

REPUBLIC OF NAURU
FAMILY COURT ACT 1973
FAMILY COURT (FORMS) RULES 1974

IN EXERCISE of the powers conferred to me by section 29 of the Family Court Act 1973.

I hereby make the following rules of court.

SHORT TITLE

1. These Rules may be cited as the Family Court (Forms) Rules 1974.

FORMS

2. The forms set out in the Schedule to these Rules with such modification if any as may be appropriate shall be used for the purposes stated thereon.

MADE this thirteenth day of September 1974

SCHEDULE
(Rule 2)

FORMS

List of Forms

1. Complaint for a maintenance order (Form No FCM 1)
2. Summons (Form No FC M 2)
3. Warrant of arrest (Form No FC M 3)
4. Warrant of seizure and sale (Form No FC M 4)
5. Complaint (Form No FC/M/5)
6. Summons (Form No FC/M/6)
7. Warrant of arrest (Form No FC M 7)
8. Warrant of committal (Form No FC M 8)
9. Complaint (Form No FC M 9)
10. Warrant to apprehend (Form No FC M 10)
11. Application for variation of order (Form No FC M 11)
12. Notice (Form No FC M 12)
13. Application for an adoption order (Form No FC AD 1)
14. Certified of Inquiry (Form No FC AD 2)
15. Consent to an adoption order (Form No FC AD/3)
16. Application to discharge or vary an adoption order (Form No FC AD 4)

17. Notice of application to discharge or vary an adoption order (Form No FC AD 5)

18. Application for an order under section 21 of the Adoption of Children Ordinance 1965-1967
(Form No FC AD 6)

REPUBLIC OF NAURU

MAINTENANCE ORDINANCE 1959-1967

(Section 4)

COMPLAINT FOR A MAINTENANCE ORDER

In the Family Court

Maint. C. No.

A.B. Company

vs

C.D. Repondent

.....A.B. of being the wife *the child* the
 mother of the ex-nuptial child named
 *a person acting on behalf of
 the wife */child(ren) */named of C.D of
 complains on oath that the said C.D. has left the
 said A.B, */his wife */his said child(ren) without means of support */is about to leave Nauru
 without making adequate provision for the support of the said A.B. */his wife */his said child(ren)
 and applies for a maitenance order to be made by the Court.

Sworn before me by
 the said AB at
 on

Signed A.B.

Chairman */Member
of the Family Court

*Delete whenever is not applicable.

REPUBLIC OF NAURU

MAINTENANCE ORDINANCE 1965-1967

(Section 4)

SUMMONS

In the Family Court

Maint. C. No.

A.B. Complainant

vs

C.D. Respondent

TO C.D. of

Complaint has been made by A.B. of
that you (state details of complaint).....

Accordingly you are hereby summoned to attend before the Family Court at the Court House at
Yaren on the19... ata.m. */p.m. to show cause why you
should not support the said A.B. */the said

Dated this day of19.....

Chairman */Member
of the Family Court

*Delete whichever is not applicable

REPUBLIC OF NAURU

MAINTENACE ORDINACE 1959-1967

(Section 4)

WARRANT OF ARREST

In the Family Court

Maint. C. No

A.B. Complainant

vs

CD Responeant

To all police officers in Nauru

Whereas complaint has been made by A.B. of
.....that C.D of
.....(state details of the complaint).

These are to command you to arrest the said C.D. and to bring him forthwith before the Family Court.

Dated this day of 19...

Chairman */Manager
of the Family Court.

*Deleted whichever is not applicable.

REPUBLIC OF NAURU
MAINTENANCE ORDINANCE 1959-1967
(Section 9)

WARRANT OF SEIZURE AND SALE

In the Family Court

Maint. C. No.

