

**Status:** This is the original version (as it was originally made).

SCHEDULE

Rule 1.2(3)

FORM 1 APPLICATION FOR AN ORDER DECLARING A CHILD FREE FOR ADOPTION UNDER SECTION 18 OF THE ADOPTION (SCOTLAND) ACT 1978

Rule 2.5(1)

[A.B. (address)], Petitioner  
[or serial number where allocated]  
For an order in relation to the child, C.D.

[(Full Name)]  
[(Date of Birth)]  
[(Address or serial number where allocated)]

The Petitioner craves the court [(1)] to make an order declaring the child, C.D., free for adoption]; and (2) to dispense with the agreement [or consent] of on the ground that

The following documents are produced herewith:

- a. An extract of the entry in the Register of Births, relating to the child;
- b. \*Consent of ((name and address)) to the making of this application;
- c. \*Consent by the child dated \_\_\_\_\_ ;
- d. \*Adoption agency report dated \_\_\_\_\_ .

Signed .....  
[designation]  
Date.....

\*Delete as appropriate

FORM 2 FORM OF PARENTAL AGREEMENT UNDER SECTION 18(1)(a) OF THE ADOPTION (SCOTLAND) ACT 1978

**Status:** This is the original version (as it was originally made).

Rule 2.6(1)

In the petition by (adoption agency, name and address)  
for an order declaring the child—

—(full name of child)  
free for adoption,

I, (name, address)  
confirm that I am the mother/father/guardian of the child. I fully understand that on the making of an  
order under section 18 of the Adoption (Scotland) Act 1978 any parental responsibility or right which I  
have at present relating to the child vests in the petitioners and that the effect of an adoption order will  
be to deprive me of these parental responsibilities or rights permanently. I freely agree generally and  
unconditionally to the making of an adoption order in relation to the child.  
I have signed this agreement at (place of signing)

on the \_\_\_\_\_ day of \_\_\_\_\_ Nineteen hundred and ninety  
\_\_\_\_\_ years.

(Signature).....  
This agreement was signed in the presence of:—

(Signature of reporting officer  
or other person authorised).....

Full name  
Address

FORM 3 FORM OF PARENTAL CONSENT UNDER SECTION 18(2) OF THE ADOPTION  
(SCOTLAND) ACT 1978





**Status:** This is the original version (as it was originally made).

Rules 2.10(1) and 2.13(3)

In the petition by (adoption agency, name and address)

for an order declaring the child [full name]

free for adoption,

I/We,  
being the  
of the child hereby declare that I/we prefer not to be involved in future questions concerning the  
adoption of the child.

In witness whereof I/we have signed this declaration on the \_\_\_\_\_ day of

Nineteen hundred and ninety

Signature.....

Signature.....

Signed in the presence of

(Signature) .....

Full name

Designation

and Reporting Officer

Address

.....

**FOR OFFICIAL USE ONLY**

The foregoing declaration was received at the Sheriff Clerk's Office, \_\_\_\_\_ on  
19, and has been duly entered in the Adoption Register of that court.

Signature .....

Sheriff Clerk Depute

**FORM 6 WITHDRAWAL OF DECLARATION UNDER SECTION 18(6) OR SECTION 19(4) OF  
THE ADOPTION (SCOTLAND) ACT 1978**

**Status:** This is the original version (as it was originally made).

Rule 2.10(5)

In the petition by (adoption agency, name and address)  
for an order declaring the child [full name]  
free for adoption,

I/We,  
being the (insert relationship to the child)  
of the child hereby withdraw the declaration dated (insert date of declaration) that I/we prefer not to be  
involved in future questions concerning the adoption of the child

I/we have signed this withdrawal of declaration on the \_\_\_\_\_ day of  
Nineteen hundred and ninety \_\_\_\_\_

Signature.....

Signature.....

.....

**FOR OFFICIAL USE ONLY**

The foregoing withdrawal of declaration was received at the Sheriff Clerk's Office, on  
19, and has been duly entered in the Adoption Register of that court and intimation of the withdrawal  
made to the Local Authority.

Signature .....  
Sheriff Clerk Depute

FORM 7 FORM OF INTIMATION OF DIET OF HEARING UNDER SECTION 12 OR SECTION  
18 OF THE ADOPTION (SCOTLAND) ACT 1978

**Status:** This is the original version (as it was originally made).

Rules 2.11(2) and 2.28(3) and (4)

To:

(Full name and address of person to whom this intimation is to be sent)

Notice is given that a hearing will take place at (Name of sheriff court) Sheriff Court (Full address of court) on (date) at (time) in relation to the child (full name of child as given in the birth certificate)

when the court will consider an application for an order declaring the child free for adoption [or an application for adoption of the child].

You do not need to attend this hearing if you do not wish to be heard by the court.

If you do not attend this hearing the court may make an order as noted above.

Signature

Designation.....

Date

FORM 8 APPLICATION TO REVOKE AN ORDER FREEING A CHILD FOR ADOPTION UNDER SECTION 20(1) OF THE ADOPTION (SCOTLAND) ACT 1978

**Status:** This is the original version (as it was originally made).

Rule 2.15(1)

**MINUTE**

by

[full name, address]

in relation to the child

[full name and date of birth]

The minuter craves the court to revoke the order declaring the child free for adoption on the ground that he/she wishes to resume parental responsibilities and rights and condescends as follows:

1. An order freeing the child for adoption was made on .
2. More than 12 months have elapsed since the child was freed for adoption.
3. No adoption order has been made in respect of the child.
4. The child at present resides at and does not have his home with a person with whom he had been placed for adoption.
5. The minuter makes the following proposals for the future well-being of the child:-

Signed .....

[designation]

Date .....

FORM 9 APPLICATION (FOR LEAVE OF COURT) TO PLACE CHILD FOR ADOPTION UNDER SECTION 20(2) OF THE ADOPTION (SCOTLAND) ACT 1978



**Status:** This is the original version (as it was originally made).

Rule 2.19(1)

**MINUTE BY**

[full name, address]

in relation to the child

[full name and date of birth]

residing at present at

The minuters crave leave of the court to place the child for adoption and condescend as follows:

- a. An order in terms of section 18 of the Adoption (Scotland) Act 1978 declaring the child free for adoption was made by the court on 19 , in a petition by the minuters.
- b. An application to revoke the aforesaid order was lodged on 19 , by and that application for revocation has not yet been determined by the court.
- c. [Set out here the circumstances justifying the placing of the child]

Date .....

Signature .....  
and designation

FORM 10 FURTHER APPLICATION BY FORMER PARENT TO REVOKE AN ORDER FREEING A CHILD FOR ADOPTION UNDER SECTION 20(5) OF THE ADOPTION (SCOTLAND) ACT 1978

**Status:** This is the original version (as it was originally made).

Rule 2.20

**MINUTE BY**

[full name, address]

in relation to the child

[full name and address] born on (date of birth)

The minuter craves leave of the court to make this further application on the ground that:—

[narrate the change in circumstances or other proper reason for application]

The minuter craves the court to revoke the order declaring the child free for adoption on the ground that he wishes to resume parental responsibilities and rights and condescends as follows:

- a. An order freeing the child for adoption was made on .
- b. An application to the court to revoke the order was made on , but was refused on .
- c. More than 12 months have elapsed since the child was freed for adoption.
- d. No adoption order has been made in respect of the child.
- e. The child at present resides at and does not have his home with a person with whom he has been placed for adoption.
- f. The minuter makes the following proposals for the future well-being of the child:—

Date .....

Signature .....  
and designation

**FORM 11 PETITION FOR ADOPTION ORDER UNDER SECTION 12 OF THE ADOPTION (SCOTLAND) ACT 1978**

Petition of

[A.B, full name]

[and (full name of spouse)]

Maiden surname

Any previous married surname]

[Address]

For authority to adopt the child

[Full name of child as shown on birth certificate], born on

[Child's date of birth]

Child's present address]

The petitioner(s) crave(s) the court [(1)] to make an adoption order in his/her/their favour under section 12 of the Adoption (Scotland) Act 1978, in relation to the child [; and to dispense with the agreement [or consent] of \_\_\_\_\_ on the ground that \_\_\_\_\_ ] and condescends as follows:

- 1.a. The petitioner(s) is/are domiciled in \_\_\_\_\_ and reside(s) at \_\_\_\_\_ [or the male/female petitioner is domiciled in \_\_\_\_\_ and both petitioners reside at \_\_\_\_\_].
- b. The occupation(s) of the petitioner(s) is/are \_\_\_\_\_.
- c. The petitioner(s) is/are married [or unmarried or widow or widower]. (If married, state whether spouse resides with, or apart, from, the petitioner).
- d. The petitioner(s) is/are [respectively] \_\_\_\_\_ [and] \_\_\_\_\_ years of age.
- e. The petitioner(s) has/have resident with him/her/them the following persons, namely  
  
f. The child was received into the home of the petitioners on (date).  
g. The child has continuously had his home with the petitioner(s) since the date shown above.  
h. \*Arrangements for placing the child in the care of the petitioner(s) were made by (give full name and address of agency or authority or person making such arrangements) and therefore notification in terms of section 22(1) of the Adoption (Scotland) Act 1978 is not required.  
i. \*The petitioner(s) notified (give name of local authority notified) of his/her/their intention to apply for an adoption order in relation to the child on (date).  
(\*Delete as appropriate)  
j. An order freeing the child for adoption was made at \_\_\_\_\_ Sheriff Court on (date) \_\_\_\_\_ [or an order declaring the child free for adoption has not been made].  
k. No reward or payment has been given or received by the petitioner(s) for or of in consideration of the adoption of the child or the giving of consent to the making of an adoption order.
- 2.a. The child is \_\_\_\_\_ years of age, having been born on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ in the County of \_\_\_\_\_.
- b. The child is not and never has been married and is male/female.
- c. The child's natural mother is \_\_\_\_\_ (full name and address)
- d. \*The child's natural father is \_\_\_\_\_ (full name and address)



**Status:** This is the original version (as it was originally made).

.....  
Signature of male petitioner

.....  
Signature of female petitioner

or

.....  
Signature of solicitor with designation and  
address

.....  
.....

FORM 12 PETITION FOR ADOPTION ORDER UNDER SECTION 49 OF THE ADOPTION  
(SCOTLAND) ACT 1978

Status: This is the original version (as it was originally made).

Rule 2.21(1)

Petition of

[A.B. full name]

[and (full name of spouse)]

Maiden surname

Previous married surname]

For an order vesting in him/her/them the parental rights and responsibilities relating to the child.

[Full name of child as shown on birth certificate], born on

[Child's date of birth]

Child's present address]

The petitioner(s) crave(s) the court [(1)] to make an order under section 49 of the Adoption (Scotland) Act 1978 vesting in him/her/them the parental rights and responsibilities relating to the child [; and to dispense with the agreement [or consent] of [ ] on the ground that [ ] and condescends as follows:

- 1.a. The petitioner(s) is/are domiciled in [ ] and reside(s) at [ ]
- b. The occupation(s) of the petitioner(s) is/are [ ]
- c. The petitioner(s) is/are married [or unmarried or widow or widower]. (If married, state whether spouse resides with, or apart from, the petitioner)
- d. The petitioner(s) is/are [respectively] [ ] [and] [ ] years of age
- e. The petitioner(s) has/have resident with him/her/them the following persons, namely [ ]
- f. The child was received into the home of the petitioners on (date) [ ]
- g. The child has continuously had his home with the petitioner(s) since the date shown above
- h. \*Arrangements for placing the child in the care of the petitioner(s) were made by (give full name and address of agency or authority or person making such arrangements) and therefore notification in terms of section 22(1) of the Adoption (Scotland) Act 1978 is not required
- i. \*The petitioner(s) notified (give name of local authority notified) of his/her/their intention to apply for an adoption order in relation to the child on (date) [ ]  
(\*Delete as appropriate)
- j. An order freeing the child for adoption was made at [ ] Sheriff Court on (date) [ ]  
[or an order declaring the child free for adoption has not been made]
- k. No reward or payment has been given or received by the petitioner(s) for or in consideration of the adoption of the child or the giving of consent to the making of an adoption order
- 2.a. The child is [ ] years of age, having been born on the [ ] day of [ ] 19 [ ] ,  
at [ ] in the County of [ ]
- b. The child is not and never has been married and is male/female
- c. The child's natural mother is [ ]  
(full name and address)
- d. \*The child's natural father is [ ]  
(full name and address)

OR

*Status: This is the original version (as it was originally made).*

- e. \*Paternity of the child has not been admitted or established by decree of any court  
(\*Delete either (d) or (e) as appropriate)
- f. The child is of British/or                      nationality
- g. The child is entitled to the following property, namely
- h. The child has the following tutors, curators or guardians. (Either give full names and addresses or delete the paragraph if it does not apply)
3.    is/are liable to contribute to the support of the child.
4. The child has not been the subject of an adoption order or of a petition for an adoption order save that
5. The petitioner(s) is/are prepared to undertake, if any order is made on this petition, to make for the said child the following provisions, namely:-
6. There is lodged along with this application the following documents—
- (i) extract birth certificate relating to the child
  - (ii) extract marriage certificate relating to the petitioner(s)  
(Note: this need be lodged only in the case of a joint application by spouses)
  - (iii) medical certificate relating to the health of the male petitioner
  - (iv) medical certificate relating to the health of the female petitioner  
(Note: medical certificate need not be produced where either the petitioner or one of the joint petitioners is a parent of the child)
  - (v) \*agreement to the adoption by the child's natural mother
  - (vi) \*agreement to the adoption by the child's natural father
  - (vii) \*consent to the adoption by the child
  - (viii) \*consent to the adoption by the tutor or curator
  - (ix) \*extract of the order freeing the child for adoption
  - (x) \*acknowledgement by local authority of letter by petitioner(s) intimating intention to apply for adoption order
  - (xi) \*report by local authority in terms of section 22(2) of the Adoption (Scotland) Act 1978
  - (xii) \*report by the adoption agency in terms of section 23 of the Adoption (Scotland) Act 1978
  - (xiii) \*an affidavit by                      who is conversant with the law of adoption of                      and has practised law as a                      [or represents that country as (state capacity)                      in the United Kingdom]
- (\*Delete as appropriate)
7.    have taken part in the arrangements for placing the child in the care of the petitioner(s)—

The petitioner(s) crave(s) the court to dispense with intimation and to order notice of this petition to be served on such persons, if any, as the court may think proper, and thereafter, on resuming consideration hereon, to make an adoption order in favour of the petitioner(s) under the Adoption (Scotland) Act 1978 section 49, vesting in the petitioners the parental responsibilities and rights relating to (name of child) on such terms and conditions (if any) as the court may think fit, to authorise removal of the child for the purpose of adoption under the laws of                      ; to find the petitioners entitled to the custody of the child pending such adoption and to direct the Registrar General for Scotland to make an entry regarding the order in the Adopted Children Register in the form prescribed by him, giving                      as the forename(s), and the surname of the adopters as the surname of                      in the form; and further, upon proof to the satisfaction of the court in the course of the proceedings to follow hereon, that the child                      was born on the                      day of                      in the year Nineteen hundred and                      and is identical with the                      to whom any entry numbered                      and made on the                      day of                      in the year 19                      .                      in the Register of Births for the Registration District of                      the                      relates, to direct the said Registrar General to cause such birth

**Status:** This is the original version (as it was originally made).

entry to be marked with the words "proposed foreign adoption" and to include the above mentioned date of birth in the entry recording the order in the manner indicated in the Schedule to the said Act; and to pronounce such other or further orders or directions upon such matters, including the expenses of this petition, as the court may think fit.

