STATUTORY INSTRUMENTS

1997 No. 291

Act of Sederunt (Child Care and Maintenance Rules) 1997

CHAPTER 2

ADOPTION OF CHILDREN

PART IV

ADOPTION ORDERS

Application for adoption order

- **2.21.**—(1) An application for an adoption order, or for an order vesting parental responsibilities and rights relating to a child under section 49(1) of the Act (adoption of children abroad)(1), shall be made by petition in Form 11 or 12 as appropriate.
 - (2) There shall be lodged in process along with the petition—
 - (a) an extract of the entry in the Register of Births relating to the child who is the subject of the application;
 - (b) in the case of a joint petition by a married couple, an extract of the entry in the Register of Marriages relating to their marriage;
 - (c) where the child was not placed for adoption with the applicant by an adoption agency, three copies of a medical report showing the physical and mental health of the child (including any special needs) and his emotional, behavioural and educational development;
 - (d) any report by the local authority required by section 22(2) of the Act (investigation by local authority on receipt of notice of intention to apply for adoption order);
 - (e) any report by an adoption agency required by section 23 of the Act (report on the suitability of the applicants);
 - (f) where appropriate, an extract of the order freeing the child for adoption; and
 - (g) any other document founded upon by the petitioner in support of the terms of his petition.
- (3) A report by a local authority under section 22(2), or an adoption agency under section 23, of the Act shall include the following matters:—
 - (a) information about how the needs of the child came to the notice of the agency;
 - (b) the family circumstances of the child;
 - (c) where the child was placed for adoption by an adoption agency, a description of the physical and mental health of the child (including any special needs) and his emotional, behavioural and educational development;
 - (d) an account of the discussion with the parents or guardians of the child and, if appropriate, with the child about their wishes and the alternatives to adoption;
 - (e) the position of other relatives or persons likely to be involved;

- (f) an account of the search for a parent or guardian who cannot be found;
- (g) information about the mutual suitability of the petitioner and the child for the relationship created by adoption and the ability of the petitioner to bring up the child including an assessment of the personality of the petitioner and, where appropriate, that of the child;
- (h) particulars of all members of the household of the petitioner and their relationship to the petitioner;
- (i) a description of the accommodation in the home of the petitioner;
- (j) in a petition by one of two spouses, why the other spouse has not joined in the petition;
- (k) whether the petitioner understands the nature and effect of an adoption order and in particular that the order, if made, will make the petitioner responsible for the maintenance and upbringing of the child;
- (l) whether the means and standing of the petitioner are such as to enable him to maintain and bring up the child suitably, and what right or interest in property the child has;
- (m) whether any payment or other reward in consideration of the adoption, other than an approved adoption allowance, has been received or agreed upon;
- (n) what insurance has been offered on the life of the child;
- (o) the religious persuasion, if any, of the petitioner and the religious persuasion, if any, racial origin and cultural and linguistic background of the child;
- (p) considerations arising from the difference in age between the petitioner and the child if this is more or less than the normal difference in age between parents and children;
- (q) whether adoption is likely to safeguard and promote the welfare of the child throughout its life; and
- (r) any other information which may be of assistance to the court.
- (4) A report by a local authority under section 22(2) of the Act shall also specify whether the child was placed with the applicant in contravention of section 11 of the Act (restriction on arranging adoptions).
- (5) If no report by an adoption agency or local authority under paragraph (2)(d) or (e) is available to be lodged along with the petition, the sheriff shall pronounce an interlocutor requiring the adoption agency or local authority concerned to prepare and lodge such a report in court within 4 weeks from the date of the interlocutor, or within such other period as the sheriff in his discretion may allow.