



Adoption (Scotland) Act 1978

1978 CHAPTER 28

PART III

CARE AND PROTECTION OF CHILDREN AWAITING ADOPTION

Protected children

32 Meaning of " protected child "

- (1) Where a person gives notice in pursuance of section 22(1) to the local authority within whose area he lives of his intention to apply for an adoption order in respect of a child, the child is for the purposes of this Part a protected child while he has his home with that person.
- (2) A child shall be deemed to be a protected child for the purposes of this Part if he is a protected child within the meaning of section 32 of the Adoption Act 1976.
- (3) A child is not a protected child by reason of any such notice as is mentioned in subsection (1) while—
 - (a) he is in the care of any person in any such school, home or institution as is mentioned in subsection (3) of section 2 of the Children Act 1958 ; or
 - (b) he is resident in a residential establishment provided for persons suffering from mental disorder under section 59 of the Social Work (Scotland) Act 1968; or
 - (c) he is liable to be detained or subject to guardianship under section 23 of the Mental Health (Scotland) Act 1960.
- (4) A protected child ceases to be a protected child when—
 - (a) the application for an adoption order lapses or is withdrawn;
 - (b) the application for an adoption order is granted or otherwise determined;
 - (c) an order is made awarding custody of the child ;
 - (d) an order is made appointing a guardian of the child ; or
 - (e) the child attains the age of 18 years.