.....  
Signature of male petitioner or agent

.....  
Signature of female petitioner or agent

or

.....  
Signature of solicitor with designation and  
address

.....

.....

FORM 13 FORM OF PARENTAL AGREEMENT UNDER SECTION 16(1) OF THE ADOPTION  
(SCOTLAND) ACT 1978



Rule 2.23(1)

In the petition relating to the adoption of  
(Insert the full name of the child as it is given in the birth certificate)  
to which petition the court has assigned the serial number

I, (name and address)

confirm that I am the mother/father/guardian of the child. I fully understand that the effect of the adoption order for which application has been made will be to deprive me permanently of all parental rights or responsibilities which I have at present over the child. I freely agree generally and unconditionally to the making of an adoption order in relation to the child.

I have signed this agreement at (place of signing)

on the                      day of                      Nineteen hundred and                      .

This agreement was signed in the presence of:—

(Signature of reporting officer)

Full name of Reporting Officer

Address

FORM 14FORM OF PARENTAL AGREEMENT UNDER 15(1)(aa) and 16(1) OF THE ADOPTION (SCOTLAND) ACT 1978

**Status:** This is the original version (as it was originally made).

Rule 2.23(1)

In the petition relating to the adoption of

(Insert the full name of the child as it is given in the birth certificate)

1. (name and address)

confirm that I am the mother/father/guardian of the child. I fully understand that the effect of the adoption order for which application has been made will be to share with the petitioner all parental responsibilities and rights which I have at present over the child. I freely agree generally and unconditionally to the making of an adoption order in relation to the child.

I have signed this agreement at (place of signing)

on the                      day of

This agreement was signed in the presence of:—

(Signature of reporting officer)

Full name of Reporting Officer

Address

FORM 15 FORM OF INTIMATION OF DIET OF HEARING UNDER SECTION 27, 28, 29 OR 30 OF THE ADOPTION (SCOTLAND) ACT 1978

**Status:** This is the original version (as it was originally made).

Rule 2.36(3)

Notice of hearing of minute in petition for authority to adopt:

(Full name of child as given in the birth certificate)

To:—

(Full name and address of person to whom this intimation is to be sent)

Notice is hereby given that a hearing in the petition for authority to adopt the child, which hearing will be restricted to matters bearing upon the crave of the minute, a copy of which is attached hereto, will take place at (name of sheriff court) Sheriff Court (address) on (date) at (time) when you may appear and be heard personally or be represented by solicitor or counsel.

Signature.....

Designation

Date

FORM 16 APPLICATION FOR A PARENTAL RESPONSIBILITIES ORDER

Status: This is the original version (as it was originally made).

Rule 2.38(1)

Section 86 of the Children (Scotland) Act 1995

Application to Sheriff Court at  
for a Parental Responsibilities Order under section  
86 of the Children (Scotland) Act 1995

Case No  
Date lodged

1.

APPLICANT *[insert name, address, telephone and fax numbers,  
and details of the capacity of the person making  
the application on behalf of the local  
authority, e.g. solicitor for local authority, social worker]*

CHILD *[insert name, address, gender and date of birth exactly as  
given in birth certificate]*

RELEVANT PERSON(S) *[insert name, address and the basis for the person  
being a relevant person within the  
meaning of section 86(4) of the Act]*

REPORTING OFFICER *[insert name and address and details of  
appointment of Reporting Officer appointed  
prior to the application in terms of rules 2.7 or 2.25]*

ANY OTHER PERSON  
WHO SHOULD RECEIVE  
NOTICE OF THE  
APPLICATION *[insert name, address of person and provide  
details of their interest in the application  
and/or child]*

2. GROUNDS FOR MAKING APPLICATION

The Applicant asks the Court to make a Parental Responsibilities Order for the following reasons:—  
*[applicant to provide details of grounds for making the application]*

OTHER APPLICATIONS AND ORDERS WHICH AFFECT THE CHILD  
*[insert details of any other applications or orders made which affect or are relevant to the child who is  
the subject of this application including any details of a supervision requirement of a Children's  
Hearing]*

3. REQUEST FOR ORDER

- 1. The applicants request the court to make a Parental Responsibilities Order transferring the appropriate parental rights and responsibilities to them.
- 2. The petitioners request the court to dispense with the agreement of

on the ground that

*[in terms of section 86(2)(b)]*

4. REPORTS/DOCUMENTARY EVIDENCE ETC.

The following documents are produced with this petition:—

**Status:** This is the original version (as it was originally made).

\*delete as appropriate

- (a) An extract of the entry in the Register of Births relating to the child
- (b) \*Agreement of relevant persons within the meaning of Section 86(4) of the Act
- (c) \*Any other document founded upon by the petitioner in support of the terms of the petition

**5. OTHER ORDERS**

\*delete as appropriate

\*In terms of section 88(3) of the Act the sheriff is requested to make the following directions as to contact with the child by *[insert name and address of person and his or her relationship with child the child]* *[insert details of any directions sought as to contact with the child]*

*\*[insert details of any other orders craved e.g. Crave for warrant for delivery of the child and warrant to open shut and lockfast places].*

**6. DETAILS OF FIRST ORDER SOUGHT FROM THE SHERIFF**

The applicant requests the sheriff to appoint a curator ad litem and a Reporting Officer to the child for the purpose of investigating and reporting to the court within 4 weeks and on receipt of the reports by the curator ad litem and reporting officer to fix a hearing

SIGNED .....

DATE .....

*[insert Name, Address, telephone, DX and Fax number]*

**Status:** This is the original version (as it was originally made).

Rule 2.38(2)

In the application for a Parental Responsibilities Order in respect of

*(Insert the full name of the child as it is given in the birth certificate)*

I, *(insert name and address)*

confirm that I am the \*mother/ \*father/ \* the person with parental rights. I fully understand that the effect of the Parental Responsibilities Order for which application has been made will be to transfer my parental rights and responsibilities to *(insert name and address of Local Authority)* during such period as the Order remains in force. I freely, and with full understanding of what is involved, agree unconditionally to the making of a Parental Responsibilities Order in relation to the child.

*(Signature of relevant person)*

*(Signature of Reporting Officer)*

I have signed this agreement at *(place of signing)*

on the                      day of                      199

This agreement was signed in the presence of *(Full name and address of Reporting Officer)*

\*delete as appropriate

**YOU SHOULD GET ADVICE FROM A SOLICITOR OR LOCAL ADVICE AGENCY OR LAW CENTRE about the application and about Legal Aid.**

FORM 18FORM OF INTIMATION OF DIET OF HEARING UNDER SECTION 86 OF THE CHILDREN (SCOTLAND) ACT 1995

**Status:** This is the original version (as it was originally made).

Rule 2.42(2)

---

To :

*(Full name and address of person to whom this intimation is to be sent)*

Notice is given that a hearing will take place at *(Name of Sheriff Court)* Sheriff Court *(Full address of Sheriff Court)* on *(date)* at *(time)* in relation to the child *(full name of child as given in the birth certificate)*

when the court will consider an application for a Parental Responsibilities Order in relation to the child.

Signature.....

Designation

Date

---

**WHAT YOU SHOULD DO**

You need not attend this hearing if you do not wish to be heard by the court.

If you do not attend or are not represented at the hearing, the application may be determined in your absence.

**YOU SHOULD GET ADVICE FROM A SOLICITOR OR LOCAL ADVICE AGENCY OR LAW CENTRE about the application and about Legal Aid.**

Status: This is the original version (as it was originally made).

Rule 2.43(2)

IN THE SHERIFF COURT

Case No

at  
on

The sheriff orders that all parental rights and responsibilities relating to the child [insert name, address, gender and date of birth] except any right to agree, or decline to agree—

- (a) to the making of an application in relation to the child under section 18 (freeing for adoption) or 55 (adoption abroad) of the Adoption Act 1976, under section 18 or 49 of the Adoption (Scotland) Act 1978 or under Article 17, 18 or 57 of the Adoption (Northern Ireland) Order 1987 (corresponding provision for Scotland and Northern Ireland); or
- (b) to the making of an Adoption Order are transferred to [insert name and address of Local Authority] during the period that the Parental Responsibilities Order remains in force.

\*delete as appropriate

\* In terms of section 88 of the Act the sheriff makes the following directions as to contact with the child by [insert name and address of person and his or her relationship with child]—

[insert details of any other orders granted e.g. Warrant for delivery of the child etc.].

\*For the purpose of enforcing this order warrant is granted for all lawful execution, including warrant to open shut and lockfast places.

Signed .....

Sheriff of at

Date

FORM 20FORM OF INTIMATION OF DIET OF HEARING UNDER SECTION 86 (5) OF THE CHILDREN (SCOTLAND) ACT 1995



**Status:** This is the original version (as it was originally made).

Rule 2.44(6)

---

To :

*(Full name and address of person to whom this intimation is to be sent)*

Notice is given that a hearing will take place at *(Name of Sheriff Court)* Sheriff Court *(Full address of Sheriff Court)* on *(date)* at *(time)* in relation to the child *(full name and date of birth of child as given in the birth certificate)*

when the court will consider an application for \*variation / discharge of the Parental Responsibilities Order in relation to the child dated *(insert date of Order)* A copy of the minute for \*variation/discharge is attached.

Signature.....

Designation

Date

\*delete as appropriate

---

**WHAT YOU SHOULD DO**

You need not attend this hearing if you do not wish to be heard by the court.

If you do not attend or are not represented at the hearing, the application may be determined in your absence.

**YOU SHOULD GET ADVICE FROM A SOLICITOR OR LOCAL ADVICE AGENCY OR LAW CENTRE about the application and about Legal Aid.**

FORM 21FORM OF DISCHARGE OR VARIATION OF PARENTAL RESPONSIBILITIES  
ORDER UNDER SECTION 86 (5) OF THE CHILDREN (SCOTLAND) ACT 1995

**Status:** This is the original version (as it was originally made).

Rule 2.44(7)

---

To :

*(Full name and address of person to whom intimation of the order is to be sent)*  
[N.B. See Rule 2.44(7)]

In the application for \*Variation/Discharge of Parental Responsibilities Order in relation to the child  
*(full name and date of birth of child as given in the birth certificate)*

At *(Name of Sheriff Court )* on *(date of Order)*, The Sheriff

(1) Discharged the Parental Responsibilities Order dated *(insert date of original Order)*

*or*

(2) Varied the Parental Responsibilities Order dated *(insert date of original Order)* by *(insert details of variation)*

Signature.....

Designation

Date

\*delete as appropriate

---

FORM 22 Form of petition for parental order under section 30 of the Human Fertilisation and Embryology Act 1990

**Status:** This is the original version (as it was originally made).

Rule 2.46(1)

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

PETITION

of

[A.B.](*designation and address*)

and

[C.D.](*designation and address*)

*[or serial number where one has been assigned]*

Petitioners

for

A parental order under section 30 of the  
Human Fertilisation and Embryology Act 1990

in respect of

[E.F.](*name as in birth certificate*)

The petitioners condescend as follows—

1. The petitioners are married to each other, are domiciled in Scotland and reside at *(state full address)*.
2. The petitioners are respectively                      and                      years of age.
3. *(State name of child, the subject of the petition)* is male [or female] and is months old having been born on                      at                      .
4. The child was received into the home of the petitioners on
5. The child was carried by a woman other than the female petitioner as the result of the placing in her of an embryo [or the placing in her of sperm and eggs][or her artificial insemination].
6. The gametes of *(state which petitioner or if both state both petitioners)* were used to bring about the creation of the embryo of the child.
7. The child is not the subject of any other pending or completed court proceedings *(if the child is so subject give full details)*.
8. *(State full name and address of the father of the child)*, who is not the male petitioner, is the father of the child by virtue of section 28 of the Human Fertilisation and Embryology Act 1990 *[or otherwise]* and has freely and with full understanding of what is involved, agreed unconditionally to the making of the order sought.
9. *(State full name and address of the woman who carried the child)*, is the woman who carried the child and has freely and with full understanding of what is involved, agreed unconditionally to the making of the order sought.
10. No money or benefit, other than for expenses reasonably incurred, has been given or received by the petitioners for or in consideration of
  - (a) the making of the order sought;
  - (b) any agreement required for the making of the order sought;
  - (c) the handing over of the child to the petitioners, or
  - (d) the making of any arrangements with a view to the making of the order,

*[other than (state any money or other benefit given or received by authority of the court and specify such authority)].*

*Status: This is the original version (as it was originally made).*

[[11.] The father of the child [and][or][the woman who carried the child] cannot be found (*state the efforts which have been made to find the person(s) concerned*) [or is [or are] incapable of giving agreement by reason of (*state reasons*)].]

