

**FORM 61**  
**CONSENT BY PARENT TO THE ADOPTION OF CHILD**  
**(Regulation 99)**  
**[SECTION 233 OF THE CHILDREN'S ACT 38 OF 2005]**

**NOTE**

A separate form must be used for each child

Where the consent of both parents is required, a separate form should be completed by each parent

IN THE CHILDREN'S COURT FOR THE DISTRICT OF \_\_\_\_\_  
 HELD AT \_\_\_\_\_

**IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF A CHILD**

I, \_\_\_\_\_ (full name),  
 identity number \_\_\_\_\_, residing at \_\_\_\_\_

Being the \*father/mother of \_\_\_\_\_  
 (full name of child)

hereby voluntarily consent to the adoption of the said child by -

- (a) \_\_\_\_\_; or  
 (\*full name(s) or persons wishing to adopt the child)
- (b) a person or persons unknown to me

**FURTHER PARTICULARS OF PARENT**

My religious affiliation is \_\_\_\_\_ \*I am/I am not a South African citizen.

- I am unmarried and have never been married before       I am married to the \*mother/father of the child
- I have never been married to the father of the child       I am divorced from the \*mother/father of the child
- My present husband is not the father of the child who was born \*prior to/during our marriage
- I am the \*widow/er of the father/mother of the child

\_\_\_\_\_  
*Signature of \*father/mother*

SIGNED BEFORE ME after I have explained to the said \*father/mother the effect of an adoption order as set out in section 242 of the Act, and have informed \*him/her that –

- (i) \*he/she may withdraw this consent in writing before a presiding officer of the children's court at any time during a period of up to 60 days after having given this consent;
- (ii) \*he/she is not entitled to be present when the application for adoption is considered unless permission to be present has been obtained from the presiding officer of the children's court; and

\*he/she has intimated that \*he/she understands the legal consequences and requirements.

PLACE \_\_\_\_\_

DATE \_\_\_\_\_

\_\_\_\_\_  
*Presiding officer: Children's court*

Insert an X in appropriate block and \*Delete whichever is not applicable

REVERSE SIDE OF FORM 61

NOTICE

**A. PROHIBITED CONSIDERATION (IN TERMS OF SECTION 249 OF THE CHILDREN'S ACT, 2005)**

(1) No person may-

- (a) give or receive, or agree to give or receive, any consideration, in cash or in kind, for the adoption of a child in terms of Chapter 15 or Chapter 16; or
- (b) induce a person to give up a child for adoption in terms of Chapter 15 or Chapter 16.

(2) Subsection (1) does not apply to-

- (a) the biological mother of a child receiving compensation for-
  - (i) reasonable medical expenses incurred in connection with her pregnancy, birth of the child and follow-up treatment;
  - (ii) reasonable expenses incurred for counseling; or
  - (iii) any other prescribed expenses;
- (b) a lawyer, psychologist or other professional person receiving fees and expenses for services provided in connection with an adoption;
- (c) the Central Authority of the Republic contemplated in section 257 receiving prescribed fees;
- (d) a child protection organisation accredited in terms of section 251 to provide adoption services, receiving the prescribed fees;
- (e) a child protection organisation accredited to provide inter-country adoption services receiving the prescribed fees;
- (f) an organ of state; or
- (g) any other prescribed persons.

**B. EFFECT OF AN ADOPTION ORDER (IN TERMS OF SECTION 242 OF THE CHILDREN'S ACT, 2005)**

(1) Except when provided otherwise in the order or in a post-adoption agreement confirmed by the court an adoption order terminates-

- (a) all parental responsibilities and rights any person, including a parent, step-parent or partner in a domestic life partnership, had in respect of the child immediately before the adoption;
- (b) all claims to contact with the child by any family member of a person referred to in paragraph (a);
- (c) all rights and responsibilities the child had in respect of a person referred to in paragraph (a) or (b) immediately before the adoption; and
- (d) any previous order made in respect of the placement of the child.

(2) An adoption order-

- (a) confers full parental responsibilities and rights in respect of the adopted child upon the adoptive parent;
- (b) confers the surname of the adoptive parent on the adopted child, except when otherwise provided in the order;
- (c) does not permit any marriage or sexual intercourse between the child and any other person which would have been prohibited had the child not been adopted; and
- (d) does not affect any rights to property the child acquired before the adoption.

(3) An adopted child must for all purposes be regarded as the child of the adoptive parent and an adoptive parent must for all purposes be regarded as the parent of the adopted child.