

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3

Miscellaneous

Section 108 - Rules: appointment of curators ad litem and reporting officers

353. By virtue of this section, a court can appoint a curator *ad litem* or a reporting officer to act in an application for a relevant order (defined by subsection (4) as an adoption order, a permanence order or an order under section 65 of the Act) in such cases as are prescribed by rules. Paragraphs (a) and (b) of subsection (1) outline the roles of these officers: a curator *ad litem* will act to safeguard the interests of the child during proceedings; a reporting officer will witness agreements to adoption and perform other duties that may be prescribed.
354. Subsection (2) provides that the rules made under subsection (1), may, in particular, make provision enabling the reporting officer to be appointed before the application is made and enabling the court to appoint the same person as curator *ad litem* and reporting officer.
355. Under subsection (3), any rules made under subsection (1) may not allow any person who is employed by the adoption agency which has applied for an adoption order in respect of the child to be appointed as a curator *ad litem* or reporting officer. Similarly, rules may not allow any person who is employed by the local authority who has applied for a permanence order in respect of the child to be appointed as a curator *ad litem* or reporting officer.