

SCHEDULE

SHERIFF COURT ADOPTION RULES 2009

CHAPTER 4

PERMANENCE ORDERS

Intimation of application

- 33.**—(1) On the lodging of a petition under rule 31—
- (a) the sheriff clerk must fix a date for a preliminary hearing not less than 6 and not more than 8 weeks after the date of lodging the petition;
 - (b) where the petition does not contain a request that the order include provision granting authority for the child to be adopted, the petitioner must send a copy of the petition along with a notice of intimation in Form 12 to—
 - (i) any person who has parental responsibilities or parental rights in relation to the child;
 - (ii) any person who claims to have an interest;
 - (c) where the petition contains such a request—
 - (i) the petitioner must send a copy of the petition along with a notice of intimation in Form 12 to the persons mentioned in paragraph (2); and
 - (ii) the petitioner must send a copy of the petition along with a notice of intimation in Form 13 to the father of the child if he does not have, and never has had, parental responsibilities and parental rights in relation to the child;
 - (d) the sheriff clerk must intimate the date of the preliminary hearing to the curator *ad litem* and to any reporting officer appointed under rule 32;
 - (e) the sheriff may order the petitioner to intimate the application to such other person as he considers appropriate.
- (2) The persons referred to in paragraph (1)(c)(i) are—
- (a) every person who can be found and whose consent to the making of the order is required to be given or dispensed with under the 2007 Act;
 - (b) if no such person can be found, a relative of the child within the meaning of section 119(1) of the 2007 Act unless the address of such a relative is not known to the petitioner and cannot reasonably be ascertained.
- (3) A notice of intimation under paragraph (1)(c)(i) must include the following matters:—
- (a) that an application for a permanence order containing a request that the order include provision granting authority for the child to be adopted has been made;
 - (b) the date on which and place where the preliminary hearing will be held;
 - (c) the fact that the person is entitled to be heard on the application;
 - (d) the fact that, unless the person wishes, or the court requires, the person need not attend the hearing.
- (4) A notice of intimation under paragraph (1)(c)(ii) must include the matters mentioned in paragraphs (3)(a) and (b).
- (5) The sheriff clerk or petitioner on making intimation shall complete a certificate of intimation in Form 14.