A.B. Complainant

vs

C.D. Respondent

To the Director of Police

Whereas the Court is satisfied that C.D. of
.....has left his wife */child(ren)
named.....without means of support

And whereas the Court in exercise of its powers under section 5 of the Maintenance Ordinance 1959-1967 is this day making */has on19.....made an order for the said C.D. to pay (state details of orders).

And whereas the Court in exercise of its powers under section 9 of the said Act has ordered the seizure and sale of the goods, chattels and securities of the said C.D. and the collection of rents due to the said C.D. to the total value of \$.....

These are to command you to seize and sell the goods, chattels and securities of the said C.D. and to collect any rents due to him to a total sum of \$..... and to pay the money received by you as the result of the said seizure sale and collection to the clerk of the Family Court who is hereby directed to appropriate the said money towards the payment ordered to be made by the said C.D. for the support of the said.....

DATED thisday of19.....

Chairman */Member
of the Family Court.

*Delete whichever is not applicable

REPUBLIC OF NAURU

MAINTENANCE ORDINANCE 1959-1967

(Section 11)

COMPLAINT

In the Family Court

Maint. C. No.

A.B. Complainant

vs

C.D. Respondent

I of complain on oath that
whereas on the day of 19.... the Family Court in
exercise of its power under section 5 of the Maintenance Ordinance 1959-1967 ordered C.D. of
..... to pay to him */her (state details of the order) the said C.D.
has failed to comply with that order in that he has (state details of failure to comply with the
order).

Sworn before me by
the said at Signed
on

Chairman */Member
of the Family Court.

*Delete which ever is not applicable.

REPUBLIC OF NAURU

MAINTENANCE ODINANCE 1965-1967

(Section 11)

SUMMONS

In the Family Court

Maint. C. No.

A.B. Complainant

vs

C.D. Respondent

To C.D. of

Whereas on the day of 19...., this Court in exercise of its powers under section 5 of the Maintenance Ordinance 1959-1967 ordered you to pay to (state details of order).

And whereas the saidhas complained on oath that you have failed to comply with that order in that he has (state details of failure to comply with order).

You are hereby summoned to attend at the Court House at Yaren on the day of, 19...., ata.m.*/p.m. to answer that complaint.

DATED thisday of,19....

Chairman */Member
of the Family Court

*Delete whichever is not applicable.

REPUBLIC OF NAURU

MAINTENANCE ORDINANCE 1965-1967

(Section 11)

WARRANT OF COMMITTAL

In the Family Court

Maint. C. No.

A.B. Complainant

vs

C.D. Respondent

To all police officers in Nauru and the Superintendent of Nauru Prison.

Whereas on the day of19.... this Court in exercise of its powers under section 5 of the Maintenance Ordinance 1959-1967 ordered C.D.ofto pay to (state details of order).

And whereas the said C.D. has failed to comply with that order in that he has (state details of failure to comply with order).

These are to command you, the said police officers to take the said C.D. to the Nauru Prison and deliver him to the said Superintendant who is hereby directed to detain him in the prison for days or untill such earlier time as he complies with the said order.

Dated this day of, 19....

Chairman*/Member
of the Family Court.

* Delete whichever is not applicable.

REPUBLIC OF NAURU

MAINTENANCE ORDINANCE 1959-1967

(Section 12)

COMPLAINT

In the Family Court

Maint. C. No.

A.B. Complainant

vs

C.D. Respondent

A.B of complains on oath that C.D. of is about to leave */has left Nauru to defeat the following provisions of the Maintenance Ordinance 1959-1967 */the following order made under the provisions of the Maintenance Ordinance 1959-1967 namely (state details of the provisions or order and why C.D.'s leaving Nauru is like defeat them or it), and the said A.B. applies for a warrant to be issued for the apprehension of the said C.D.

Sworn before me by
the said A.B. on Signed A.B.....
at.....

Chairman */Member
of the Family Court.

* Delete whichever is not applicable.

REPUBLIC OF NAURU

MAINTENANCE ORDINANCE 1959-1967

(Section 12)

WARRANT TO APPREHEND

In the Family Court

Maint. C. No.