The petitioner crave the court -

1. To order notice of the petition to be intimated to such person or persons as the court thinks fit.
2. To appoint a reporting officer and a curator *ad litem* to the child and direct them to report.
- [3. To dispense with the agreement of the father of the child [and] [or] [the woman who carried the child] who cannot be found [or who is [or are] incapable of giving agreement].]
- [4.] On resuming consideration of this petition and the report by the reporting officer and the curator *ad litem*, to make a parental order in their favour under section 30 of the Human Fertilisation and Embryology Act 1990 in respect of the child.
- [5.] To direct the Registrar General for Scotland to make an entry regarding the parental order in the Parental Order Register in the form prescribed by him giving as the fore-name(s) and as the surname of the child; and upon proof to the satisfaction of the court in the course of the proceedings to follow hereon, to find that the child was born on the day of in the year and is identical with the child to whom an entry numbered and made on the day of in the year , in the register of births for the registration district of relates; and to direct the Registrar General for Scotland to cause such birth entry to be marked with the words "Parental Order" and to include the above mentioned date of birth in the entry recording the parental order in the manner indicated in that form.
- [6.] To pronounce such other or further orders or directions upon such matters, including the expenses of this petition, as the court thinks fit.

(Signed)

Male petitioner

(Signed)

Female petitioner

[or (Signed)

Solicitor for petitioners  
(Address)]

FORM 23Form of agreement for parental order under Section 30(r) of the Human Fertilisation and Embryology Act 1990

**Status:** This is the original version (as it was originally made).

Rule 2.48(1)

in the  
Petition  
of  
[A.B.](*designation and address*)  
and  
[C.D.](*designation and address*)  
[or serial number where one has been assigned]  
for  
A Parental Order under the Human Fertilisation  
and Embryology Act 1990  
in respect of  
[E.F.](*name as in birth certificate*)

I, (*name and address*), being the father of the child by virtue of section 28 of the Human Fertilisation and Embryology Act 1990 [or otherwise] [or the woman who carried the child] hereby state

(1) That I understand that the effect of the parental order for which application has been made will be to deprive me permanently of parental rights and responsibilities relating to the child and to vest them in the petitioners; and, in particular, I understand that, if an order is made, I shall have no right to see or get in touch with the child or to have him [or her] returned to me.

(2) That I understand that the court cannot make a parental order in relation to the child without my agreement and the agreement of the woman who carried the child [or the father of the child, where he is not one of the petitioners] unless the court dispenses with an agreement on the ground that the person concerned cannot be found or is incapable of giving agreement.

(3) That I understand that when the hearing of the petition to determine the application for a parental order in relation to the child is heard, this document may be used as evidence of my agreement to the making of the order unless I inform the court that I no longer agree.

(4) That I freely, and with full understanding of what is involved, agree unconditionally to the making of a parental order in relation to the child.

(5) That I have not received or given any money or benefit, other than for expenses reasonably incurred, for or in consideration of

- (a) the making of a parental order,
- (b) the execution of this agreement,
- (c) the handing over of the child to the petitioners, or
- (d) the making of any arrangements with a view to the making of a parental order,

[other than {state any money or other benefit given or received by authority of the court and specify such authority)].

I have signed this agreement at (*place of signing*) on the                      day of

(Signed by father of the child or woman  
who carried the child)

**Status:** This is the original version (as it was originally made).

This agreement was signed by \_\_\_\_\_ before me at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_

(Signed)

Reporting Officer  
[or Witness  
(full name and address)]

FORM 24 Form of intimation of diet of hearing of application for a parental order under section 30 of the Human Fertilisation and Embryology Act 1990

**Status:** This is the original version (as it was originally made).

Rule 2.54(3)

To: *(full name and address of person to whom this intimation is to be sent)*

You are given NOTICE that a hearing will take place at *(name of sheriff court)* Sheriff Court *(full address of court)* on *(date)* at *(time)* in relation to the child *(full name of child as given in the birth certificate)*

when the court will consider an application for a parental order under section 30 of the Human Fertilisation and Embryology Act 1990 in respect of the child.

You are [not] obliged to attend the hearing [unless you wish to do so].

If you do not attend this hearing the court may make an order as noted above.

[While the petition is pending you must not, except with the leave of the court, remove the child from the custody of the petitioners.]

[The court has been requested to dispense with your agreement to the making of an order on the ground[s] that *(specify ground(s))*].

Date *(insert date)*

*(Signed)*

Male petitioner

*(Signed)*

Female petitioner

[or *(Signed)*

Solicitor for petitioners  
*(Address)*]

FORM 25 Form of intimation of diet of hearing of application under section 27(1) or 29 of the Act of 1978 as modified and applied in relation to parental orders

**Status:** This is the original version (as it was originally made).

Rule 2.55(3)

To: *(full name and address of person to whom this intimation is to be sent)*

You are given NOTICE that a hearing will take place at *(name of sheriff court)* Sheriff Court *(full address of court)* on *(date)* at *(time)* in relation to the child *(full name of child as given in the birth certificate)*

when the court will consider a minute of application under rule 14 of the Act of Sederunt (Sheriff Court Parental Orders (Human Fertilisation and Embryology) Rules) 1994 in respect of the child. A copy of the application is attached.

You do not need to attend this hearing if you do not wish to be heard by the court.

Date *(insert date)*

*(Signed)*

Minuter

[or *(Signed)*

Solicitor for Minuter  
*(Address)*]

FORM 26NOTICE TO CHILD OF APPLICATION FOR A CHILD ASSESSMENT  
ORDERSECTION 55 OF THE CHILDREN (SCOTLAND) ACT 1995



**Status:** This is the original version (as it was originally made).

Rule 3.4(1)(a)

CASE NUMBER

Dear [insert name by which child is known]

I am writing to tell you that because there are worries about the way you are being treated the sheriff [the person who has to decide is being asked to make a "Child Assessment Order" to make sure that you are being treated properly.

The application to the sheriff has been made by [insert in simple language the person making the application, the reason for making it and the order(s) sought]. The sheriff would like to hear your views about what you would like to happen before making a decision.

You can tell the sheriff what you think by:

**Going to see the Sheriff**

The sheriff will consider what to do next on [insert date, time and place of hearing].

You can take someone like a friend, parent, teacher or a social worker with you to see the sheriff to support you; or

You can ask a lawyer to come with you and tell the sheriff your views.

If you think you would like to go to see the sheriff it is usually best to talk it over with a lawyer.

**Not going to see the Sheriff**

You can fill in the attached form or write down your views on a separate sheet of paper and send them back in the enclosed stamped addressed envelope **before** the date on which the sheriff is to hear the application, which is at the end of this letter.

**REMEMBER**

That someone like a friend or teacher can help you to fill in the form or write down your views.

•If you return the form it will be given to the sheriff and, if he needs more information, he will ask the Sheriff Clerk who works with him to contact you about this.

**IMPORTANT NOTE**—You do not have to do any of these things if you would prefer not to; however, it is very important for you to understand that, if you do not do anything, the sheriff might make an order without knowing what your views are.

**If you are unsure about what to do you can get free legal advice from a Lawyer or Local Advice Agency or Law Centre about the application and about legal aid. The Scottish Child Law Centre can refer you to specially trained lawyers who can help you. They give advice on their free phone no (0800 317 500) any time between 9.00 am and 5.00 pm on Monday to Friday.**

**The hearing to consider the application will be held on [insert date] at [insert time], in [insert name of court] SHERIFF COURT, [insert address of court].**

You will see that, along with this letter, there is a copy of the application to the sheriff and the sheriff's order fixing the hearing. If you decide to get advice, or to be represented, make sure that you give your advisor a copy of the application, and the sheriff's order.

Signed ..... Date .....

**Status:** This is the original version (as it was originally made).

To the Sheriff Clerk

I would like the Sheriff to know what I have to say before he or she makes a decision.

**Write what you want to say here, or you can use a separate sheet of paper:**

Name.....

Address.....

.....

.....

Court Reference Number.....  
(if you know it)

FORM 27NOTICE TO CHILD OF APPLICATION TO VARY OR SET ASIDE CHILD PROTECTION ORDERSECTION 60 OF THE CHILDREN (SCOTLAND) ACT 1995.

**Status:** This is the original version (as it was originally made).

Rule 3.4(1)(b)

CASE NUMBER

**KEEPING YOU SAFE**

Dear [insert name by which child is known]

A Child Protection Order was made on ..... to keep you safe from harm. The sheriff [the person who has to decide ] made the order, which says that you are to continue to live at [insert address] at present.

Now the sheriff has been asked to have another look at your situation, [insert in simple language the person making the application, the reason for making it and the order(s) sought] The sheriff would like to hear your views about what you would like to happen before making a decision.

You can tell the sheriff what you think by:—

**Going to see the Sheriff**

- You can take someone like a friend, parent, a teacher or a social worker with you to see the sheriff to support you;
- or
- You can ask a lawyer to come with you and tell the court your views.

**Not going to see the Sheriff**

- You can fill in the attached form and send it back in the enclosed stamped addressed envelope **before** the hearing date which is at the end of this letter.

**REMEMBER**

That someone can help you to fill in the form.

- If you return the form it will be given to the sheriff and, if he needs more information, he will ask the Sheriff Clerk who works with him to contact you about this.

**IMPORTANT NOTE**—You do not have to do any of these things if you would prefer not to; however, it is very important for you to understand that, if you do not do anything, the sheriff might make an order without knowing what your views are.

**If you are unsure about what to do you can get free legal advice from a Lawyer or Local Advice Agency or Law Centre about the application and about legal aid. The Scottish Child Law Centre can refer you to specially trained lawyers who can help you. They give advice on their free phone no (0800 317 500) any time between 9.00 am and 5.00 pm Monday to Friday.**

The hearing to consider the application will be held on [insert date] at [insert time], in [insert name of court] SHERIFF COURT, [insert address of court].

You will see that, along with this letter, there is a copy of the application to the sheriff, and the sheriff's order fixing the hearing. If you decide to get advice, or to ask someone to go to see the sheriff for you, make sure that you give your advisor a copy of the application, and the sheriff's order.

Signed ..... Date .....

**Status:** This is the original version (as it was originally made).

To the Sheriff Clerk

I would like the Sheriff to know what I have to say before he or she makes a decision.

**Write what you want to say here, or you can use a separate sheet of paper:**

Name.....

Address .....

.....

.....

Court Reference Number.....  
(if you know it)

FORM 28NOTICE TO CHILD OF APPLICATION FOR AN EXCLUSION ORDERSECTION 76  
OF THE CHILDREN (SCOTLAND) ACT 1995.

**Status:** This is the original version (as it was originally made).

Rule 3.4(1)(c)

CASE NUMBER

### KEEPING YOU SAFE

Dear *[insert name by which child is known]*

I am writing to tell you that because there are worries about your safety the sheriff [the person who has to decide] has been asked to sort out some practical arrangements to make sure you can be kept safe. The sheriff is being asked to make an "Exclusion Order" to make sure that *[insert name of person]* does not come into the family home at *[insert address]*. You are to stay [at home/where you are]\* at present.

\*delete as appropriate

The application to the sheriff has been made by *[insert in simple language the person making the application, the reason for making it and the order(s) sought]* The sheriff would like to hear your views about what you would like to happen before making a decision.

You can tell the sheriff what you think by:—

#### Going to see the Sheriff

- You can take someone like a friend, parent, a teacher or a social worker with you to see the sheriff to support you;
- or
- You can ask a lawyer to come with you and tell the court your views.

If you think you would like to go to see the sheriff it is usually best to talk it over with a lawyer.

#### Not going to see the Sheriff

- You can fill in the attached form or write down your views on a separate sheet of paper and send them back in the enclosed stamped addressed envelope **before** the date on which the court is to hear the application, which is at the end of this letter.

#### REMEMBER

That someone like a friend or teacher can help you to fill in the form or write down your views.

- If you return the form it will be given to the sheriff, and, if he needs more information, he will ask the Sheriff Clerk who works with him to contact you about this.

**IMPORTANT NOTE**—You do not have to do any of these things if you would prefer not to; however, it is very important for you to understand that, if you do not do anything, the sheriff might make an order without knowing what your views are.

**If you are unsure about what to do you can get free legal advice from a Lawyer or Local Advice Agency or Law Centre about the application and about legal aid. The Scottish Child Law Centre can refer you to specially trained lawyers who can help you. They give advice on their free phone no (0800 317 500) any time between 9.00 am and 5.00 pm Monday to Friday.**

The hearing to consider the application will be held on *[insert date]* at *[insert time]*, in *[insert name of court]* SHERIFF COURT, *[insert address of court]*.

**Status:** This is the original version (as it was originally made).

You will see that, along with this letter, there is a copy of the application to the sheriff and the sheriff's order fixing the hearing. If you decide to get advice, or to ask someone to go to see the sheriff for you, make sure that you give your advisor a copy of the application, and the sheriff's order.

Signed ..... Date .....

**Status:** This is the original version (as it was originally made).

To the Sheriff Clerk

I would like the Sheriff to know what I have to say before he or she makes a decision.

**Write what you want to say here, or you can use a separate sheet of paper:**

Name.....

Address .....

.....

.....

Court Reference Number.....  
(if you know it)

FORM 29NOTICE TO CHILD OF APPLICATION TO VARY AN EXCLUSION  
ORDERSECTION 79(3) OF THE CHILDREN (SCOTLAND) ACT 1995.

Status: This is the original version (as it was originally made).

Rule 3.4(1)(d)

CASE NUMBER
-------------

**CHANGING THE ARRANGEMENTS FOR KEEPING YOU SAFE**

Dear *[insert name by which child is known]*

I am writing to tell you that the sheriff has been asked to look again at the arrangements that were made to make sure you can be kept safe. The sheriff is being asked to *[change or cancel]*\* the "Exclusion Order" it made on *[insert date]*. You are to stay *[at home/where you are]*\* at present.

\*delete as appropriate

The application to the sheriff has been made by *[insert in simple language the person making the application, the reason for making it and the order(s) sought]* The sheriff would like to hear your views about what you would like to happen before making a decision.

You can tell the sheriff what you think in the same way that you did when the original order was made. If you told the sheriff your views last time you might want to do so again using the same method again. You can if you prefer use a different method to tell the sheriff this time.

Even if you did not tell anything to the sheriff last time it would like to hear your views.

You can tell the sheriff what you think by:—

**Going to see the Sheriff**

- You can take someone like a friend, parent, a teacher or a social worker with you to see the the sheriff to support you;
- or
- You can ask a lawyer to come with you and tell the sheriff your views.

If you think you would like to go to see the sheriff it is usually best to talk it over with a lawyer.

