



New South Wales

# Uniform Civil Procedure (Amendment No 77) Rule 2016

under the

Civil Procedure Act 2005

The Uniform Rules Committee has made the following rule of court under the *Civil Procedure Act 2005*.

Rebel Kenna  
Secretary of the Uniform Rules Committee

## **Explanatory note**

The object of this Rule is to amend the *Uniform Civil Procedure Rules 2005*:

- (a) to provide for the practice and procedure to be followed in connection with applications in the Supreme Court for the registration of adoption plans and for reviews of such plans, and
- (b) to update certain references to the head of the Department of Family and Community Services (who is now called the Secretary of the Department rather than its Director-General).

## **Uniform Civil Procedure (Amendment No 77) Rule 2016**

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### **1 Name of Rule**

This Rule is the *Uniform Civil Procedure (Amendment No 77) Rule 2016*.

### **2 Commencement**

This Rule commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Uniform Civil Procedure Rules 2005**

**[1] Rule 56.10 Notice to be given to Secretary**

Omit “Director-General” wherever occurring. Insert instead “Secretary”.

**[2] Rules 56.13 and 56.14**

Insert after rule 56.12:

**56.13 Registration of adoption plans**

- (1) An adoption plan is registered for the purposes of section 50 of the *Adoption Act 2000* when the Supreme Court files the plan following the making of an order that it be registered.
- (2) An originating process in proceedings for an adoption order may include an application for an order that an adoption plan be registered.
- (3) Evidence in support of an application for an order that an adoption plan be registered must include (to the extent that the evidence in support of the application for an adoption order does not already do so):
  - (a) a verified copy of the executed adoption plan, and
  - (b) the facts, matters and circumstances relied on to show that the plan does not contravene the adoption principles, and
  - (c) the statement on affidavit of each party to the adoption that the party understands the provisions of the plan and has freely entered into it, and
  - (d) the facts, matters and circumstances relied on to show that the provisions of the plan are in the child’s best interests and proper in the circumstances.

**56.14 Review of adoption plans**

- (1) An application under section 51 of the *Adoption Act 2000* for a review of an adoption plan is to be made by notice of motion in the proceedings in which the relevant adoption order was made.
- (2) Evidence in support of an application for a review of an adoption plan must include:
  - (a) a verified copy of the executed adoption plan (unless it has previously been registered), and
  - (b) the proposed changes to the adoption plan, and
  - (c) the grounds on which the application is made, and
  - (d) the facts, matters and circumstances relied on to show that it is in the best interests of the child and proper in the circumstances to change the adoption plan.
- (3) Unless the Supreme Court orders otherwise, the notice of motion must be served on:
  - (a) each party to the adoption who has agreed to the adoption plan, and
  - (b) any other person (including a non-consenting birth parent who has not agreed to the adoption plan) who has a sufficient interest in the adoption plan.