A.B. Complainant

vs

C.D Respondent

To all the police in Nauru

Whereas A.B. has complained on oath that C.D. of
is about to leave */has left Nauru to defeat certain provisions of */an order made under the
Maintenance Ordinance 1959-1967.

These are to command you to arrest the said C.D. and bring him forthwith before the Family
Court at the Court House at Yaren to answer the said complain.

DATED the day of19....

Chairman */Manager
of the Family Court.

*Delete whichever is not applicable.

REPUBLIC OF NAURU

MAINTENANCE ORDINANCE 1959-1967

(Section 13)

APPLICATION FOR VARIATION OF ORDER

In the Family Court

Maint. C. No.

A.B. Complainant

vs

C.D. Respondent

Whereas on the day of, 19, the Family Court ordered as follows (set out details of order of which variation is sought);

I A.B. */C.D. now apply to the Court for that order to be varied by (state nature of variation sought).

The grounds for this application are: (state grounds).

DATED this day of19.....

A.B. */C.D.
Applicant.

* Delete whichever is not applicable.

REPUBLIC OF NAURU

MAINTENANCE ORDINANCE 1959-1967

(Section 13)

NOTICE

In the Family Court

Maint. C. No.

A.B. Complainant

vs

C.D. Respondent

To C.D. */A.B. of

A.B. */C.D. has applied to this Court for the order made by it on the day of, 19...., namely, that (state details of the order) to be varied as follows (set out details of the variation sought).

The grounds of her */his application are (set out grounds as stated in the application). You are hereby notified that the application referred to above will be heard by this Court at the Court House at Yaren on the day of 19.... at a.m. */p.m.

IF YOU WISH TO OPPOSE THE APPLICATION YOU MUST BE PRESENT IN THE COURT HOUSE AT THAT TIME OR BE REPRESENTED THERE BY A BARRISTER AND SOLICITOR OR PLEADER.

DATED this day of 19....

Chairman */Member
of the Family Court

* Delete whichever is not applicable.

REPUBLIC OF NAURU

ADOPTION OF CHILDREN ORDINANCE 1965-1967

(Section 4)

APPLICATION FOR AN ADOPTION ORDER

In the Family Court

Adoption Application No
In the matter of an application
by
to adoption a child named

I */We,.....of
.....hereby apply for an order to be made under section 4
of the Adoption of Children Ordinance 1965-1967 directing that I */we are to be deemed to be
the parent */parents of the child (state full name of the child).

+ I am not married */am a widow */ widower */ divorced.

+ I am married and my wife */husbands consents to the order being made.

+ We were married at on the
.....on the day of
..... 19....

**/I am */We are both above the age of 25 years and more than 21 years older than the
said child.

My */our occupation(s) is */are

I am */we we both are Nauruan */not Nauruan.....

The said child of thesex was born aton
theday of,19.....

The said child is Nauruan */ not Nauruan

The said child is at present in the custody +and care ofat
.....

The parents of the said child are and
.....and reside at.....

I */we understand that, if the Court makes the order for which we are making this application, all the rights, duties, obligation of the child's natural parents and guardians in relation to the child's may custody, maintenance and education will be transferred to me */us.

DATED this day of19.....

Signature(s).....

* Delete whichever is not applicable.

+ Delete if not applicable.

** If this statement cannot truthfully be made the age(s) of the applicant(s) should be stated.

REPUBLIC OF NAURU

ADOPTION OF CHILDREN ORDINANCE 1965-1967

(Section 10)

CERTIFICATE OF INQUIRY

In the Family Court

Adoption Application No.
In the matter of an application by
..... to adopt
a child named

I hereby certify that I have */the Nauru Local Government Council has, pursuant to section 10(5) of the Adoption of Children Ordinance 1965-1967 made diligent inquiry with respect to any person whose consent may be required to the adoption of the child (state name of child in full) by the applicant(s) (state name(s) of applicant(s) in full).