**Not going to Sheriff**

- You can fill in the attached form or write down your views on a separate sheet of paper and send them back in the enclosed stamped addressed envelope **before** the date on which the sheriff is to hear the application, which is at the end of this letter.

**REMEMBER**

That someone like a friend or teacher can help you to fill in the form or write down your views.

- If you return the form it will be given to the sheriff and, if he needs more information, he will ask the Sheriff Clerk who works with him to contact you about this.

**IMPORTANT NOTE** - You do not have to do any of these things if you would prefer not to; however, it is very important for you to understand that, if you do not do anything, the sheriff might make an order without knowing what your views are.

**If you are unsure about what to do you can get free legal advice from a Lawyer or Local Advice Agency or Law Centre. The Scottish Child Law Centre can refer you to specially trained lawyers who can help you. They give advice on their free phone no (0800 317 500) any time between 9.00 am and 5.00 pm Monday to Friday.**



**Status:** This is the original version (as it was originally made).

**The hearing to consider the application will be held on [insert place] at [insert time], in [insert name] SHERIFF COURT, [insert address of sheriff].**

You will see that, along with this letter, there is a copy of the application to the sheriff, and the sheriff's order fixing the hearing. If you decide to get advice, or to ask someone to go to sheriff for you, make sure that you give your advisor a copy of the application, and the sheriff's order.

Signed ..... Date .....

**Status:** This is the original version (as it was originally made).

To the Sheriff Clerk

I would like the Sheriff to know what I have to say before he or she makes a decision.

**Write what you want to say here, or you can use a separate sheet of paper:**

Name.....

Address .....

.....

.....

Court Reference Number.....  
(if you know it)

FORM 30NOTICE TO CHILD OF APPLICATION FOR A FURTHER DETENTION  
WARRANTSECTION 67 OF THE CHILDREN (SCOTLAND) ACT 1995.

**Status:** This is the original version (as it was originally made).

Rule 3.4(1)(e)

CASE NUMBER

I am writing to tell you that as the childrens hearing has been unable to dispose of your case the sheriff has been asked to consider whether you should continue to stay at [insert place of detention].

The application to the sheriff has been made by the children’s reporter who is looking into your circumstances. The sheriff would like to hear your views about continuing to stay at [insert place of detention] before making a decision.

You can tell the sheriff what you think by:—

**Going to see the Sheriff**

- The sheriff will consider what to do next on [insert date, time and place of hearing]
- You can take someone like a friend, parent, a teacher or a social worker with you to see the sheriff to support you;  
or
- You can ask a lawyer to come with you and tell the sheriff your views.

If you think you would like to go to see the sheriff it is usually best to talk it over with a lawyer.

**Not going to see the Sheriff**

- You can fill in the attached form or write down your views on a separate sheet of paper and send them back in the enclosed stamped addressed envelope **before** the date on which the sheriff is to hear the application , which is at the end of this letter.

**REMEMBER**

That someone like a friend or teacher can help you to fill in the form or write down your views.

- If you return the form it will be given to the sheriff, who is the person who decides what will be done in your case, and, if he needs more information, he will ask the Sheriff Clerk who works with him to contact you about this.

**IMPORTANT NOTE** - You do not have to do any of these things if you would prefer not to; however, it is very important for you to understand that, if you do not do anything, the sheriff might make an order without knowing what your views are.

**If you are unsure about what to do you can get free legal advice from  
a Lawyer or Local Advice Agency or Law Centre.  
The Scottish Child Law Centre can refer you to  
specially trained lawyers who can help you.  
They give advice on their free phone no (0800 317 500) any time  
between 9.00 am and 5.00 pm Monday to Friday.**

**The hearing to consider the application will be held on [insert place] at [insert time], in [insert name] SHERIFF COURT, [insert address of Sheriff].**

You will see that, along with this letter, there is a copy of the application to the sheriff, and the sheriff’s order fixing the hearing. If you decide to get advice, or to ask someone to go to see the sheriff to for you, make sure that you give your advisor a copy of the application, and the sheriff’s order.

Signed ..... Date .....

**Status:** This is the original version (as it was originally made).

To the Sheriff Clerk

I would like the Sheriff to know what I have to say before he or she makes a decision.

**Write what you want to say here, or you can use a separate sheet of paper:**

Name.....

Address .....

.....

.....

Court Reference Number.....  
(if you know it)

FORM 31 CITATION OF CHILD IN APPLICATION UNDER SECTION 65 OF THE CHILDREN  
(SCOTLAND) ACT 1995

**Status:** This is the original version (as it was originally made).

Rule 3.4(1)(f)

Dear [insert name by which child is known]

As you know at the Children's Hearing (Panel) held on [insert date ] not everyone agreed that the information given to you on the form before the hearing was correct. The Sheriff, [ the person who has to decide], has been asked to decide whether the information on the form is correct.

\*delete as appropriate

Since the information on the form which was given to you before the hearing was not accepted,\* [insert who did not accept the grounds] or

Since the hearing were satisfied that you could not / did not\* understand the reasons why you were there\*

your case has been sent to a sheriff who will decide whether the information is correct.

The sheriff will listen to the evidence in your case, and will make a decision. This decision is very important for you, and it is necessary for you to attend to tell the sheriff about anything to do with you; although you may not be asked any questions.

A sheriff assists for lots of different reasons, this time the purpose is to help the Children's Hearing. If the sheriff decides that the worries about you are justified the case will go back to the children's hearing who will decide what is to happen in your case.

**Remember** that the date, time and place of the hearing are given on the attached page.

**IMPORTANT NOTE: IT IS VERY IMPORTANT THAT YOU ATTEND** on the date and time given. If an emergency arises and you cannot attend you must contact the Sheriff Clerk or the Reporter because it is possible, if you do not attend, you may be detained and kept in a safe place until a later date.

**If you are unsure about what to do you can get free legal advice from a Lawyer or Local Advice Agency or Law Centre about the application and about legal aid. The Scottish Child Law Centre can refer you to specially trained lawyers who can help you. They give advice on their free phone no (0800 317 500) any time between 9.00 am and 5.00 pm Monday to Friday.**

You will see that, along with this letter, there is a copy of the application to the sheriff, and the sheriff's order fixing the hearing. If you decide to get advice, or to ask someone to go to see the sheriff for you, make sure that you give your advisor a copy of the application, and the sheriff's order.

**YOU MUST ATTEND ON THE FOLLOWING DATE:**

DATE OF HEARING: .....

TIME OF HEARING: .....

PLACE OF HEARING: Sheriff Court

ADDRESS: .....

.....  
.....  
.....

Status: This is the original version (as it was originally made).

Rule 3.11

**SECTION 55 (Application for Child Assessment Order),  
SECTION 60 (Application to vary or set aside Child Protection Order),  
SECTION 76 (Application for Exclusion Order),  
SECTION 79 (Application to vary or recall Exclusion Order) and  
SECTION 67 (Application for warrant for further detention of child)**

*[Place and date]*

The court assigns *[date]* at *[hour]* within the *[name court]* in chambers at *[place]* for the hearing of the application;

appoints the applicant forthwith to give notice of the application and hearing to the persons listed in PART I of the application by serving a copy of the application and this order together with notices in Forms *[insert form Nos.]*;

\*dispenses with notice and service on *[insert name]* for the following reason(s) *[insert reason(s)]*.

*[Note: Insert details of any other order granted and in an application under section 76 for an exclusion order insert as appropriate*

Meantime grants an interim exclusion order; or interim interdict; or otherwise as the case may be.]

.....  
\*Sheriff or sheriff clerk

\*delete as appropriate

FORM 33IN APPLICATION UNDER SECTION 65 OF THE CHILDREN (SCOTLAND) ACT 1995FORM OF WARRANT TO CITE CHILD AND TO GIVE NOTICE/INTIMATE TO RELEVANT PERSON(S) AND SAFEGUARDER

**Status:** This is the original version (as it was originally made).

Rule 3.11

[Place and date]

The court

1. Assigns [date] at [hour] within the [name court] in chambers at [place] for the hearing of the application;
2. Appoints the Principal Reporter forthwith to cite AB [name of child], to give notice/intimate to BB [insert name of relevant person or persons] whose whereabouts are known and to [AB] (name and design) the safeguarder appointed by the sheriff, by serving a copy of the application and relative statement of grounds of referral;
3. Grants warrant to cite witnesses and havers.
4. \*Dispenses with notice and service on [insert name] for the following reason(s) [insert reason(s)].
5. \*Dispenses with the obligation to attend of [insert name of child] for the following reason(s) [insert reason(s)].

\*delete as appropriate

.....  
\*Sheriff or sheriff clerk

FORM 34NOTICE OF APPLICATION FOR A CHILD ASSESSMENT ORDER TO A PERSON NAMED IN APPLICATION

Status: This is the original version (as it was originally made).

Rule 3.12(1)(a)

Section 55 of the Children (Scotland) Act 1995

Case No [redacted]

Application to Sheriff Court at [insert name]
for a Child Assessment Order under section 55 of the Children (Scotland) Act 1995

To [insert name and address of person to whom notice is given].

You are given notice that the court will hear this application—
[applicant to insert details of the date, time and place for hearing the application]

on [redacted]
at [redacted]
in [redacted]

Along with this notice there is attached a copy of the application and the court's order fixing this hearing.

Signed..... Date .....

WHAT YOU SHOULD DO

YOU SHOULD ATTEND OR BE REPRESENTED AT THE HEARING.
If you do not attend in person you may instruct someone else to represent you.
If you do not attend or are not represented at the hearing, the court may decide the case in your absence.

YOU SHOULD OBTAIN ADVICE FROM A SOLICITOR OR LOCAL ADVICE AGENCY OR LAW CENTRE. You may be entitled to legal aid. Advice about legal aid is available from any solicitor, advice agency or law centre.

FORM 35NOTICE OF APPLICATION TO VARY OR RECALL CHILD PROTECTION ORDER TO PERSON NAMED IN APPLICATION



**Status:** This is the original version (as it was originally made).

Rule 3.12(1)(b)

Section 60 of the Children (Scotland) Act 1995

Case No [redacted]

**Application to Sheriff Court at (insert name)**

to vary or recall a Child Protection Order under section 60 of the Children (Scotland) Act 1995

To (insert name and address)

You are given notice that the court will hear this application—  
[applicant to insert details of the date, time and place for hearing the application]

The application is to (insert details of purpose of application)

on [redacted]  
at [redacted]  
in [redacted]

Along with this notice there is attached a copy of the application and the court's order fixing this hearing.

Signed ..... Date .....

**WHAT YOU SHOULD DO**

**YOU SHOULD ATTEND OR BE REPRESENTED AT THE HEARING.**  
If you do not attend in person you may instruct someone else to represent you.  
**If you do not attend or are not represented at the hearing, the court may decide the case in your absence.**

**YOU SHOULD OBTAIN ADVICE FROM A SOLICITOR OR LOCAL ADVICE AGENCY OR LAW CENTRE.** You may be entitled to legal aid. Advice about legal aid is available from any solicitor, advice agency or law centre.

FORM 36NOTICE OF APPLICATION FOR AN EXCLUSION ORDER TO PERSON NAMED IN APPLICATION OR ANY OTHER PERSON

Status: This is the original version (as it was originally made).

Rule 3.12(1)(c)

Section 76 of the Children (Scotland) Act 1995

Case No [redacted]

\*delete as appropriate

Application to Sheriff Court at (insert name) for an exclusion order under section 76 of the Children (Scotland) Act 1995 in respect of \*you/[insert name and address of named person]

To [insert name and address of person to whom notice is given].

You are given notice that the court will hear this application - [applicant to insert details of the date, time and place for hearing the application]

on [redacted] at [redacted] in [redacted]

Along with this notice there is attached a copy of the application and the court's order fixing this hearing \*which includes details of any interim orders granted.

Signed ..... Date .....

WHAT YOU SHOULD DO

YOU SHOULD ATTEND OR BE REPRESENTED AT THE HEARING. If you do not attend or are not represented at the hearing, the court may decide the case in your absence. If the order sought is to exclude you then the granting of the order will have an effect on a number of your rights including the suspending of any rights of occupancy you have. Details of the orders sought are contained in the application form.

\*delete as appropriate

YOU SHOULD OBTAIN ADVICE FROM A SOLICITOR OR LOCAL ADVICE AGENCY OR LAW CENTRE. You may be entitled to legal aid. Advice about legal aid is available from any solicitor, advice agency or law centre.

FORM 37NOTICE OF APPLICATION TO VARY OR RECALL AN EXCLUSION ORDER TO PERSON NAMED IN APPLICATION OR ANY OTHER PERSON

**Status:** This is the original version (as it was originally made).

Rule 3.12(1)(d)

Section 79 of the Children (Scotland) Act 1995

Case No [redacted]

**Application to Sheriff Court at (insert name)**  
to vary or recall\* an exclusion order under section 79 of the Children (Scotland) Act 1995 in respect of  
\*you/[insert name and address of named person]  
\*delete as appropriate

To [insert name and address of person to whom notice is given].

You are given notice that the court will hear this application -  
[applicant to insert details of the date, time and place for hearing the application]

on [redacted]  
at [redacted]  
in [redacted]

Along with this notice there is attached a copy of the application and the court's order fixing this hearing.

Signed ..... Date .....

**WHAT YOU SHOULD DO**

**YOU SHOULD ATTEND OR BE REPRESENTED AT THE HEARING.**  
If you do not attend or are not represented at the hearing, the court may decide the case in your absence. Details of the orders sought are contained in the application form.

**YOU SHOULD OBTAIN ADVICE FROM A SOLICITOR OR LOCAL ADVICE AGENCY OR LAW CENTRE.** You may be entitled to legal aid. Advice about legal aid is available from any solicitor, advice agency or law centre. If you instructed any person to represent you at the original hearing which granted the application you should consider bringing this application to their attention without delay.

FORM 38NOTICE OF APPLICATION FOR FURTHER DETENTION OF CHILD TO PERSON NAMED IN APPLICATION OR ANY OTHER PERSON

Status: This is the original version (as it was originally made).

Rule 3.12(1)(e)

Section 67 of the Children (Scotland) Act 1995

Case No

Application to Sheriff Court at (insert name)
By Principal Reporter to further detain child under section 67 of the Children (Scotland) Act 1995 in respect of (insert name of child)

To (insert name and address of person to whom notice is given).

