new Order provides for the allocation and transfer of certain proceedings concerning children, including intercountry adoption proceedings.
3. This guidance, issued by the President of the Family Division, updates the guidance issued in January 2008 to reflect the provisions in the new Order. This guidance shall apply whenever an application for, or in connection with, an intercountry adoption order is made from 25 November 2008. It shall also apply, so far as is practicable, to proceedings started before but not concluded by 25 November 2008 (Article 29(1)).

Commencement of proceedings

4. The Allocation and Transfer of Proceedings Order 2008 states that proceedings for a Convention adoption order (meaning an order which is made by virtue of regulations under section 1 of the Adoption (Intercountry Aspects) Act 1999) or for an adoption order where section 83 of the Act) (restriction on bringing children in) applies must be commenced in a county court (Article 6(c) and (d)). In view of the more specialised nature of intercountry adoption proceedings certain county court adoption centres have been designated as ‘intercountry adoption centres’.
5. Therefore, proceedings for a Convention adoption order or for an adoption order under s83 of the Act may only be commenced in one of the intercountry adoption centres (Article 11(2)) listed in Annex A.

6. Any other form of intercountry adoption application must be issued at one of the designated 'adoption centres' listed at Annex B. Where an application for intercountry adoption is listed at a general adoption centre, the adoption centre may transfer the proceedings to a convenient intercountry adoption centre only if the adoption centre considers that the transfer will significantly accelerate the determination of the proceedings, or if it is more convenient for the parties or for the child for the proceedings to be dealt with by an intercountry adoption centre or there is another good reason for the proceedings to be transferred.

Transfer of proceedings to the High Court

7. Proceedings may be started in the High Court only if the proceedings are exceptionally complex, the outcome of the proceedings is important to the public in general or there is another substantial reason for the proceedings to be started in the High Court. The President of the Family Division has given a practice direction requiring a court to take into account the following factors when considering whether intercountry adoption proceedings ought to be heard in the High Court:
 - An adoption order is sought in relation to a child who has been adopted abroad in a country whose adoption orders are not recognised in England and Wales
 - An adoption order is sought in relation to a child who has been brought into the United Kingdom in circumstances where s83 of the Act applies and:
 - a. the person bringing the child, or causing the child to be brought –
 - i. has not complied with any requirement imposed by regulations made under s83(4); or
 - ii. has not met any condition required to be met by regulations made under s83(5) within the required time:
or
 - b. there are complicating features in relation to the application

Judges approved to hear Intercountry Adoption Proceedings

8. All intercountry adoption proceedings must be listed before, and may only be heard by a High Court Judge, a district judge of the Principal Registry of the Family Division, a Circuit Judge, a Deputy Circuit Judge or a Recorder who is nominated for adoption proceedings and who is authorised by the Family Division Liaison Judge to hear intercountry adoption proceedings. Directions hearings may be listed before a District Judge or a deputy district judge at an intercountry adoption centre under arrangements made by the local Circuit Judge in charge of adoption, in liaison with the Family Division Liaison Judge.

Annex A - Designated Intercountry Adoption Centres

The following courts have been designated as Intercountry Adoption Centres:

Midland Region

Birmingham County Court

Nottingham County Court

North West Region

Chester County Court

Liverpool County Court

Manchester County Court

North East Region

Leeds County Court

Newcastle County Court

South East Region

Principal Registry of the Family Division

HMCS Wales

Cardiff County Court

Wrexham County Court

South West Region

Bournemouth County Court

Bristol County Court

Exeter County Court

Portsmouth County Court

London Region

Principal Registry of the Family Division

Annex B - Adoption Centres

The following courts have been designated as Adoption Centres:

Midlands Region

Birmingham County Court
Coventry County Court
Derby County Court
Leicester County Court
Lincoln County Court
Northampton County Court
Nottingham County Court
Stoke On Trent County Court
Telford County Court
Wolverhampton County Court
Worcester County Court

North West Region

Blackburn County Court
Bolton County Court
Carlisle County Court
Chester County Court
Lancaster County Court
Liverpool County Court
Macclesfield County Court
Manchester County Court
Stockport County Court
Warrington County Court

North East Region

Bradford County Court
Kingston Upon Hull County Court
Leeds County Court
Middlesbrough County Court at
Teesside Combined Court
Newcastle County Court
Sheffield County Court
Sunderland County Court
York County Court

South East Region

Brighton County Court
Cambridge County Court
Canterbury County Court
Chelmsford County Court
Guildford County Court
Ipswich County Court
Luton County Court
Medway County Court
Milton Keynes County Court
Norwich County Court
Oxford County Court
Peterborough County Court
Reading County Court
Watford County Court

HMCS Wales

Aberystwyth County Court
Cardiff County Court
Llangefni County Court
Newport (Gwent) County Court
Pontypridd County Court
Rhyl County Court
Swansea County Court
Wrexham County Court

South West Region

Bournemouth County Court
Bristol County Court
Exeter County Court
Plymouth County Court
Portsmouth County Court
Southampton County Court
Swindon County Court
Taunton County Court
Truro County Court

London Region

Principal Registry of the
Family Division
Bow County Court
Brentford County Court
Bromley County Court
Croydon County Court
Romford County Court

Website sources

The Allocation and Transfer of
Proceedings Order 2008
<http://www.opsi.gov.uk/si/si200828>

Practice Direction – Allocation and
Transfer of Proceedings
[http://www.judiciary.gov.uk/docs/
judgments_guidance/pd/practice-
direction-on-allocation-final.pdf](http://www.judiciary.gov.uk/docs/judgments_guidance/pd/practice-direction-on-allocation-final.pdf)

Adoption and Children Act 2002:
[www.opsi.gov.uk/acts/
acts2002/20020038.htm](http://www.opsi.gov.uk/acts/acts2002/20020038.htm)

President's guidance Adoption: The
New Law and Procedure:
[http://www.judiciary.gov.uk/docs/
adoption_final.pdf](http://www.judiciary.gov.uk/docs/adoption_final.pdf)

Family Procedure (Adoption) Rules
2005:
www.justice.gov.uk/family/procrules