

These notes relate to the Adoption and Children (Scotland) Act 2007 (asp 4) which received Royal Assent on 15 January 2007

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Chapter 2

The Adoption Process

Section 15 - Child to live with adopters before adoption order made

70. By virtue of subsections (1), (2) and (3), where a person applying for an adoption order is a parent, step-parent or relative of the child, or the child was placed with the applicant by an adoption agency, the adoption order cannot be made unless the child is at least 19 weeks old and that the child's home was with the applicants at all times during the 13 weeks immediately prior to the making of the adoption order.
71. Where the child was not so placed or neither of the applicants is a parent, step-parent or relative of the child, an adoption order cannot be made unless the child lived with the prospective adopters at all times during the 12 month period immediately preceding the making of the adoption order.
72. Subsection (5) applies to adoptions by way of Convention adoption orders (as defined by section 119) and to adoptions of children who are habitually resident outwith the British Islands, otherwise than by that type of order. In these cases the reference to the period of 13 weeks referred to above is read as a reference to a period of 6 months.