You are given notice that the court will hear this application—
[Principal Reporter to insert details of the date, time and place for hearing the application]

on
at
in

Along with this notice there is attached a copy of the application and the court's order fixing this hearing \*which includes details of any interim continuation granted.

Signed ..... Date .....

WHAT YOU SHOULD DO

YOU SHOULD ATTEND OR BE REPRESENTED AT THE HEARING.
If you do not attend or are not represented at the hearing, the court may decide the case in your absence. Details of the orders sought are contained in the application form.

YOU SHOULD OBTAIN ADVICE FROM A SOLICITOR OR LOCAL ADVICE AGENCY OR LAW CENTRE. You may be entitled to legal aid. Advice about legal aid is available from any solicitor, advice agency or law centre.

FORM 39NOTICE TO RELEVANT PERSON IN APPLICATION UNDER SECTION 65 OF THE CHILDREN (SCOTLAND) ACT 1995

**Status:** This is the original version (as it was originally made).

Rule 3.12(1)(f)

1. [Place and Date]

To [name and address of relevant person]

TAKE NOTICE that the court has received the application which accompanies this intimation.

2. **YOU MAY ATTEND COURT** for the hearing of the application as shown below.

3. Place of hearing: Sheriff Court .....

Address .....

.....

.....

.....

Date of hearing: .....

Time of hearing: .....

(signed)  
Principal Reporter

**WHAT YOU SHOULD DO**

**YOU SHOULD ATTEND OR BE REPRESENTED AT THE HEARING.**  
If you do not attend or are not represented at the hearing, **the court may decide the case in your absence.** Details of the orders sought are contained in the application form.

**YOU SHOULD OBTAIN ADVICE FROM A SOLICITOR OR LOCAL ADVICE AGENCY OR LAW CENTRE.** You may be entitled to legal aid. Advice about legal aid is available from any solicitor, advice agency or law centre.

FORM 40NOTICE TO SAFEGUARDER IN APPLICATION UNDER SECTION 65 OF THE CHILDREN (SCOTLAND) ACT 1995

**Status:** This is the original version (as it was originally made).

Rule 3.12(2)

1. [Place and Date]

To [name and address of safeguarder]

TAKE NOTICE that the court has received the application which accompanies this intimation.

2. A hearing of the application has been fixed as follows:

Place of hearing: Sheriff Court .....

Address .....

.....

.....

.....

Date of hearing: .....

Time of hearing: .....

.....

(signed)  
Principal Reporter

---

**PLEASE NOTE:**

Your attention is drawn to the provisions of rules 3.6 - 3.10 Act of Sederunt (Child Care and Maintenance Rules) 1997 which regulate the appointment and duties of safeguarders.

FORM 41 CITATION OF WITNESS OR HAVER UNDER THE CHILDREN (SCOTLAND) ACT 1995

**Status:** This is the original version (as it was originally made).

Rule 3.14(2)

KL [address], you are required to attend at Sheriff Court on at to give evidence in the hearing of [an application by the Principal Reporter] to the sheriff for a finding as to grounds for the referral of the case of [name of child] to a children's hearing] OR

[an appeal to the sheriff against a decision of a children's hearing in a case of [name of child]] OR

[an application by [insert name and address]] for [insert details of purpose of hearing]]  
[You are required to bring with you [specify documents]].

**If you fail to attend without reasonable excuse having demanded and been paid your travelling expenses, warrant may be granted for your arrest.**

Signed PQ, Sheriff Officer;

or

XY Solicitor / Sheriff Clerk /

Principal Reporter / Officer of the Local Authority

[address]

Note:

Within certain specified limits claims for necessary outlays and loss of earnings will be met. Claims should be made to the person who has cited you to attend and proof of any loss of earnings should be given to that person. If you wish your travelling expenses to be paid prior to your attendance you should apply to the person who has cited you.

FORM 42\*CERTIFICATE OF EXECUTION OF CITATION OF OR NOTICE TO CHILD\*CERTIFICATE OF EXECUTION OF NOTICE TO PERSON NAMED IN APPLICATION OR ANY OTHER PERSON UNDER THE CHILDREN (SCOTLAND) ACT 1995

**Status:** This is the original version (as it was originally made).

Rule 3.14(3)

1. *[Place, date]*

I *[Name and designation]* hereby certify that on the date shown above, I duly

*\*cited [full name of child]*

*\*gave notice to [full name of person]*

by

*\*posting, on [date] between the hours of [ ] and [ ] at the [place] Post Office, a copy of the foregoing application, warrant and \*citation/\*intimation to \*him/\*her, in a \*registered/\*recorded delivery letter addressed as follows - [full name and address]*

and the post office receipt for that letter accompanies this certificate.

*\*or by [set forth the mode of citation or intimation]*

*[signed]*

*\*Principal Reporter*

*or solicitor for applicant*

*[/Officer of Local Authority/Sheriff clerk]*

*or Sheriff Officer*

*[name and business address]*

*and [name and address of any witness]*

*\*Delete as appropriate*

FORM 43 CERTIFICATE OF CITATION OF WITNESS OR HAVER UNDER THE CHILDREN (SCOTLAND) ACT 1995



**Status:** This is the original version (as it was originally made).

Rule 3.17(1)

1. [Place and Date]

I [Name and designation] hereby certify that on the above date, I duly

cited [full name of witness]

by

\*posting, on [date] between the hours of ( ) and ( ) at the [place] Post Office, a copy of [the foregoing application, warrant and] \*citation/\*intimation to \*him/\*her, in a \*registered/\*recorded delivery letter addressed as follows - [full name and address]

and the post office receipt for that letter accompanies this certificate.

\*or by [set forth the mode of citation or intimation]

(signed, A B Principal Reporter)

C D Sheriff Officer

E F (Witness)

G H Solicitor

\*delete as appropriate

FORM 44Application for authorisation of the giving of evidence by a child by means of a live television link

**Status:** This is the original version (as it was originally made).

Rule 3.22(2)

**APPLICANT :**

*[insert name, address and designation of applicant]*

*e.g. Principal Reporter*

*Parent/Guardian/Safeguarder*

*(or as the case may be)*

**in the case of**

*[insert name and address of child]*

1. On *[insert date of application]* the Principal Reporter made an application to the sheriff to find whether the grounds of referral not accepted by the said \* *[insert name of child]* or *[insert name of relevant person or persons]* \*or not understood by the said child are established **OR** *as the case maybe.*
2. The court assigned *[date]* at *[hour]* within the *[name court]* in chambers at *[place]* for the hearing of the application.
3. That *[A.B.]* a child born on *[date of birth]* and residing at *[address]* will be a witness in the application.
4. That *[here state reasons for application].*
5. The *[insert applicant]* therefore makes application under Rule 3.22 of the Act of Sederunt (Child Care and Maintenance Rules) 1997 that the evidence of the said *[A.B.]* shall be given by means of live television link.

.....  
\*Principal Reporter / Parent / Guardian / Safeguarder / etc as appropriate  
*[here insert designation, address, contact numbers]*

*\*delete as appropriate*

**Status:** This is the original version (as it was originally made).

Section 55 of the Children (Scotland) Act 1995

Case No
Date lodged

**Application to Sheriff Court at**

for a Child Assessment Order under section 55 of the Children (Scotland) Act 1995

**Part 1. DETAILS OF APPLICANT AND OTHER PERSONS WHO THE APPLICANT BELIEVES SHOULD RECEIVE NOTICE OF THE APPLICATION**

APPLICANT	<i>[insert name, address, telephone DX and fax numbers of local authority]</i>
CHILD	<i>[insert name, address, gender and date of birth]*</i>
RELEVANT PERSON(S)	<i>[insert name, address and the basis for the person being a relevant person within the meaning of section 93(2)(b) of the Act]</i>
SAFEGUARDER	<i>[insert name, address, telephone, DX and fax numbers (if known) of any safeguarder appointed by a children's hearing or court in respect of the child]</i>
THE PRINCIPAL REPORTER	<i>[insert name, address, telephone, DX and fax numbers]</i>
ANY OTHER PERSON WHO SHOULD RECEIVE NOTICE OF THE APPLICATION	For example, any person who is caring for the child at the time of the application being made: <i>insert name, address and telephone number of person and provide details of their interest in the application and/or child</i>  <i>[The court may seek views from applicants in relation to other persons on whom service should be made.]</i>

**\*Note:** Information to be provided in Part 3 where applicant does not wish to disclose the address or whereabouts of the child or any other person to persons receiving notice of the application.

**PART 2. INFORMATION ABOUT THE APPLICATION AND ORDERS SOUGHT**

**GROUND(S) FOR MAKING APPLICATION**  
*[applicant to provide details of grounds for making the application: including reasons why a Child Protection Order is not being sought.]*

**\*OTHER APPLICATIONS AND ORDERS WHICH AFFECT THE CHILD**  
*[insert details of any other applications or orders made which affect or are relevant to the child who is the subject of this application]*

**\*delete as appropriate**

**REPORTS/DOCUMENTARY EVIDENCE ETC.**  
The following reports/documentary evidence is attached/will be produced\*—  
*[list any reports, statements or affidavits which are or will be produced at any subsequent hearing of the application]*

Status: This is the original version (as it was originally made).

**PART 3. DETAILS OF THE ASSESSMENT AND ORDERS SOUGHT**

**ASSESSMENT**

[in terms of section 55(3) insert the following details of the assessment sought]

- a. The type of assessment is [provide details of the type of assessment that is sought including information on health, development and/or the way the child has been treated.]
- b. The assessment would begin on [insert date]
- c. The assessment will have effect for [insert number of days] from that date.
- d. The person(s) to be authorised to carry out any assessment is/are [insert name(s), designation and address]
- e. [Insert name and address] would be required to produce the child to the authorised person and permit that person or any other authorised person to carry out an assessment in accordance with the order.

**OTHER ORDERS**

[in terms of section 55(4) or (5) provide the following information about any other order sought]

\*delete as appropriate

\*a. In terms of section 55 (4) an order is sought to permit the child to be taken to [insert details of the place] for the purpose of the assessment, and to authorise the child to be kept there for [insert number of days] days.

\*b. In terms of section 55(5) the sheriff is requested to make the following directions as to contact with the child by [insert name and address of person and his or her relationship with child] while the child is in the aforementioned place

[insert details of any directions sought as to contact with the child]

[Insert details and grounds for any order sought in relation  
 (a) to non-disclosure of address or whereabouts of child; or  
 (b) service of restricted documents on child.]

**PART 4. DETAILS OF FIRST ORDER SOUGHT FROM THE SHERIFF**

The applicant requests the sheriff to:

\*delete as appropriate

- a. Fix a hearing.
- \*b. Order service on the child, together with a notice in form 26\* or order service of the following documents only [insert details of documents to be served on child, e.g. notice in form 26 only]
- \*c. Order service of a copy of the application and the first order on the persons listed in Part I of this application, together with a notice in form 34.
- \*d. Order that the address of [insert name] should not be disclosed in the application.
- \*e. Dispense with service on the child or any other person for the following reasons [insert details].

SIGNED .....  
 [name, designation and address  
 telephone, DX and fax numbers]

DATE .....

**Status:** This is the original version (as it was originally made).

Rule 3.27(2)

Section 55 of the Children (Scotland) Act 1995

IN THE SHERIFF COURT

Case No [redacted]

at

on

The sheriff orders that there shall be a [insert details of assessment] assessment of the child [insert name, address, gender and date of birth]

The assessment is to begin on [insert date] and shall have effect for [insert number of days] from that date.

The person authorised to carry out the assessment is [insert name, designation and address]

\*The sheriff orders that [Insert name and address] is required to produce the child to the authorised person and permit that person or any other authorised person to carry out the assessment in accordance with this order.

\*In terms of section 55 (4) the sheriff permits the child to be taken to [insert details of the place] for the purpose of the assessment, and authorises the child to be kept there for [insert number of days] days.

\*delete as appropriate

\*In terms of section 55(5) the sheriff makes the following directions as to contact with the child by [insert name and address of person and his or her relationship with child] while the child is in the aforementioned place - [insert details of any directions sought as to contact with the child]

For the purpose of enforcing this order warrant is granted to officers of court for all lawful execution, including warrant to open shut and lockfast places.

Signed .....

Sheriff at .....

Status: This is the original version (as it was originally made).

Rule 3.30

Section 57 of the Children (Scotland) Act 1995

Case No
Date lodged

**Application to Sheriff at**

for a Child Protection Order under section 57(2) of the Children (Scotland) Act 1995

**Part 1. DETAILS OF APPLICANT AND OTHER PERSONS WHO THE APPLICANT BELIEVES SHOULD RECEIVE NOTICE OF THE APPLICATION**

APPLICANT	<i>[insert name, address, telephone DX and fax numbers of the local authority]</i>
CHILD	<i>[insert name, address, gender and date of birth]*</i>
RELEVANT PERSON(S)	<i>[insert name, address and the basis for the person being a relevant person within the meaning of section 93(2)(b) of the Act]</i>
SAFEGUARDER	<i>[insert name, address, telephone DX and fax numbers (if known) of any safeguarder appointed by a children's hearing or court in respect of the child]</i>
THE PRINCIPAL REPORTER	<i>[insert name, address, telephone DX and fax numbers]</i>
ANY OTHER PERSON WHO SHOULD RECEIVE NOTICE OF THE APPLICATION	<i>[For example, any person who is caring for the child at the time of the application being made: insert name, address and telephone number of person and provide details of their interest in the application and/or child]</i>

**\* Note: Information to be provided in Part 3 where applicant does not wish to disclose the address or whereabouts of the child or any other person to persons receiving notice of the application.**

**Part 2. INFORMATION ABOUT THE APPLICATION AND ORDERS SOUGHT**

**GROUNDS FOR MAKING APPLICATION**  
*[applicant to provide details of grounds for making the application: see section 57 (1)&(2) of the Act]*

**OTHER APPLICATIONS AND ORDERS WHICH AFFECT THE CHILD**  
*[insert details of any other applications or orders made which affect or are relevant to the child who is the subject of this application]*

**SUPPORTING EVIDENCE**  
The following supporting evidence is produced -  
*[list reports, statements, affidavits or other evidence produced]*

Status: This is the original version (as it was originally made).

