

Cais am orchymyn adfer (Ffurflen A57)

Nodiadau ar lenwi'r ffurflen

Rhan 1 a 2 Ynglŷn â'r ceisydd

Nodyn 1 ➤ Os ydych yn geisydd nad yw'n ddarpar fabwysiadwr/fabwysiadwyr ac nid ydych eisiau i'ch cyfeiriad, cod post a rhif ffôn preifat, na chyfeiriad y plentyn, neu (os nad yw'r plentyn yn byw gyda chi), enw'r person y mae'r plentyn yn byw gyda hwy, 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. Ni ddatgelir y manylion hyn i unrhyw un arall, ac eithrio drwy orchymyn y llys.

Nodyn 2 ➤ Os ydych yn gwneud cais fel swyddog awdurdodedig yr awdurdod lleol/asiantaeth fabwysiadu dylai'r manylion cyswllt, gan gynnwys y rhif ffôn cyswllt, fod y rhai hynny ar gyfer yr awdurdod lleol/asiantaeth y gall y llys eu defnyddio yn ystod oriau gwaith.

Nodyn 3 ➤ Nid oes cyfyngiadau ar bwy all wneud cais am orchymyn adfer, ond bydd y llys angen mynegiad bras o pam yr ydych yn gwneud y cais a sut rydych yn perthyn neu'n gysylltiedig â'r plentyn.

Rhan 3 Rhesymau am y cais a thystiolaeth i gefnogi

Nodyn 4 ➤ Os nad ydych eisiau i'r enwau a'r cyfeiriadau a roddir yn yr adran hon gael eu datgelu i unrhyw barti arall, peidiwch â'u nodi 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. Ni ddatgelir yr wybodaeth i unrhyw un arall, ac eithrio drwy orchymyn y llys.

Pwysig: Os mai chi yw'r **darpar fabwysiadwr** dylech sicrhau nad yw'r rhesymau am eich cais yn cynnwys unrhyw wybodaeth all arwain at ddatgelu pwy ydych chi.

Dylai **unrhyw geisydd** sydd heb ddatgelu ei gyfeiriad neu rif ffôn, neu gyfeiriad y plentyn neu enw'r person y mae'r plentyn yn byw gyda hwy, sicrhau nad ydynt yn cynnwys unrhyw beth all arwain at ddatgelu'r manylion hyn.

Application for a recovery order (Form A57)

Notes on completing the form

Parts 1 and 2 About the applicant

Note 1 ➤ If you are an applicant who is not the prospective adopter(s) and you do not want your private address, postcode, 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 these 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 person, except by order of the court.

Note 2 ➤ If you are applying as the authorised officer of a local authority/adoption agency the contact details, including a telephone contact number, should be those for the local authority/agency which the court can use during working hours.

Note 3 ➤ There are no restrictions on who may apply for a recovery order but the court will need a brief indication of how you come to be making the application and how you are related to or connected to the child.

Part 3 Reasons for application and evidence in support

Note 4 ➤ If you do not want the names and addresses given in this section to be disclosed to any other party, do not enter them 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 person, except by order of the court.

Important: If you are the **prospective adopter** 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 should make sure that they do not include any information which could lead to these being disclosed.

A. Mae'r plentyn wedi cael ei symud neu mae seiliau rhesymol i gredu bod rhywun yn bwriadu symud plentyn yn groes i adran 30-40 o Ddeddf Mabwysiadu a Phlant 2002 (adrannau 30-35 (achosion asiantaeth) ac adrannau 36-40 (achosion nad ydynt yn ymwneud ag asiantaeth)).

Mae'r darpariaethau symud wedi'u manylu yn adrannau 30-40 o Ddeddf 2002. Dim ond enghreifftiau yw'r sefyllfaoedd a ganlyn.

