



Adoption and Children (Scotland) Act 2007

2007 asp 4

PART 1

ADOPTION

CHAPTER 4

ADOPTION SUPPORT PLANS

Adoption support plans

45 Adoption support plans

- (1) This section applies where—
 - (a) a local authority has, by virtue of section 9(1), assessed the needs of a person for adoption support services and decides that the provision of such services is called for in respect of the person, and
 - (b) the person is a member of a relevant family.
- (2) Subject to subsection (4), the authority must prepare an adoption support plan in respect of each member of the relevant family.
- (3) An adoption support plan must, in relation to the person it concerns (“the person”)—
 - (a) specify the needs of the person identified as a result of an assessment carried out by virtue of section 9(1),
 - (b) record details of the adoption support services the provision of which the authority decides is called for by virtue of section 9(2),
 - (c) specify any other needs of the person identified by the authority,
 - (d) set out how the needs mentioned in paragraphs (a) and (c) may be met by the provision of adoption support services,
 - (e) record details of any previous assessment of needs in respect of the person carried out by virtue of section 9(1),

Changes to legislation: *Adoption and Children (Scotland) Act 2007, Section 45 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (f) record details of any assessment of needs in respect of the person made under section 12A(1) of the Social Work (Scotland) Act 1968 (c. 49),
 - (g) where the person has been adopted, record details of any care plan prepared by a local authority in respect of the person under regulations made under section 17 of the 1995 Act,
 - (h) record details of any adoption support services which—
 - (i) were provided to the person before the plan was prepared, or
 - (ii) are being provided to the person when the plan is prepared,
 - (i) specify any other matter which, in the opinion of the local authority preparing the plan, is relevant to the provision of adoption support services to the person, and
 - (j) where there is no information to be included in the plan under any of paragraphs (a) to (i), record that fact.
- (4) The authority may, with the consent of each member of the relevant family aged 12 or over, prepare a single adoption support plan in respect of all members of the relevant family instead of preparing adoption support plans in respect of each of them.
- (5) Subsection (3) applies to a single adoption support plan prepared under subsection (4) as if—
- (a) for the words “the person it concerns (“the person”)” there were substituted “each member of the relevant family it concerns ”,
 - (b) for the words “the person” in paragraphs (a), (c), (e), (f), (h) and (i) there were substituted “ each member ”,
 - (c) for the words “the person” in paragraph (g), where they first occur, there were substituted “ a member of the relevant family ”, and
 - (d) for the words “the person” in that paragraph, where they second occur, there were substituted “ that member ”.
- (6) If in the opinion of the authority a member of the relevant family aged 12 or over is incapable of giving consent under subsection (4), the requirement to obtain such consent does not apply in relation to the member.
- (7) In this section, “relevant family” means—
- (a) a child who is placed for adoption,
 - (b) the person or persons with whom a child is placed for adoption,
 - (c) a child who has been adopted,
 - (d) the person who has, or persons who have, adopted that child,
 - (e) any—
 - (i) child of a person or persons mentioned in paragraph (b) or (d),
 - (ii) other child who has been treated by the person or persons as a child of the person or persons,
 living in the same household as the person or persons.

Commencement Information

- II** S. 45 in force at 28.9.2009 by *S.S.I. 2009/267*, **arts. 1(2), 2** (with *arts. 3-21*) (as amended (7.5.2012) by *S.S.I. 2012/99*, art. 2)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3A) inserted by [2020 asp 16 s. 30\(5\)](#)
- s. 14(4A)-(4C) inserted by [2020 asp 16 s. 2\(2\)\(c\)](#)
- s. 84(5A)(5B) inserted by [2020 asp 16 s. 2\(3\)\(c\)](#)