



## Checklist



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### MORE INFORMATION

If you need more information about this you can contact Clan Childlaw on our Freephone number 0808 129 0522. You can send us a text message to 075 275 66682 (texts will be charged at your normal network rate). You can also send us an email to [info@clanchildlaw.org](mailto:info@clanchildlaw.org), or send us a question through our website.

This leaflet is intended as a guide to the law in Scotland as at December 2016 and not as an authoritative statement and interpretation of the law.

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# Adoption & Permanence



LAWYERS FOR CHILDREN & YOUNG PEOPLE

[CLANCHILDLAW.ORG](http://CLANCHILDLAW.ORG)



## ADOPTION & PERMANENCE

### ✓ What is a “permanence order”?

If Social Work think that you can't live with your birth parents, then they can apply to the court for a court order, called a “[permanence order](#)” which can say:

- Your parents, or the people who have parental rights and responsibilities for you, do not have the right to decide where you live.
- Social work can decide where you should live until you are 16 years old.
- Social work have to give you support and help until you are 18 years old.

The order might also:

- Take away your parents rights and responsibilities\* and give these to someone else, like social work or foster carers. (\*there is a separate leaflet on [Parental Rights and Responsibilities](#))
- Say that you can be adopted. If the permanence order says that you can be adopted, that means that your birth parents can't challenge your adoption in the future.
- If they think it is in your best interests then the court can order that you are to have some contact with your parents or siblings. This will probably be limited contact, for example meetings a couple of times a year or indirect contact, for example by letter.

If you are 12 years old or over, social work have to ask you to agree to a permanence order. If you don't agree then they can't apply for a permanence order. If you are under 12 then, as long as you are old enough and can understand what is happening, they should ask what you think before they decide to apply for a permanence order.

### ✓ Adoption

To get an adoption order the people who want to adopt you have to apply to court. If you are 12 or over you must consent to the adoption. If you don't consent there will be no adoption. If you are under 12, and you can understand the situation and have a view on it, then your views must be taken into account. The court will look at reports from an adoption agency, social work and others. An adoption order will only be granted if the court decides that it is better to make an order than to leave things as they are.

An adoption order will give your adoptive parents full legal responsibilities and rights for you, and take away your birth families legal rights permanently. This is different if you still live with a birth parent and are being adopted by a step-parent. Then the order will give your adoptive parent full legal responsibilities and rights but not take them away from the birth parent you live with.

You can only be adopted if:

- You are more than 5 months old.
- You are under 18 and you have never been married or in a civil partnership.
- You have lived with the people who want to adopt you for at least 13 weeks (or sometimes longer).
- The birth parents agree OR the court decides that their agreement is not needed.
- If you are 12 or over, you have agreed.

An adoption order can't be reversed or changed.

### ✓ Fostering

Fostering places you in a home away from your birth parents and with foster parents. It can be for a short time or a longer time but it is not meant to be forever.