
STATUTORY INSTRUMENTS

1997 No. 291

Act of Sederunt (Child Care and Maintenance Rules) 1997

CHAPTER 2

ADOPTION OF CHILDREN

PART IV

ADOPTION ORDERS

Duties of reporting office and curator *ad litem*

2.26.—(1) Subject to rule 2.25(2), a reporting officer appointed under this Part shall—

- (a) witness any agreement executed within the United Kingdom by a parent or guardian of a child to the making of an adoption order in respect of the child and lodge the agreement in process;
- (b) ascertain that each parent or guardian who is not a petitioner and whose agreement is required or may be dispensed with understands the effect of the adoption order;
- (c) where a parent or guardian whose agreement is required or may be dispensed with can be found, ascertain whether alternatives to adoption have been discussed with him;
- (d) ascertain whether there is any person other than those mentioned in the petition upon whom notice of the petition should be served;
- (e) ascertain whether the child is subject to a supervision requirement; and
- (f) confirm that each parent or guardian whose agreement is required understands that he may withdraw his agreement at any time before an order is made,

and shall report in writing thereon to the sheriff within 4 weeks from the date of the interlocutor appointing the reporting officer, or within such other period as the sheriff in his discretion may allow.

(2) A curator *ad litem* appointed under this Part shall have regard to the welfare of the child as his paramount duty and shall further—

- (a) generally safeguard the interests of the child whose adoption is the subject of the petition;
- (b) where the child in respect of whom an adoption order is sought is over the age of 12 years, witness any consent to the order executed by him in the United Kingdom and lodge the consent in process;
- (c) ascertain whether the facts stated in the petition are correct and if they are not establish the true facts;
- (d) obtain particulars of accommodation in the home of the petitioner and the condition of the home;
- (e) obtain particulars of all members of the household of the petitioner and their relationship to the petitioner;
- (f) in the case of a petition by only one of two spouses, ascertain the reason of the other spouse for not joining in the application;

- (g) ascertain whether the means and status of the petitioner are sufficient to enable him to maintain and bring up the child suitably;
- (h) ascertain what rights or interests in property the child has;
- (i) establish that the petitioner understands the nature and effect of an adoption order and in particular that the making of the order will render him responsible for the maintenance and upbringing of the child;
- (j) where appropriate, ascertain when the mother of the child ceased to have the care and possession of the child and to whom care and possession was then transferred;
- (k) ascertain whether any payment or other reward in consideration of the adoption has been given or agreed upon;
- (l) establish whether the adoption is likely to safeguard and promote the welfare of the child throughout his life;
- (m) ascertain whether the life of the child has been insured and if so for what sum;
- (n) ascertain whether it may be in the interests of the welfare of the child that the sheriff should make any interim order or make the adoption order subject to particular terms and conditions or require the petitioner to make special provision for the child and if so what provision;
- (o) where the petitioner is not ordinarily resident in the United Kingdom, establish whether a report has been obtained on the home and living conditions of the petitioner from a suitable agency in the country in which he is ordinarily resident;
- (p) establish the reasons of the petitioner for wishing to adopt the child;
- (q) establish to which religion, if any, the petitioner subscribes and the religious persuasion, if any, racial origin and cultural and linguistic background of the child;
- (r) assess the considerations which might arise where the difference in ages as between the petitioner and the child is greater or less than the normal difference in age as between parents and their children;
- (s) consider such other matters, including the personality of the petitioner and, where appropriate, that of the child, which might affect the suitability of the petitioner and the child for the relationship created by adoption and affect the ability of the petitioner to bring up the child;
- (t) ascertain whether it would be better for the child that the court should make the order than it should not make the order; and
- (u) ascertain from the child whether he wishes to express a view and where a child indicates his wish to express a view, ascertain that view,

and, subject to paragraph (3), shall report in writing thereon to the sheriff within 4 weeks from the date of the interlocutor appointing the curator, or within such other period as the sheriff in his discretion may allow.

(3) Subject to any order made by the sheriff under rule 2.27(1)(a), the views of the child ascertained in terms of paragraph (2)(u) may, if the curator *ad litem* considers appropriate, be conveyed to the sheriff orally.