

ANTISOCIAL BEHAVIOUR ETC. (SCOTLAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 – Parenting Orders

Section 109 – General considerations relating to making, varying and revoking order

242. **Section 109** provides for the considerations the court must take into account when deciding whether to make a parenting order and what the content of the order should be. Subsection (1) provides a court's paramount consideration in determining whether to make, vary or revoke a parenting order should be the welfare of the child concerned. Subsection (2) provides that the court must have particular regard to any views expressed by the child and the information it gained about the circumstances of the family. The court must also consider the behaviour of the parent who is proposed to be subject to the order. This provision will allow the court to take into account whether a parent has been offered and engaged with relevant voluntary support in relation to their parenting skills and any other behaviour of the parent that appears to the court to be relevant.
243. In determining whether to vary or revoke a parenting order, subsection (3) provides that a court shall have regard to the views of the child, any information about the family circumstances of the parent and any behaviour of the parent that appears to be relevant.
244. Subsection (4) provides the interpretation of 'relevant voluntary steps' in subsection (2) (c). In determining whether to make a parenting order the court will take account of voluntary steps intended to prevent the child engaging in antisocial behaviour, criminal conduct and in the interests of improving the welfare of the child, depending on the type of application being considered.