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STATUTORY INSTRUMENTS

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**1997 No. 291**

**Act of Sederunt (Child Care and Maintenance Rules) 1997**

CHAPTER 2

ADOPTION OF CHILDREN

PART V

PARENTAL RESPONSIBILITIES ORDERS

**Duties of reporting officer and curator *ad litem***

**2.40.**—(1) A reporting officer appointed under this Part shall—

- (a) witness any agreement executed within the United Kingdom by a relevant person to the making of a parental responsibilities order in respect of the child and shall lodge the agreement in process;
- (b) ascertain that each relevant person who can be found understands that the effect of a parental responsibilities order would be to transfer his parental responsibilities and rights;
- (c) ascertain whether there is any person other than those mentioned in the application upon whom notice of the application should be served;
- (d) confirm that each relevant person who can be found understands the implications of a parental responsibilities order; and
- (e) confirm that each relevant person who can be found understands that he may apply to the sheriff for the variation or discharge of a parental responsibilities order in terms of rule 2.44 and understands the appropriate procedure for so applying,

and shall report in writing thereon to the sheriff within 4 weeks from the date of the interlocutor appointing the reporting officer, or within such other period as the sheriff in his discretion may allow.

(2) A curator *ad litem* appointed under this Part shall have regard to the welfare of the child as his paramount duty and shall further—

- (a) generally safeguard the interests of the child who is the subject of the application and ensure that consideration has been given to the interests of the child for the purposes of section 6 of the Act (duty to promote welfare of child);
- (b) ascertain whether the facts stated in the application are correct, except where investigation of such facts falls within the duties of the reporting officer;
- (c) ascertain from the child whether he wishes to express a view and, where a child indicates his wish to express a view, ascertain that view;
- (d) ascertain whether a parental responsibilities order would safeguard and promote the welfare of the child; and
- (e) report on the current circumstances and care of the child,

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and, subject to paragraph (3), shall report in writing thereon to the sheriff within 4 weeks from the date of the interlocutor appointing the curator, or within such other period as the sheriff in his discretion may allow.

(3) Subject to any order made by the sheriff under rule 2.41(1)(a), the views of the child ascertained in terms of paragraph (2)(c) may, if the curator *ad litem* considers appropriate, be conveyed to the sheriff orally.