1. Pan fo plentyn yn cael ei leoli trwy ganiatâd dan adran 19 o Ddeddf 2002, dim ond asiantaeth fabwysiadu all symud y plentyn (adran 30(1)), e.e. ni all rhiant symud y plentyn.
2. Pan fo plentyn mewn llety a ddarperir gan yr awdurdod lleol ac mae cais am orchymyn lleoli wedi'i wneud, gall y plentyn gael ei symud dim ond gan rywun sydd â chaniatâd y llys, neu'r awdurdod lleol i wneud hynny (adran 30(2)), e.e. gall rhiant symud y plentyn gyda chaniatâd y llys yn unig.
3. Pan fo gorchymyn lleoli mewn grym neu wedi'i ddiddymu ond bod plentyn yn parhau i fod gyda'r darpar fabwysiadwyr neu mewn llety a ddarperir gan yr awdurdod lleol, dim ond yr awdurdod lleol all symud y plentyn (adran 34(1)), e.e. ni all rhiant symud y plentyn.
4. Pan fo plentyn dan chwe wythnos oed wedi'i leoli i'w fabwysiadu ond ar ôl chwe wythnos nid oes gan yr asiantaeth awdurdod dan adran 19 o Ddeddf 2002, dim ond yr asiantaeth fabwysiadu all symud y plentyn o'r lleoliad (adran 30(1)), e.e. ni all rhiant symud y plentyn.
5. Pan fo llys riant neu bartner wedi rhoi hysbysiad o fwriad i wneud cais i fabwysiadu ac mae'r plentyn wedi rhannu cartref gyda'r llys riant/partner am ddim llai na tair blynedd o'r pum mlynedd diwethaf, gall y plentyn gael ei symud dim ond gan berson sydd â chaniatâd y llys neu awdurdod lleol, neu berson arall yn gweithredu pwerau statudol (adran 39(2)), e.e. gall rhiant symud y plentyn gyda chaniatâd y llys yn unig.
6. Pan fo llys riant neu bartner wedi rhoi hysbysiad o fwriad i fabwysiadu ac mae'r plentyn wedi rhannu cartref gyda'r llys riant/partner am lai na thair blynedd, gall y plentyn gael ei symud dim ond gan riant neu warcheidwad y plentyn, neu gan berson sydd â chaniatâd y llys neu awdurdod lleol neu berson arall sy'n gweithredu pwerau statudol (adran 39(3)), e.e. gall rhiant symud y plentyn.
7. Pan fo rhieni maeth awdurdod lleol wedi rhoi hysbysiad o fwriad i wneud cais i fabwysiadu ac mae'r plentyn wedi rhannu cartref gyda'r rhieni maeth am bum mlynedd gall y plentyn gael ei symud dim ond gan berson sydd â chaniatâd

A. The child has been removed or there are reasonable grounds to believe that someone intends to remove the child in contravention of sections 30-40 of the Adoption and Children Act 2002 (sections 30-35 (agency cases) and sections 36-40 (non agency cases)).

The detailed removal provisions are in sections 30-40 of the 2002 Act. The following situations are examples only.

1. Where a child is placed by consent under section 19 of the 2002 Act, only an adoption agency can remove the child (section 30(1)), e.g. a parent cannot remove the child.
2. Where a child is in accommodation provided by the local authority and an application for a placement order has been made, the child may only be removed by a person who has the court's permission, or the local authority (section 30(2)), e.g. a parent can only remove the child with the court's permission.
3. Where a placement order is in force or has been revoked but a child is still with the prospective adopters or in accommodation provided by the local authority, only the local authority may remove the child (section 34(1)), e.g. a parent cannot remove the child.
4. Where a child under six weeks old has been placed for adoption but after six weeks the agency does not have authorisation under section 19 of the 2002 Act, only the adoption agency can remove the child from the placement (section 30(1)), e.g. a parent cannot remove the child.
5. Where a step-parent or partner has given notice of intention to apply to adopt and the child has had his or her home with the step-parent/partner for not less than three years out of the last five the child may be removed only by a person with the court's permission or a local authority or other person in exercise of statutory powers (section 39(2)), e.g. a parent can only remove the child with the court's permission.
6. Where a step-parent or partner has given notice of intention to adopt and the child has had his or her home with the step-parent/partner for less than three years, the child may only be removed by the child's parent or guardian, by a person with the court's permission or a local authority or other person in exercise of statutory powers (section 39(3)), e.g. a parent can remove the child.
7. Where local authority foster parents have given notice of intention to apply to adopt and the child has had his or her home with the foster parents for five years the child may be removed only by a person with the court's permission or a local

y llys neu awdurdod lleol neu berson arall sy'n gweithredu pwerau statudol (heblaw dan adran 20(8) y Ddeddf Plant 1989) (adran 38(2) a (3)), e.e. gall rhiant symud y plentyn gyda chaniatâd y llys yn unig.

