

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2

Permanence Orders

Section 93 - Amendment of order to grant authority for child to be adopted

322. By virtue of subsection (1), this section applies where a permanence order is in place in respect of a child, but it does not include authority for the child to be adopted. Under subsection (2), an appropriate court may, on application by the local authority which applied for the original permanence order, grant authority for the child to be adopted if the court considers that it is better for the child that the measure be granted, if the court is satisfied that the child has already been placed for adoption or will soon be placed for adoption and if the condition in subsection (3) or (4) is met.
323. Under subsection (3), dealing with parental consent, the parent or guardian of the child must fully understand what the effect of an adoption order would be and must consent to such an order being made in respect of the child. By virtue of subsection (4), the court can dispense with the consent of the child's parent or guardian on any of the grounds in section 83 of the Act, which apply to the inclusion of such authority on the grant of a permanence order.
324. Subsection (5) provides that the conditions and considerations in section 84(4), (5)(a) and (b) and (6) of the Act apply to the amendment of a permanence order as they do to the making of a permanence order.
325. Subsection (6) defines "guardian" and "parent" for the purposes of this section as being a guardian or parent who has parental responsibilities or rights or who had such responsibilities or rights but as a result of a previous permanence order no longer has such responsibilities or rights.