

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2

Permanence Orders

Section 81 - Permanence orders: mandatory provision

288. **Section 81** specifies the mandatory provision. The mandatory provision will vest in the applicant local authority for the appropriate period (defined by subsection (2)), the following parental responsibilities and parental rights:

the responsibility to provide, in a manner appropriate to the stage of development of the child, guidance to the child (as set out at section 1(1)(b)(ii) of the Children (Scotland) Act 1995) (subsection (1)(a)); and

the right (as set out at section 2(1)(a) of the 1995 Act) to regulate the child's residence (subsection (1)(b)).

289. These will be the core elements of the permanence order: all permanence orders will confer these parental responsibilities and parental rights upon the local authority in whose favour the permanence order is made.

290. Subsection (2) defines the 'appropriate period' for which the permanence order will last. For the responsibility set out at subsection (1)(a) (provision of guidance) the appropriate period begins with the making of the permanence order and ends on the child's 18th birthday. For the right set out in subsection (1)(b) (to regulate residence), the appropriate period begins with the making of the permanence order and ends on the child's 16th birthday.