ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 2

The Adoption Process

Section 23 - Restrictions on removal of child looked after by local authority

- 89. Subsection (2) applies where an application for an adoption order has been made but not yet determined or prospective adopters have given notice of intention to adopt and, in each case, the child's home has been with the prospective adopters for the previous 5 years, and the child was looked after by the local authority before he or she lived with the prospective adopters, and the child remains a looked after child.
- 90. By virtue of subsection (2), the local authority must not remove the child from the care of the prospective adopters, except where subsection (3) applies, namely, where the removal is made in accordance with section 25 or 26, an appropriate court grants leave for removal, or where the removal is authorised by virtue of Chapter 2 or 3 of Part II of the Children (Scotland) Act 1995. "Appropriate court" is defined at section 118 of the Act.