And I futher certify that is the person */are the persons whose consent is required to the adoption of the said child.

DATED thisday of19....

Head Chief */Clerk
of the Family Court

* Delete whichever is not applicable.

REPUBLIC OF NAURU

ADOPTION OF CHILDREN ORDINANCE 1965-1967

(Section 11)

CONSENT TO AN ADOPTION ORDER

In the Family Court

Adoption Application No.
In the matter of an application by
.....to adopt a
child named

I, of hereby
consent to the adoption of by

I am –

- + (a) the mother of the child;
- + (b) the father of the child;
- + (c) the guardian of the child;
- + (d) in charge and having control of the child;
- + (e) liable to contribute to the support of the child.

I understand that, if the Court makes an order for the adoption of the child, all my rights duties, obligations and liabilities in relation to the child’s custody maintenance and education will pass from me to the person(s) adopting the child.

DATED this day of19....

(Signature)

In the presence of
(Signature of Witness)

+ Delete if not applicable.

REPUBLIC OF NAURU

ADOPTION OF CHILDREN ORDINANCE 1965-1967

(Section 19)

APPLICATION TO DISCHARGE OR VARY AN ADOPTION ORDER

In the Family Court

Adoption Application No.
In the matter of the adoption of
by
And in the manner of an application to discharge
*/vary the adopt on order.

Whereas on the day of, 19, the Central
Court*/the Supreme Court*/Family Court made an order under section 4*/21 of the Adoption of
Children Ordinance 1965-1967 for the adoption of.....by.....

Now I.....of..... apply
for the said order to be discharged */varied so as to provide for (state variation sought)

The grounds of my application are (state grounds fully)
I am authorised by the President */ the Nauru Local Government Council to make this
applciaiton.

DATED this.....day of19.....

Applicant.....

*Delete whichever is not applicable

REPUBLIC OF NAURU

ADOPTION OF CHILDREN ORDINANCE 1965-1967

(Section 19)

**NOTICE OF APPLICATION TO DISCHARGE OR VARY AN
ADOPTION ORDER**

In the Family Court

Adoption Application No.....
In the matter of the adoption of by.....
And in the matter of an application to
discharge and vary the adoption order

To (a) of

TAKE NOTICE that ofhas
applied for the order made by the Central Court */Supreme Court*/Family Court on the
.....day of.....19.....for the adoption of
.....byto be discharged */varied
so as to provide for as in application and states that he is authorized by the President */the Nauru
Local Government Council to make that application.

AND TAKE NOTE ALSO that the application will be heard by the Family Court at the Court
House at Yaren on the 19.... ata.m. */p.m.

IF YOU WISH TO BE HEARD IN THE MATTER YOU MUST BE PRESENT IN THE
COURT HOUSE AT THAT TIME OR BE REPRESENTED THERE BY A BARRISTER AND
SOLICITOR OR PLEADER.

DATE this day of19....

Chairman */Member
of the Family Court

* Delete whichever is not applicable.

(a) To be given to every adoptive parent of the child and if the child is more than 10 years old to
the child.

REPUBLIC OF NAURU

ADOPTION OF CHILDREN ORDINANCE 1965-1967

(Section 21)

APPLICATION FOR AN ORDER UNDER SECTION 21

In the Family Court

Adoption Application No.....
In the matter of an application that
be deemed to be */to have been the child of.....

I */We, of hereby
apply for an order to be made that I */(name of).

The grounds for this application are (set out grounds as provided for in section 21(1) of the
Adoption of Children Ordinance 1965-1967)

+ (Name(s) of adoptive parent(s)) is */are dead

+ (Name(s) of adoptive parent(s)) is */are unable to make an application under section 21(2) of
the said Ordinance because (state reason).

Dated this day of 19....

Applicant

*Delete whichever is not required.