**Part 3. Details of Order sought and any terms, conditions or directions**

ORDER SOUGHT: The applicant requests the Sheriff to make a Child Protection Order in respect of the child [insert name]

**\*TERMS AND CONDITIONS TO BE ATTACHED TO ORDER**

In terms of section 57(4) the applicant seeks an order to [insert details of the order sought].

**\*DIRECTIONS IN RELATION TO THE EXERCISE OR FULFILMENT OF PARENTAL RESPONSIBILITIES OR PARENTAL RIGHTS**

In terms of section 58(4) or (5) the applicant seeks the following direction(s) - [insert details of the direction(s) sought].

\*delete as appropriate

- \*ANY OTHER ORDER(S)
  - (a) to non-disclosure of address or whereabouts of child; or
  - (b) service of restricted documents on child.

**PART 4. DETAILS OF FIRST ORDER SOUGHT FROM THE SHERIFF**

The applicant requests the sheriff to:

- a. Make a child protection order in respect of the said child [insert name of the child] on the terms and conditions set out in Part 3 of the application, \* and subject to the directions sought in Part 3 of the application.
- \*b. Order the applicant to forthwith serve a copy of the Child Protection Order [and a copy of the application] on,
  - i. the child, together with a notice in form 50\* or orders service of the following documents only [insert details of documents to be served on child, e.g. notice in form 50 only]; and
  - ii. the persons listed in Part 1. of this application, together with a notice in form 51.
- \*c. Order that the address of [insert name] should not be disclosed in the application.
- \*d. Dispense with service on the child or any other person for the following reasons [insert details].

\*delete as appropriate

SIGNED ..... DATE.....  
[name, designation and address  
telephone, DX and fax numbers]

FORM 48APPLICATION FOR A CHILD PROTECTION ORDER BY ANY PERSON (OTHER THAN A LOCAL AUTHORITY)

Status: This is the original version (as it was originally made).

Rule 3.30

Section 57 of the Children (Scotland) Act 1995

Case No	
Date lodged	

Application to Sheriff at

for a Child Protection Order under section 57(1) of the Children (Scotland) Act 1995

**Part 1. DETAILS OF APPLICANT AND OTHER PERSONS WHO THE APPLICANT BELIEVES SHOULD RECEIVE NOTICE OF THE APPLICATION**

APPLICANT	<i>[insert name and address, telephone DX and fax numbers and capacity in which application is made]</i>
CHILD	<i>[insert name, address, gender and date of birth] *</i>
RELEVANT PERSON(S)	<i>[insert name, address and the basis for the person being a relevant person within the meaning of section 93(2)(b) of the Act]</i>
SAFEGUARDER	<i>[insert name, address, telephone DX and fax numbers (if known) of any safeguarder appointed by a children's hearing or court in respect of the child]</i>
LOCAL AUTHORITY	<i>[insert name and address, DX and telephone and fax numbers]</i>
THE PRINCIPAL REPORTER	<i>[insert name, address, telephone DX and fax numbers]</i>
ANY OTHER PERSON WHO SHOULD RECEIVE NOTICE OF THE APPLICATION	<i>[For example, any person who is caring for the child at the time of the application being made: insert name, address of person and provide details of their interest in the application and/or child]</i>

**\* Note: Information to be provided in Part 3 where applicant does not wish to disclose the address or whereabouts of the child or any other person to persons receiving notice of the application.**

**Part 2. INFORMATION ABOUT THE APPLICATION AND ORDERS SOUGHT**

**GROUND(S) FOR MAKING APPLICATION**  
*[applicant to provide details of grounds for making the application: see section 57(1) of the Act]*

**OTHER APPLICATIONS AND ORDERS WHICH AFFECT THE CHILD**  
*[insert details of any other applications or orders made which affect or are relevant to the child who is the subject of this application]*

**SUPPORTING EVIDENCE**  
The following supporting evidence is produced -  
*[list reports, statements, affidavits or other evidence produced]*



Status: This is the original version (as it was originally made).

**Part 3. Details of Order sought and any terms, conditions or directions**

ORDER SOUGHT: The applicant requests the Sheriff to make a Child Protection Order in respect of the child *[insert name]*

**\*TERMS AND CONDITIONS TO BE ATTACHED TO ORDER**

In terms of section 57(4) the applicant seeks an order to *[insert details of the order sought]*.

**\*DIRECTIONS IN RELATION TO THE EXERCISE OR FULFILMENT OF PARENTAL RESPONSIBILITIES OR PARENTAL RIGHTS**

In terms of section 58(4) or (5) the applicant seeks the following direction(s) - *[insert details of the direction(s) sought]*.

\*delete as appropriate

**\*ANY OTHER ORDER(S)**  
*[Insert here details and grounds for any order sought in relation (a) to non-disclosure of address or whereabouts of child; or (b) service of restricted documents on child.]*

**PART 4. DETAILS OF FIRST ORDER SOUGHT FROM THE SHERIFF**

The applicant requests the sheriff to:

- a. Make a child protection order in respect of the said child *[insert name of the child]* on the terms and conditions set out in Part 3 of the application, \* and subject to the directions sought in Part 3 of the application.
- \*b. Order the applicant to forthwith serve a copy of the Child Protection Order [and a copy of the application] on,
  - i. the child, together with a notice in form 50\* or orders service of the following documents only *[insert details of documents to be served on child, e.g. notice in form 50 only]*; and
  - ii. the persons listed in Part 1. of this application, together with a notice in form 51.
- \*c. Order that the address of *[insert name]* should not be disclosed in the application.
- \*d. Dispense with service on the child or any other person for the following reasons *[insert details]*.

\*delete as appropriate

SIGNED ..... DATE.....  
[name, designation and address  
telephone, DX and fax numbers]

Status: This is the original version (as it was originally made).

Rule 3.31(2)

Section 57 of the Children (Scotland) Act 1995

IN THE SHERIFF COURT

Case No [redacted]

at

on

In the application by [Insert name and address] for a Child Protection Order/Child Assessment Order\* the sheriff makes a Child Protection Order in respect of the child [insert name, address (unless order made re non disclosure), gender and date of birth of the child]

TERMS AND CONDITIONS

\*The sheriff orders that [insert name and address of person] is required to produce the child to the applicant [insert name and address of the applicant].

\*The sheriff authorises the removal of the child by the applicant to \*[insert details of the place] a place of safety and for the keeping of the child at that place.

\*The sheriff authorises the prevention of the removal of the child from [insert details of the place].

\*The sheriff orders that the locality of the place of safety should not be disclosed to [insert details of the person or class of persons].

\*delete as appropriate

DIRECTIONS

\*In terms of section 58(1) and (2) the sheriff gives the following directions to the applicant as to contact with the child - [insert details of any directions]

\*In terms of section 58(4), (5) or (6) the sheriff gives the following directions as to the exercise or fulfilment of parental responsibilities or parental rights in respect of the child - [insert details of any directions]

For the purpose of enforcing this order warrant is granted for all lawful execution, including warrant to open shut and lockfast places.

Signed .....

Sheriff at .....

FORM 50NOTICE OF CHILD PROTECTION ORDER TO CHILD IN TERMS OF SECTION 57 OF THE CHILDREN (SCOTLAND) ACT 1995.

**Status:** This is the original version (as it was originally made).

Rule 3.32(A)

**ARRANGEMENTS TO KEEP YOU SAFE**

Dear *[insert name by which child is known]*

I am writing to tell you that because there were worries about your safety the court was asked to sort out some practical arrangements to make sure you are kept safe.

After hearing about your situation the court made an order, called a "Child Protection Order". That means that the court gave permission to *[insert in simple language the order(s) and any directions granted and their effect on the child]*

If you are unhappy with this order or any directions you can ask the court to change it. For example, you might want to ask the court to allow you *[insert an example e.g. to allow more contact with certain members of the family etc.]*

**Any change must be requested without delay**

If you want to do this you can ask the court which made the order to listen to you. You will need a lawyer to help you.

**Remember** that if you do not agree with the order or any directions you must get advice **IMMEDIATELY**.

**In the meantime you must do what the order says.**

**If you are unsure about what to do you can get free legal advice from a Lawyer or Local Advice Agency or Law Centre about the application and about legal aid. The Scottish Child Law Centre can refer you to specially trained lawyers who can help you. They give advice on their free phone no (0800 317 500) any time between 9.00 am and 5.00 pm Monday to Friday.**

You will see that, along with this letter, there is a copy of the application which was made to the court, and the order the court has made which affects you. If you decide to get advice, or to ask someone to go to court for you, make sure that you give your advisor a copy of the application, and the court's order.

SIGNED ..... DATE.....

Status: This is the original version (as it was originally made).

Rule 3.32(b)

Section 57 of the Children (Scotland) Act 1995

Case No [redacted]

Notice of Child Protection Order made under section 57 of the Children (Scotland) Act 1995 in the Sheriff Court at

To [insert name and address of person to whom notice is given].

You are given notice of the making of a Child Protection Order in respect of the child [insert name, address, gender and date of birth of child] by the sheriff at [name of sheriff court] on [date of order].

Along with this notice there is attached a copy of the application and the order.

SIGNED ..... DATE.....

WHAT YOU SHOULD DO

\*YOU MUST COMPLY WITH THE ORDER AND ANY DIRECTIONS CONTAINED WITHIN IT. FAILURE TO COMPLY IS AN OFFENCE UNDER SECTION 81 OF THE CHILDREN (SCOTLAND) ACT 1995 AND COULD LEAD TO YOU BEING FINED.

\*delete as appropriate

\*YOU MAY WISH TO OBTAIN ADVICE FROM A SOLICITOR OR LOCAL ADVICE AGENCY OR LAW CENTRE. You may be entitled to legal aid. Advice about legal aid is available from any solicitor, advice agency or law centre.

\*You may be able to contest or vary the order, and in such circumstances you should obtain legal advice without delay.

Section 60 of the Children (Scotland) Act 1995

Case No
Date lodged

**Application to Sheriff at**

to vary or recall a Child Protection Order under section 60(7) of the Children (Scotland) Act 1995

**Part 1. DETAILS OF APPLICANT AND OTHER PERSONS WHO THE APPLICANT BELIEVES SHOULD RECEIVE NOTICE OF THE APPLICATION**

APPLICANT *[insert name, address, telephone DX and fax numbers, and details of the capacity of the person making the application]*

CHILD *[insert name, address, gender and date of birth]\**

SAFEGUARDER **If not applicant** *[insert name, address, telephone DX and fax numbers (if known) of any safeguarder appointed by a children's hearing or court in respect of the child]*

RELEVANT PERSON(S) **If not applicant** *[insert name, address and telephone number (if known) and the basis for the person being a relevant person within the meaning of section 93(2)(b) of the Act]*

THE PRINCIPAL REPORTER *[insert name, address, telephone DX and fax numbers]*

ANY OTHER PERSON WHO SHOULD RECEIVE NOTICE OF THE APPLICATION *[For example, any person who is caring for the child at the time of the application being made: insert name, address and telephone number of person and provide details of their interest in the application and/or child]*

**\*Note: Information to be provided in Part 3 where applicant does not wish to disclose the address or whereabouts of the child or any other person to persons receiving notice of the application.**

**Part 2. INFORMATION ABOUT THE APPLICATION AND ORDERS SOUGHT**

On *[date of order]* the Sheriff made a Child Protection Order in the following terms *[insert full details of order and conditions attaching to it]* *[Copy original order must be attached in terms of Rule 3.33].*

OTHER APPLICATIONS AND ORDERS WHICH AFFECT THE CHILD *[insert details of any other applications or orders made which affect or are relevant to the child who is the subject of this application]*

ORDER(S) OR CONDITIONS THE VARIATION OR RECALL OF WHICH ARE SOUGHT *[applicant to insert details of order now sought]*

GROUNDS FOR MAKING APPLICATION *[applicant to provide details of grounds for seeking the variation or setting aside]*

SUPPORTING EVIDENCE  
The following supporting evidence is produced - *[list reports, statements, affidavits or other evidence produced]*

Status: This is the original version (as it was originally made).

**Part 3. Details of Order sought and any terms, conditions or directions**

**FIRST ORDER**

The applicant requests the sheriff to:

- a. Assign a hearing on the application.
- \*b. Order the applicant to forthwith serve a copy of the application together with the date of hearing on,
  - i. The Principal Reporter
  - ii. The Local Authority
  - iii. The child, together with a notice in form 27; and
  - iv. The persons listed in part 1 of this application, together with a notice in form 35.
- \*c. Dispense with service on the child or any other person for the following reasons *[insert details]*.

\*delete as appropriate

And thereafter to *[enter details of what you want the Sheriff to vary or recall.]*

SIGNED ..... DATE.....  
 [name, designation and address  
 telephone, DX and fax numbers]

**Status:** This is the original version (as it was originally made).

Rule 3.33(5)

Section 60(7) of the Children (Scotland) Act 1995

**IN THE SHERIFF COURT**

Case No

at

on

The sheriff makes the following order in the application by *[Insert name and address]* to vary or recall a Child Protection Order in respect of the child *[insert name, address (unless order made re non-disclosure), gender and date of birth of the child]* *[insert order granted in this application]*

**TERMS AND CONDITIONS IN FORCE UNDER CHILD PROTECTION ORDER AFTER VARIATION**

*\*[insert name and address of person]* is ordered to produce the child to the applicant *[insert name and address of the applicant]*.

*\*the removal of the child by the applicant to \*[insert details of the place] a place of safety and for the keeping of the child at that place is authorised.*

*\*the prevention of the removal of the child from [insert details of the place] is authorised.*

*\*the locality of the place of safety is not to be disclosed to [insert details of the person or class of persons].*

\*delete as appropriate

**DIRECTIONS**

*\*In terms of section 58(1) and (2) the sheriff has given the following directions to the applicant as to contact with the child - [insert details of any directions]*

*\*In terms of section 58(4), (5) or (6) the sheriff has given the following directions as to the exercise or fulfilment of parental responsibilities or parental rights in respect of the child— [insert details of any directions]*

For the purpose of enforcing any of these orders warrant is granted for all lawful execution, including warrant to open shut and lockfast places.

Signed .....

Sheriff at .....

FORM 54APPLICATION FOR EXCLUSION ORDER BY LOCAL AUTHORITY

Status: This is the original version (as it was originally made).

