

## SCHEDULE

### SHERIFF COURT ADOPTION RULES 2009

## CHAPTER 2

### ADOPTION ORDERS

#### **Applications under sections 20 to 24**

**27.**—(1) An application under section 20(2) (restrictions on removal: child placed for adoption with consent), section 21(3) (restrictions on removal: notice of intention to adopt given), 22(3) (restrictions on removal: application for adoption order pending), 23(3) (restrictions on removal of child looked after by local authority), 24(1) (return of child removed in breach of certain provisions) or 24(2) (order directing person not to remove child) of the 2007 Act shall be made—

- (a) if there is pending in respect of the child an application for an adoption order, by minute in the process of that application; or
- (b) in any other case, by petition.

(2) A minute or petition under paragraph (1) shall set out the relevant facts and the crave which the minuter or petitioner, as the case may be, wishes to make.

(3) On receipt of a minute under paragraph (1)(a) the sheriff shall—

- (a) order a diet of hearing to be fixed; and
- (b) ordain the minuter to send a notice of such hearing in Form 9 together with a copy of the minute, by recorded delivery letter to the petitioner in the original petition, to the curator *ad litem* in the original petition, to any person who may have care and possession of the child and to such other persons as the sheriff considers appropriate.

(4) On receipt of a petition under paragraph (1)(b) the sheriff shall—

- (a) order a diet of hearing to be fixed; and
- (b) ordain the petitioner to send a notice of such hearing in Form 9 together with a copy of the petition, by recorded delivery letter to any person who may have care and possession of the child and to such other persons as the sheriff considers appropriate.

(5) The sheriff may, on the motion of a party and on cause shown, remit any petition lodged under paragraph (1)(b) to another sheriff court.

(6) On the making of an order under paragraph (5) the sheriff—

- (a) must state his reasons for doing so in the interlocutor;
- (b) may make such other order as he thinks fit.

(7) The court to which a petition is transferred under paragraph (5) shall accept the petition.

(8) A petition transferred under paragraph (5) shall proceed in all respects as if it had been brought in the court to which it is transferred.