SCHEDULE

SHERIFF COURT ADOPTION RULES 2009

CHAPTER 2

ADOPTION ORDERS

Appointment of a curator *ad litem* and reporting officer

11.—(1) The sheriff must on the lodging of a petition under rule 8 appoint a curator *ad litem* and reporting officer.

(2) But, subject to paragraph (3), the sheriff must not appoint a reporting officer where one or more of the following applies—

   (a) an order freeing the child for adoption has been made;

   (b) a permanence order with provision granting authority for the child to be adopted has been granted under section 80 of the 2007 Act;

   (c) the petition is founded on one or other or both of section 31(8) (advance consent to adopt) or (9) (placement of child: England and Wales) of the 2007 Act.

(3) Notwithstanding paragraph (2), a reporting officer must be appointed—

   (a) in any case in which the petition is founded on the condition in section 31(2) of the 2007 Act, whether or not it is also founded on section 31(8) or (9) of that Act; or

   (b) where the child who is the subject of the application is aged 12 or over, for the purpose of witnessing that child's consent, if it is to be executed in Scotland.

(4) The same person may be appointed as curator *ad litem* and reporting officer in the same petition if the sheriff considers that doing so is appropriate in the circumstances.

(5) The sheriff may appoint a person who is not a member of a panel established under regulations made by virtue of section 101 of the 1995 Act to be curator *ad litem* or a reporting officer.

(6) The sheriff may, on cause shown, appoint a reporting officer prior to the lodging of such a petition.

(7) An application for an appointment under paragraph (6) is to be made by letter addressed to the sheriff clerk specifying the reasons for the appointment, and shall not require to be intimated to any other person.

(8) The sheriff clerk must intimate the appointment of a curator *ad litem* and reporting officer under paragraph (1) or (6) to the petitioner and to the person or persons appointed.