

## SCHEDULE

### SHERIFF COURT ADOPTION RULES 2009

## CHAPTER 4

### PERMANENCE ORDERS

#### **Amendment of order to grant authority for child to be adopted**

**41.**—(1) An application under section 93(2) (amendment of order to include provision granting authority for child to be adopted) of the 2007 Act is to be made by minute in Form 17 in the process of the original application.

(2) A minute under paragraph (1) must contain—

- (a) the name and address of the applicant;
- (b) details of the original application;
- (c) details of the following matters—
  - (i) whether the child has been, or is likely to be, placed for adoption;
  - (ii) 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;
  - (iii) the child's religious persuasion, racial origin and cultural and linguistic background;
  - (iv) whether the child is subject to a supervision requirement under section 70 of the 1995 Act;
  - (v) the likely effect on the child of the making of the order.

(3) On the lodging of a minute under paragraph (1)—

- (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 application;
- (b) the applicant must send a copy of the minute along with a notice of intimation in Form 18 to 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;
- (c) the applicant must send a copy of the minute along with a notice of intimation in Form 19 to the father of the child if he does not have, and never has had, parental responsibilities in relation to the child;
- (d) the sheriff may order the applicant to intimate the minute to such other persons as he considers appropriate;
- (e) the sheriff must appoint a curator *ad litem* and reporting officer and the same person may be appointed as curator *ad litem* and reporting officer if the sheriff considers that doing so is appropriate in the circumstances.

(4) A notice of intimation under paragraph (3)(b) must state the following matters:—

- (a) that an application has been made;
- (b) the date on which, and place where, the preliminary hearing will be heard;
- (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.

**Status:** This is the original version (as it was originally made).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

(5) A notice of intimation under paragraph (3)(c) must state the matters mentioned in paragraph (4)(a) and (b).

(6) The minuter on making intimation shall complete a certificate of intimation in Form 14.

(7) Rules 34 to 39 are to apply, with any necessary modifications, to an application under this rule as they apply to an application under rule 31.