8. Pan fo rhieni maeth awdurdod lleol wedi gwneud cais i'r llys am ganiatâd i wneud cais i fabwysiadu'r plentyn oherwydd nid yw'r plentyn wedi rhannu cartref gyda hwy am flwyddyn cyn gwneud y cais i fabwysiadu (ac ni ymdriniwyd â'r cais am ganiatâd) gall y plentyn dim ond cael ei symud gan berson sydd â chaniatâd y llys neu awdurdod lleol neu berson arall sy'n gweithredu pwerau statudol (heblaw am dan adran 20(8) Deddf Plant 1989) e.e., gall rhiant symud y plentyn gyda chaniatâd y llys yn unig.
9. Os yw'r plentyn wedi rhannu cartref gyda'r rhieni maeth am flwyddyn ac mae'r rhieni maeth wedi rhoi hysbysiad o fwriad i fabwysiadu, gall y plentyn ond cael ei symud gan berson sydd â chaniatâd y llys, awdurdod lleol neu berson arall sy'n gweithredu pwerau statudol, neu berson gyda chyfrifoldeb rhiant dros y plentyn sy'n gweithredu'r pŵer yn adran 20(8) Deddf Plant 1989 (adran 38(4) a (5)), e.e. gall rhiant symud y plentyn gyda chaniatâd y llys yn unig, oni bai bod ganddo / ganddi gyfrifoldeb rhiant dros y plentyn ac mae'r rhieni maeth yn darparu llety yn unol ag adran 20 Deddf 1989.

authority or other person in exercise of statutory powers (other than under section 20(8) of the Children Act 1989) (section 38(2) and (3)), e.g. a parent can only remove the child with the court's permission.

8. Where local authority foster parents have applied to the court for permission to apply to adopt the child because the child has not had his home with them for a year before the application to adopt (and the permission application has not been dealt with) the child may be removed only by a person with the court's permission or a local authority or other person in exercise of statutory powers (other than under section 20(8) of the Children Act 1989), e.g. a parent can only remove the child with the court's permission.
9. If the child has had his or her home with the foster parents for a year and the foster parents have given notice of intention to adopt, the child may only be removed by a person who has the court's permission, by a local authority or other person in exercise of statutory powers, or a person with parental responsibility for the child who is exercising the power in section 20(8) of the Children Act 1989 (section 38(4) and (5)), e.g. a parent can only remove the child with the court's permission unless he or she has parental responsibility for the child and the foster parents are providing accommodation pursuant to section 20 of the 1989 Act.

B. Mae'r darpar fabwysiadwyr wedi methu â:

1. Dychwelyd y plentyn i'r asiantaeth fabwysiadu o fewn 7 diwrnod o'r asiantaeth yn eu hysbysu i dychwelyd y plentyn, pan fo'r plentyn:

- a) yn cael ei roi i'w fabwysiadu gan asiantaeth fabwysiadu ac mae'n llai na chwe wythnos oes, neu nid yw'r asiantaeth wedi'i hawdurdodi i roi'r plentyn i'w fabwysiadu a
- b) bod rhiant/rhieni neu warcheidwad/gwarcheidwaid y plentyn wedi rhoi gwybod i'r asiantaeth eu bod eisiau i'r plentyn gael ei dychwelyd atynt, ac
- c) nid oes cais am orchymyn lleoli dan ystyriaeth, ac
- d) nid yw'r plentyn yn destun gorchymyn gofal (adran 31(3) a (4)).

2. Dychwelyd y plentyn i'r asiantaeth fabwysiadu o fewn 14 diwrnod o'r asiantaeth yn eu hysbysu i dychwelyd y plentyn, pan fo'r plentyn:

- a) yn cael ei roi i'w fabwysiadu gan asiantaeth fabwysiadu dan adran 19 y Ddeddf ac

B. Prospective adopters have failed to:

1. Return the child to the adoption agency within 7 days of the agency giving them notice to return the child where the child:

- a) is placed for adoption by an adoption agency and is less than six weeks old, or the agency has not been authorised to place the child for adoption and
- b) the child's parent(s) or guardian(s) has/have informed the agency that they want the child to be returned to them, and
- c) there is no pending application for a placement order, and
- d) the child is not subject to a care order (section 31(3) and (4)).

2. Return the child to the adoption agency within 14 days of the agency giving them notice to return the child where the child:

- a) is placed for adoption by an adoption agency under section 19 of the Act and

- b) mae caniatâd i leoli dan adran 19 wedi cael ei dynnu'n ôl ac
- c) nid oes cais am orchymyn lleoli dan ystyriaeth, ac
- d) nid yw'r plentyn yn destun gorchymyn gofal a
- e) chyn cyflwyno'r hysbysiad, ni wnaethpwyd unrhyw gais am orchymyn mabwysiadu, gorchymyn gwarcheidwadaeth arbennig, gorchymyn trefniadau plant na chais am ganiatâd i wneud cais am warcheidwaeth arbennig neu orchymyn trefniadau plant i'r llys sydd angen delio â hwy.

(Sylwch: os oes cais o'r fath, nid oes rhaid i'r darpar fabwysiadwyr ddychwelyd y plentyn hyd nes bod y llys yn gorchymyn fel arall (adran 32)).

