

SCHEDULE

SHERIFF COURT ADOPTION RULES 2009

CHAPTER 4

PERMANENCE ORDERS

Application for permanence order

31.—(1) An application for a permanence order under section 80 of the 2007 Act is to be made by petition in Form 11.

(2) The following documents must be lodged in process along with a petition under paragraph (1):

- (a) an extract of the entry in the Register of Births relating to the child who is the subject of the application;
- (b) a report by the petitioner in numbered paragraphs, if available, which deals with the following matters:—
 - (i) how the needs of the child came to the notice of the petitioner;
 - (ii) any relevant family circumstances of the child;
 - (iii) a description of the physical and mental health of the child (including any special needs) and his emotional, behavioural and educational development;
 - (iv) an account of the discussion by the petitioner with the parents or guardians of the child and, if appropriate, with the child about their wishes and the alternatives to a permanence order;
 - (v) where appropriate, whether the father of the child has been given notice and provided with the prescribed information under section 105(2) of the 2007 Act;
 - (vi) the knowledge of the petitioner of the position of other relatives or persons likely to be involved;
 - (vii) an account of the search by the petitioner for any parent or guardian who cannot be found;
 - (viii) the arrangements of the petitioner to care for the child after the making of a permanence order (including the arrangements for contact between the child and any other person);
 - (ix) the child's religious persuasion, racial origin and cultural and linguistic background;
 - (x) the likely effect on the child of the making of a permanence order;
 - (xi) whether there is a person who has the right mentioned in section 2(1)(a) of the 1995 Act to have the child living with the person or otherwise to regulate the child's residence and, where there is such a person, evidence that the child's residence with the person is or is likely to be seriously detrimental to the welfare of the child;
 - (xii) whether the child is or has been married or a civil partner;
 - (xiii) in the case of a petition containing a request that the order include provision granting authority for the child to be adopted, the matters mentioned in paragraph (3);
 - (xiv) in the case of a petition in respect of a child who is aged 12 or over, whether the child consents to the making of the order or is incapable of doing so;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (xv) whether the child is subject to a supervision requirement under section 70 of the 1995 Act;
 - (xvi) any other information which may be of assistance to the court having regard, in particular, to sections 83 (if appropriate) and 84 of the 2007 Act;
 - (c) any other document founded upon by the petitioner in support of the terms of the petition.
- (3) The matters referred to in paragraph (2)(xiii) are—
- (a) whether the child has been, or is likely to be, placed for adoption;
 - (b) whether each parent or guardian of the child understands what the effect of making an adoption order would be and consents to the making of such an order in relation to the child, or the grounds on which such consent should be dispensed with.
- (4) If the report mentioned in paragraph (2)(b) is unavailable to be lodged with the petition, the sheriff shall pronounce an interlocutor requiring the petitioner to prepare and lodge such a report within 2 weeks of the date of the interlocutor, or within such other period as the sheriff in his discretion may allow.