Rule 3.35

Section 76 of the Children (Scotland) Act 1995

Case No
Date lodged

**Application to Sheriff at**

for an Exclusion Order under section 76(1) of the Children (Scotland) Act 1995

**Part 1. DETAILS OF APPLICANT AND OTHER PERSONS WHO THE APPLICANT BELIEVES SHOULD RECEIVE NOTICE OF THE APPLICATION**

APPLICANT *[insert name and address, telephone DX and fax numbers]*

CHILD *[insert name, address, gender and date of birth]\**

THE NAMED PERSON *[insert name and address of person to be excluded]*

SAFEGUARDER *[insert name, address, telephone DX and fax numbers (if known) of any safeguarder appointed by a children's hearing or court in respect of the child]*

RELEVANT PERSON(S) *[insert name, address and the basis for the person being a relevant person within the meaning of section 93(2)(b) of the Act]*

THE APPROPRIATE PERSON *[insert name and address of person who is to have care of the child if the order is made]*

THE PRINCIPAL REPORTER *[insert name and address, telephone DX and fax numbers]*

ANY OTHER PERSON WHO SHOULD RECEIVE NOTICE OF THE APPLICATION *[insert name, address and telephone numbers of person and provide details of their interest in the application and/or child]*

*\* Note: Information to be provided in Part 3 where applicant does not wish to disclose the address or whereabouts of the child or any other person to persons receiving notice of the application.*

**PART 2. INFORMATION ABOUT THE APPLICATION AND ORDERS SOUGHT**

CONDITIONS FOR MAKING APPLICATION  
*[applicant to provide details of grounds for making the application including the address of the family home and details of all persons resident there.]*

ANY OTHER RELEVANT APPLICATION OR ORDER WHICH AFFECTS THE CHILD  
*[insert details of any other applications or orders made which affect or are relevant to the child who is the subject of this application]*

SUPPORTING EVIDENCE  
The following supporting evidence is produced -  
*[list reports, statements, affidavits or other evidence produced]*

PROPOSALS BY THE LOCAL AUTHORITY FOR FINANCIAL OR OTHER SUPPORT FOR THE NAMED PERSON  
*[Insert details: Section 76(9) + (10) of the Act refer]*



Status: This is the original version (as it was originally made).

**PART 3. DETAILS OF ORDER SOUGHT AND ANY TERMS, CONDITIONS OR DIRECTIONS**

ORDER SOUGHT: The applicant requests the Sheriff to *[insert details of the order sought and any terms and conditions to be attached to the order]* in respect of the child *[insert name]*

**ANCILLARY OR INTERIM ORDERS SOUGHT**

In terms of section 77(3) the following orders or interim orders are sought:  
*[specify orders sought and provide information about the reasons for seeking order]*

**TERMS AND CONDITIONS TO BE ATTACHED TO ORDER**

In terms of section 77(7) the applicant seeks an order to:  
*[insert details of the order sought].*

**DIRECTIONS AS TO PRESERVATION OF NAMED PERSON'S PROPERTY**

In terms of section 77(5) the applicant seeks the following direction:  
*[insert details of the direction sought].*

In terms of section 78(1) a power of arrest is sought in relation to:  
*[insert details of interdict and provide information about the reasons for seeking power of arrest]*

**PART 4. DETAILS OF FIRST ORDER SOUGHT FROM THE SHERIFF**

The applicant requests the sheriff to:

- a. Fix a hearing.
- b. Order the applicant to forthwith serve a copy of the application on,
  - i. the child, together with a notice in form 28;
  - ii. The named person, together with a notice in Form 36 and
  - iii. The persons listed in paragraph 1 of this application, together with a notice in form 36.
- \*c. Dispense with service on the child or any other person for the following reasons *[insert details]*
- \*d. Make an interim exclusion order excluding the named person from the child's family home in terms of part 2\* on the terms and conditions set out in part 3 above, and subject to the directions sought.
- \*e. Grant the following ancillary order.*[specify order sought]*
- \*f. Grant a power of arrest.

\*delete as appropriate

SIGNED ..... DATE.....  
[name, designation and address  
telephone, DX and fax numbers

Status: This is the original version (as it was originally made).

Rule 3.37(2)

Section 76 of the Children (Scotland) Act 1995

IN THE SHERIFF COURT

Case No [redacted]

at

on

\*delete as appropriate

In the application by the Local Authority for an exclusion order in terms of section 76 of the Act the sheriff orders that [insert name and address of named person] shall be excluded from [insert address of child's family home] \* forthwith/from [insert date] until [insert date when order shall cease to have effect].

\*From the effective date the rights of occupancy of [insert name] from the said address are suspended

ANCILLARY ORDERS

In terms of section 77 the sheriff makes the following ancillary orders: [insert details of the orders granted and any terms and conditions or directions made by the sheriff or power of arrest attached to any interdict]

For the purpose of enforcing this order warrant is granted for all lawful execution, including warrant to open shut and lockfast places.

Signed.....

Sheriff at .....

FORM 56 CERTIFICATE OF DELIVERY TO THE CHIEF CONSTABLE

**Status:** This is the original version (as it was originally made).

Rule 3.38(1) and (2)

Section 78 of the Children (Scotland) Act 1995

*(Insert place and date)* I, \_\_\_\_\_ hereby certify that upon the  
day of \_\_\_\_\_ I duly delivered to *(insert name and address)* Chief Constable of  
*(insert name of constabulary)* *(insert details of the documents delivered)*. This I did by *(state method of service)*.

Signed .....  
(name, designation and address)  
*(add designation and business address)*

FORM 57 APPLICATION TO VARY OR RECALL AN EXCLUSION ORDER

Status: This is the original version (as it was originally made).

Rule 3.40(1)

Section 79(3) of the Children (Scotland) Act 1995

Case No  
Date lodged

Application to Sheriff at

to vary or recall an Exclusion Order under section 79(3) of the Children (Scotland) Act 1995

Part 1. DETAILS OF APPLICANT AND OTHER PERSONS WHO THE APPLICANT BELIEVES SHOULD RECEIVE NOTICE OF THE APPLICATION

APPLICANT *[insert name, address, telephone DX and fax numbers, and details of the capacity of the person making the application]*

CHILD *[insert name, address, gender and date of birth] \**

THE NAMED PERSON **If not applicant** *[insert name and address of person excluded]*

SAFEGUARDER *[insert name, address, telephone DX and fax numbers (if known) of any safeguarder appointed by a children's hearing or court in respect of the child]*

APPROPRIATE PERSON(S) **If not applicant** *[insert name, address and the basis for the person being an appropriate person within the meaning of section 76(2)(c) of the Act]*

THE PRINCIPAL REPORTER *[insert name, address, telephone DX and fax numbers]*

ANY OTHER PERSON WHO SHOULD RECEIVE NOTICE OF THE APPLICATION *[insert name, address and telephone numbers of person and provide details of their interest in the application and/or child]*

*\*Note: Information to be provided in Part 3 where applicant does not wish to disclose the address or whereabouts of the child or any other person to persons receiving notice of the application*

Part 2. INFORMATION ABOUT THE APPLICATION AND ORDERS SOUGHT

On *[date of order]* the Sheriff made an Exclusion Order in the following terms *[insert full details of order and conditions attaching to it]* *[Copy original order to be attached].*

OTHER APPLICATIONS AND ORDERS WHICH AFFECT THE CHILD *[insert details of any other applications or orders made which affect or are relevant to the child who is the subject of this application]*

SUPPORTING EVIDENCE  
The following supporting evidence is produced - *[list reports, statements, affidavits or other evidence including financial information produced]*

Status: This is the original version (as it was originally made).

**Part 3. Details of Order sought and any terms, conditions or directions**

ORDER SOUGHT: The applicant requests the Sheriff to [insert details of the variation or recall sought and any terms and conditions to be attached to the order] in respect of the child [insert name]

[Insert here details and grounds for any order sought in relation  
(a) to non-disclosure of address or whereabouts of child; or  
(b) service of restricted documents on child.]

**Part 4. DETAILS OF FIRST ORDER SOUGHT FROM THE SHERIFF**

The applicant requests the sheriff to:

- a. Fix a hearing.
- \*b. Order the applicant to forthwith serve a copy of the application on,
  - i. The Principal Reporter
  - ii. The Local Authority
  - iii. The named person, together with a notice in Form 37; and
  - iv. The child, together with a notice in form 29;
  - v. The persons listed in part 1 of this application, together with a notice in Form 37.
- \*c. Dispense with service on the child or any other person for the following reasons [insert details]
- \*d. Grant the following ancillary order. [specify order sought]
- \*e. Grant a power of arrest.

\*delete as appropriate

\*delete as appropriate

SIGNED ..... DATE.....  
[name designation and address  
telephone, DX and fax numbers]

Status: This is the original version (as it was originally made).

Rule 3.40(3)

Section 79 of the Children (Scotland) Act 1995

IN THE SHERIFF COURT

Case No

at

on

The sheriff makes the following order in the application by [insert name and address] to vary or recall an exclusion order in respect of [insert name and address of named person] in relation to [insert address of child's family home] [insert order granted in this application]

\*delete as appropriate

TERMS AND CONDITIONS IN FORCE UNDER EXCLUSION ORDER AFTER VARIATION

\*[insert name and address of named person] is excluded from [insert address of child's familyhome] from [insert date] until [insert date when order shall cease to have effect].

\*from [insert date] the rights of occupancy of [insert name] from the said address are suspended

\*the following ancillary orders are in force in terms of section 77: [insert details of any orders in force and any terms and conditions or directions made by the sheriff or power of arrest attached to any interdict]

For the purpose of enforcing any of these orders warrant is granted for all lawful execution, including warrant to open shut and lockfast places.

Signed .....

Sheriff at .....

FORM 59APPLICATION BY PRINCIPAL REPORTER FOR FURTHER DETENTION OF CHILD

Section 67 of the Children (Scotland) Act 1995

Case No
Date lodged

**Application to Sheriff Court AT**

for further detention of a child under section 67 of the Children's Scotland Act 1995

**Part 1. DETAILS OF APPLICANT AND OTHER PERSONS WHO THE APPLICANT BELIEVES SHOULD RECEIVE NOTICE OF THE APPLICATION**

APPLICANT *[insert name, designation, address, telephone, DX and fax numbers of Principal Reporter]*

CHILD *[insert name, address, gender and date of birth] \**

SAFEGUARDER *[insert name, address, telephone, DX and fax numbers (if known) of any safeguarder appointed by a children's hearing or court in respect of the child]*

RELEVANT PERSON(S) *[insert name, address, telephone numbers (if known) and the basis for the person being a relevant person within the meaning of section 93(2)(b) of the Act]*

ANY OTHER PERSON WHO SHOULD RECEIVE NOTICE OF THE APPLICATION *[insert name, address, telephone numbers (if known) of person and provide details of their interest in the application and/or child]*

**\*Note: Information to be provided at part 3 below where applicant does not wish to disclose the address or whereabouts of the child or any other person to persons receiving notice of the application.**

**Part 2. INFORMATION ABOUT THE APPLICATION AND ORDERS SOUGHT**

\*delete as appropriate

On *[date]* *\*[a children's hearing for [local authority] or Sheriff Court]* granted a warrant to the applicant under section *\*66(1)* and/or *67(1)* of the Children (Scotland) Act 1995 in respect of *[insert name of child]*. *(narrate details of all warrants and extensions granted in respect of the hearing)*

The case in relation to the said *[insert name of child]* has not been finally disposed of. *[Narrate reason for application and history of case to date]*

*[Insert here details and grounds for any order sought in relation (a) to non-disclosure of address or whereabouts of child; or (b) service of restricted documents on child.]*

**Part 3. DETAILS OF ORDER SOUGHT FROM THE SHERIFF**

It being necessary that the child's detention be continued the Principal Reporter therefore makes application to the sheriff to

- i. Assign a diet for the hearing of the application;
- ii. Grant warrant for intimation of this application on

**Status:** *This is the original version (as it was originally made).*

- a. The child, together with a notice in form 30; and
  - b. The persons listed in paragraph 1 of this application, together with a notice in form 38.
  - c. Dispense with service on the child or any other person for the following reasons *[insert details]*
- iii. Grant warrant for the continued detention of *[insert name of child]* for a period of *[insert period sought.]*

Principal Reporter.....  
[name and address  
telephone, DX and fax numbers]



Status: This is the original version (as it was originally made).

Rule 3.45(1)

SHERIFF COURT AT [insert place]

APPLICANT:

[insert name, address and designation of applicant,

in the case of

[insert name and address of child]

1. On [date] a children's hearing for [local authority] gave a direction to the Principal Reporter under section \*65(7) or 65(9) of the Children (Scotland) Act 1995 in respect of [insert name of child]. The hearing appointed [insert name and designation] as a safeguarder / no safeguarder was appointed.\*

2. A copy of the statement by the Principal Reporter of the grounds for the referral of the case of the said [insert name of child] to the children's hearing is attached together with any report of the safeguarder appointed for the purpose of safeguarding the interests of the child in the proceedings.

\*3. The said [insert name of child] or [insert name and address and status of the relevant person or persons] did not accept the grounds of referral so far as relating to conditions [specify conditions/statements not accepted] of the statement of the Principal Reporter.

OR

\*4. The children's hearing were satisfied that the said [insert name of child] will not be capable of understanding or has not understood the explanation of the grounds of referral given under section 65(4) of the Act.

5. The Principal Reporter therefore makes application to the sheriff to find whether the grounds of referral not accepted by the said \* [insert name of child] or [insert name of relevant person or persons] \* or not understood by the said child are established.

6. The Principal Reporter requests the sheriff to remove the obligation on the child to attend the hearing in view of [insert reason(s)]. And to dispense with service on [insert name and give reasons] \*

[name, designation and address  
telephone, DX and fax numbers]

.....  
Date.....

[Place and Date]

The court assigns [date] at [hour] within the [name court] in chambers at [place] for the hearing of the application; appoints the Principal Reporter forthwith \*

- a. to serve a copy of the application and relative statement of grounds of referral and this warrant on,
  - i. the child, together with a notice in form 31 or orders service of the following documents only [insert details of documents to be served on child, eg, notice in form 31 only]; and
  - ii. [insert name of relevant person or persons] together with a notice in form 39;
  - iii. the safeguarder [insert name and designation] appointed by the sheriff.\*

\*delete as appropriate

\*b. Orders that the address of [insert name] should not be disclosed in the application.