3. Dychwelyd y plentyn i'r awdurdod lleol ar y dyddiad a bennwyd gan y llys ar gyfer dychwelyd y plentyn ble

- a) fo'r plentyn yn cael ei roi i'w fabwysiadu gan awdurdod lleol dan adran 19;
- b) bod cais am orchymyn lleoli wedi cael ei wrthod ac mae'r rhiant neu warcheidwad wedi dweud wrth yr awdurdod lleol ei fod eisiau'r plentyn yn ôl ac
- c) nid yw'r plentyn yn destun gorchymyn gofal (adran 33).

4. Dychwelyd y plentyn i'r awdurdod lleol o fewn yr amser a bennwyd gan y llys pan mae'r llys wedi diddymu gorchymyn lleoli ac wedi penderfynu nad yw'r plentyn am aros gyda'r darpar fabwysiadwyr (adran 34(3)).

5. Dychwelyd y plentyn i'r asiantaeth fabwysiadu o fewn 7 diwrnod o'r asiantaeth yn eu hysbysu i ddychwelyd y plentyn, pan fo'r plentyn:

- a) wedi'i leoli gyda'r darpar fabwysiadwyr gan yr asiantaeth
- b) mae'r asiantaeth o'r farn na ddylai'r plentyn aros gyda hwy a
- c) chyn cyflwyno'r hysbysiad, ni wnaethpwyd unrhyw gais am orchymyn mabwysiadu, gorchymyn gwarcheidwadaeth arbennig, gorchymyn trefniadau plant na chais am ganiatâd i wneud cais am warcheidwaeth arbennig neu orchymyn trefniadau plant i'r llys sydd angen delio â hwy.

(Sylwch: os oes cais o'r fath, nid oes rhaid i'r darpar fabwysiadwyr ddychwelyd y plentyn hyd nes bod y llys yn gorchymyn fel arall (adran 35(2)).

- b) consent to placement under section 19 has been withdrawn and
- c) there is no pending application for a placement order and
- d) the child is not subject to a care order and
- e) prior to service of the notice no application for an adoption order, special guardianship order, child arrangements order or for permission to apply for special guardianship or a child arrangements order, was made to the court and remains to be dealt with.

(Note: if there is such an application the prospective adopters are not required to return the child unless the court orders otherwise (section 32)).

3. Return the child to the local authority on the date set by the court for return of the child where

- a) the child is placed for adoption by a local authority under section 19;
- b) an application for a placement order has been refused and the parent or guardian has told the local authority that he wants the child returned and
- c) the child is not subject to a care order (section 33).

4. Return the child to the local authority within the time set by the court when the court has revoked a placement order and has determined that the child is not to remain with the prospective adopters (section 34(3)).

5. Return the child to the adoption agency within 7 days of the agency giving them notice to return the child where the child:

- a) had been placed with prospective adopters by the agency
- b) the agency is of the opinion that the child should not remain with them and
- c) Prior to service of the notice no application for an adoption order, special guardianship order, child arrangements order or for permission to apply for special guardianship or a child arrangements order, was made to the court and remains to be dealt with.

(Note: if there is such an application the prospective adopters are not required to return the child unless the court orders otherwise (section 35(2)).

Adran 4 Y gorchymyn a'r cyfarwyddiadau y gwnaethpwyd cais amdanynt

Nodwch fath y gorchymyn y byddwch yn gofyn i'r llys ei wneud yma. Rhowch gymaint o fanylion â phosib.

Cymorth neu gyfleusterau arbennig ar gyfer anabledd

Nodyn 5 ➤ Os bydd angen cymorth neu gyfleusterau arbennig arnoch ar gyfer anabledd neu nam, nodwch eich anghenion yn llawn. Bydd staff y llys angen gwybod, er enghraifft, a ydych eisiau i ddogfennau gael eu darparu mewn fformat gwahanol, megis Braille neu brint bras. Hefyd, bydd angen iddynt wybod am unrhyw ofynion penodol y bydd gennych ar ddiwrnod y gwrandawriad, megis mynediad i gadair olwyn, dolen clyw, neu ddehonglydd iaith arwyddion.

Bydd staff y llys yn cysylltu â chi am eich gofynion. Mae'n bwysig eich bod yn dweud wrth y llys am eich holl anghenion. Oni wnewch hynny, efallai y bydd yn rhaid gohirio'r gwrandawriad o ganlyniad.

Part 4 the order and directions applied for

Indicate here the type of order you will be asking the court to make. Give as much detail as you can.

Special assistance or facilities for disability

Note 5 ➤ If you need special assistance or special facilities for a disability or impairment, please set out your requirement 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.

