



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 2

THE ADOPTION PROCESS

Preliminary

14 Considerations applying to the exercise of powers

- (1) Subsections (2) to (4) apply where a court or adoption agency is coming to a decision relating to the adoption of a child.
- (2) The court or adoption agency must have regard to all the circumstances of the case.
- (3) The court or adoption agency is to regard the need to safeguard and promote the welfare of the child throughout the child's life as the paramount consideration.
- (4) The court or adoption agency must, so far as is reasonably practicable, have regard in particular to—
 - (a) the value of a stable family unit in the child's development,
 - (b) the child's ascertainable views regarding the decision (taking account of the child's age and maturity),
 - (c) the child's religious persuasion, racial origin and cultural and linguistic background, and
 - (d) the likely effect on the child, throughout the child's life, of the making of an adoption order.

Status: This is the original version (as it was originally enacted).

- (5) Where an adoption agency is placing a child for adoption it must have regard, so far as is reasonably practicable, to the views of the parents, guardians and other relatives of the child.
- (6) In carrying out the duties imposed on it by subsections (2) to (4) an adoption agency must, before making any arrangements for the adoption of a child, consider whether adoption is likely best to meet the needs of the child or whether there is some better practical alternative for the child.
- (7) If an adoption agency concludes that there is an alternative such as is mentioned in subsection (6), it must not make arrangements for the adoption of the child.
- (8) Without prejudice to the generality of subsection (4)(b), a child who is aged 12 or over is presumed to be of sufficient age and maturity to form a view for the purposes of that subsection.