\*c. Dispense with service on the child or any other person for the following reasons [insert details].

\*d. Dispenses with the obligation on the child to attend the hearing in view of [insert details]

and grants warrant to cite witnesses and havers.

\*delete as appropriate

.....  
\*Sheriff or Sheriff Clerk

FORM 61APPEAL TO SHERIFF UNDER SECTION 51(1) OF THE ACT AGAINST DECISION OF CHILDREN'S HEARING IN RELATION TO A SUPERVISION REQUIREMENT

Status: This is the original version (as it was originally made).

Rule 3.53(1)

Sheriff Court at

Appeal  
under  
Section 51(1) of the Children  
(Scotland) Act 1995  
by

*[insert names and addresses of child  
and/or relevant person as appropriate]*  
APPELLANT

against  
a decision of the children's hearing for  
*[local authority area]* at *[insert place]*

1. On *[date]* the said *[insert names of child and relevant person as appropriate]* appeared before the children's hearing of *[local authority area]* at *[insert place]*.
2. The children's hearing appointed *[insert name and address]* to act as safeguarder\* or No safeguarder was appointed.
3. The grounds for the referral of the case stated by the reporter \* *[were accepted by the appellant(s)]\** *[were established to the satisfaction of the sheriff]* at *[place]* on *[date]*. A copy of the statement of the grounds of referral is attached hereto,  
\*or *[A supervision requirement, made on [date] in respect of the said child, was under review by the children's hearing. The supervision requirement was to the effect that [state terms of requirement] .]*
4. The children's hearing decided that the said child was in \**[continuing]* need of compulsory measures of care and ordered *[state the terms of the decision in the report of the proceedings of the children's hearing]*.
5. The measures prescribed by the supervision requirement are not appropriate in all the circumstances in respect that *[state shortly the reasons for this view]* *[or if appeal is on a point of law or on grounds of irregularity state briefly that point or the facts which constitute the irregularity]*.
6. The said *[insert names of child and relevant person as appropriate]* appeals to the sheriff against the said decision.

.....  
*[signed]*  
 appellant(s)  
 \*or solicitor for appellants  
 \*or safeguarder appointed by the  
 chairman of the children's hearing  
*[insert name and address]*

\*delete as appropriate

*[Place and date]*

The court assigns *[date]* at *[hour]* within the *[name court]* in chambers at *[place]* for the hearing of the application;

Appoints the Sheriff Clerk forthwith\*

- a. To intimate a copy of the application and this warrant on,
  - i. The Principal Reporter; and
  - \*ii. the child together with a notice in form 64
  - \*iii. the *[insert name of relevant person or persons]*
  - \*iv. the safeguarder appointed by the sheriff or the children's hearing,
  - \*v. any other person having an interest in the original proceedings.

\*delete as appropriate

**Status:** This is the original version (as it was originally made).

- \*b. Dispenses with service on the child for the following reasons *[insert details]*.
- c. Appoints answers to be lodged ,if so advised, not later than 7 days before the said diet.  
and grants warrant to cite witnesses and havers.

\*delete as appropriate

.....

\*Sheriff or Sheriff Clerk

FORM 62APPEAL TO SHERIFF AGAINST ISSUE OF WARRANT BY CHILDREN'S HEARING UNDER SECTION 51(1) AND (8) OF THE ACT

Status: This is the original version (as it was originally made).

Rule 3.53(1)

Sheriff Court at

Appeal  
under  
Section 51(1) of the Children  
(Scotland) Act 1995 by  
[insert names and addresses of child  
and/or relevant person as appropriate]  
APPELLANT  
against  
a decision of the children's hearing for  
[local authority area] at [insert place]  
to issue a warrant for the detention of the  
said AB.

1. On [date] the said [insert name of child] was apprehended and kept at [place] on a warrant issued by the children's hearing at [place] under section [insert section] of the Children (Scotland) Act 1995.
2. The children's hearing appointed [insert name and address] to act as safeguarder \* or No safeguarder was appointed.
3. The said warrant is unnecessary because [state reasons].
4. The said [insert names of child and relevant person as appropriate] appeals to the sheriff against the said decision.

.....  
[signed]  
appellant(s)  
\*or solicitor for appellants  
\*or safeguarder appointed by the  
chairman of the children's hearing  
[insert name and address]

\*delete as appropriate

[Place and date]

The court assigns [date] at [hour] within the [name court] in chambers at [place] for the hearing of the application;

Appoints the Sheriff Clerk forthwith\*

- a. To intimate a copy of the application and this warrant on,
  - i. The Principal Reporter; and
  - \*ii. the child together with a notice in form 64
  - \*iii. the [insert name of relevant person or persons]
  - \*iv. the safeguarder appointed by the sheriff or the children's hearing,
  - \*v. any other person having an interest in the original proceedings
- \*b. Dispenses with service on the child for the following reasons [insert details].

and grants warrant to cite witnesses and havers.

\*delete as appropriate

.....  
\*Sheriff or Sheriff Clerk

FORM 63APPEAL TO SHERIFF AGAINST A REQUIREMENT BY THE CHILDREN'S HEARING UNDER SECTION 51(1) OF THE ACT

**Status:** This is the original version (as it was originally made).

Rule 3.53(1)

APPEAL TO SHERIFF AGAINST A REQUIREMENT BY THE CHILDREN'S HEARING UNDER SECTION 51(1) OF THE ACT

Sheriff Court at [ ]

Appeal under Section 51(1) of the Children Scotland) Act 1995 by

[insert names and addresses of child and/or relevant person as appropriate] APPELLANT

against a decision of the children's hearing for [local authority area] at [insert place] to make a supervision requirement in respect of the said [insert name of child].

- 1. On [date] a children's hearing for [local authority area] made a requirement under section [insert section] of the Children (Scotland) Act 1995. A copy of the said requirement is appended hereto.
2. The children's hearing appointed [insert name and address] to act as safeguarder \* or No safeguarder was appointed.
3. The said requirement is unnecessary because [state reasons].
4. The said [insert names of child and relevant person as appropriate] appeals to the sheriff to [state remedy].

[signed] appellants) \*or solicitor for appellants \*or safeguarder appointed by the chairman of the children's hearing [insert name and address]

\*delete as appropriate

[Place and date]

The court assigns [date] at [hour] within the [name court] in chambers at [place] for the hearing of the application;

Appoints the Sheriff Clerk forthwith\*

- a. To intimate a copy of the application and this warrant on, i. The Principal Reporter; and \*ii. the child together with a notice in form 64 \*iii. the [insert name of relevant person or persons] \*iv. the safeguarder appointed by the sheriff or the children's hearing \*v. any other person having an interest in the original proceedings
\*b. Dispenses with service on the child for the following reasons [insert details].
c. Appoints answers to be lodged , if so advised, not later than 7 days before the said diet.
and grants warrant to cite witnesses and havers.

\*delete as appropriate

\*Sheriff or Sheriff Clerk

FORM 64INTIMATION TO CHILD IN APPLICATION UNDER SECTION 51 OF THE CHILDREN (SCOTLAND) ACT 1995

Status: This is the original version (as it was originally made).

Rule 3.54(3)

Dear [insert name by which child is known]

As you know at the Children’s Hearing (Panel) held on [insert date ] not everyone agreed with the decision that was reached. The Sheriff, who is the person who decides has been asked to decide whether the information on the form is correct.

Since the decision of the hearing to [insert details of decision being appealed] was not accepted by [insert who did not accept the decision] your case has been sent to a sheriff who will decide whether the decision should be changed.

The sheriff will listen to the evidence in your case, and will make a decision. This decision is very important for you, and it is necessary for you to attend to tell the sheriff about anything to do with you; although you may not be asked any questions.

A sheriff assists for lots of different reasons, this time the purpose is to help the Children’s Hearing. If the sheriff decides that the decision should be reconsidered the case may go back to the children’s hearing to think again what is to happen in your case.

Remember that the date, time and place of the court hearing are given on the attached page.

IMPORTANT NOTE: IT IS VERY IMPORTANT THAT YOU ATTEND COURT on the date and time given. If an emergency arises and you cannot attend you must contact the Sheriff Clerk or the Reporter because it is possible, if you do not attend, you may be detained and kept in a safe place until the sheriff can hear the case at a later date.

**If you are unsure about what to do you can get free legal advice from a Lawyer or Local Advice Agency or Law Centre about the application and about legal aid. The Scottish Child Law Centre can refer you to specially trained lawyers who can help you. They give advice on their free phone no (0800 317 500) any time between 9.00 am and 5.00 pm Monday to Friday.**

You will see that, along with this letter, there is a copy of the application to the sheriff, and the sheriff’s order fixing the hearing. If you decide to get advice, or to be represented, make sure that you give your advisor a copy of the application, and the sheriff’s order.

YOU MUST ATTEND ON THE FOLLOWING DATE:

DATE OF HEARING: .....

TIME OF HEARING: .....

PLACE OF HEARING: Sheriff Court.....

ADDRESS: .....

.....  
.....

FORM 65IN APPLICATION UNDER SECTION 85 OF THE CHILDREN (SCOTLAND) ACT 1995

**Status:** This is the original version (as it was originally made).

Rule 3.63(1)

[Place and date]

The court

1. Assigns [date] at [hour] within the [name court] in chambers at [place] for the hearing of the application;
  2. Appoints the Appellant to forthwith cite the Principal Reporter to lodge answers, if so advised, within [enter period set by sheriff]
  3. Appoints the Appellant to forthwith intimate the application to
    - i BB\* [insert name of relevant person or persons] whose whereabouts are known and
    - ii [AB]\* (name and design) the safeguarder,
    - iii [BC]\* (name and design) a party to the application.
- by serving a copy of the application and this warrant upon [each of]\* them;
4. Grants warrant to cite witnesses and havers.
  5. \*Dispenses with notice and service on [insert name] for the following reason(s) [insert reason(s)].

\*delete as appropriate

.....  
\*Sheriff Clerk

FORM 66

**Status:** This is the original version (as it was originally made).

Rule 5.19(1)

(Place) (Date)

AB (design)

Intimation is hereby given that there has been received at ( ) Sheriff Court evidence relative to the provisional maintenance order made on your application on , as a result of which it appears that the provisional order ought not to have been made.

\*A copy of the document summarising that evidence taken by the [name of Court] in proceedings relating to the confirmation of the provisional order accompanies this intimation.

or

\*A copy of the note of that evidence taken at [name of Court] Sheriff Court accompanies this intimation.

IF YOU WISH TO MAKE REPRESENTATIONS AND ADDUCE FURTHER EVIDENCE with respect to the evidence received you must lodge a minute narrating the representations and the further evidence you intend to adduce with the Sheriff Clerk at [name and address of Sheriff Court] within 21 days after the date of this intimation.

IF YOU DO NOTHING IN ANSWER TO THIS INTIMATION the Court may revoke the provisional maintenance order.

[Signed]

Sheriff Clerk

\*Delete as appropriate



**Status:** This is the original version (as it was originally made).

Rule 5.20(1) AND 5.29(1)

(Place) (Date)

AB (Design)

Intimation is hereby given of the receipt at [name and address of Sheriff Court] of a provisional order made by [name of Court] at on .

A copy of the provisional order together with a summary of the evidence upon which the order was made [\*and a statement of the grounds upon which the order might have been opposed] accompanies this intimation.

IF YOU WISH TO OPPOSE THE ORDER, you must lodge an application with the Sheriff Clerk at [name and address of Sheriff Court] within 21/42\* days after the date of this intimation and at the same time present this copy intimation.

IF YOU DO NOTHING IN ANSWER TO THIS INTIMATION the order will be confirmed.

[Signed]

Sheriff Clerk

\*Delete as appropriate

FORM 68FORM OF DECLARATION

**Status:** This is the original version (as it was originally made).

Rule 5.24(1)(b)

I hereby declare that the foregoing certified copy of a maintenance order has been duly registered by me in Part II of the Maintenance Orders Register kept in this Court in terms of the Maintenance Orders Act 1950, and of Chapter 5 of the Act of Sederunt (Child Care and Maintenance Rules) 1997.

[Signed] AB  
Sheriff Clerk Depute

FORM 69NOTICE OF REGISTRATION FOR ENFORCEMENT IN SCOTLAND OF A  
MAINTENANCE ORDER MADE IN THE REPUBLIC OF IRELAND

Rule 5.34(1)(a)

(Place) . . . . . (Date)

AB (Design)

Intimation is hereby given of the registration in the Maintenance Orders (Reciprocal Enforcement) Act 1972 Register kept at this Sheriff Court of a maintenance order made by [name and address of court in Republic of Ireland] on [date of making order].

In terms of the said maintenance order you are required [narrate terms of order and payee].

You may within one calendar month from the date of this intimation make application to this Sheriff Court to set aside the registration of the order by lodging with the Sheriff Clerk at [name and address of Sheriff Court] a minute setting out the grounds of your application.

The grounds upon which application to be set aside the registration may be made are:

- (a) the registration is contrary to public policy;
- (b) you did not appear in the proceedings in the Republic of Ireland and you were not served, in accordance with the law of the place where you were then residing with the summons or other notice of the institution of the proceedings in sufficient time to enable you to arrange for your defence; or
- (c) the order is irreconcilable with a judgement given in the United Kingdom in proceedings between you and the payee under the maintenance order.

[Signed]  
Sheriff Clerk

FORM 70NOTICE OF REGISTRATION FOR THE PURPOSES OF ENFORCEMENT IN SCOTLAND OF A MAINTENANCE ORDER MADE IN \*THE REPUBLIC OF IRELAND/A HAGUE CONVENTION COUNTRY

**Status:** This is the original version (as it was originally made).

Rules 5.34(1)(b) and 5.36(1)(b)

(Place) (Date)

AB (Design)

Notice is hereby given of the registration of the Maintenance Orders (Reciprocal Enforcement) Act 1972 Registers kept at [name and address of Sheriff Court] of a maintenance order made by [name and address of Court in Republic of Ireland or Hague Convention Country as the case may be] on [date of making order].

In terms of said maintenance order CD (design payer) is required to pay to you [narrate terms of order].

[Signed]

Sheriff Clerk

\*Delete as appropriate

FORM 71NOTICE OF A DECISION NOT TO REGISTER, FOR THE PURPOSES OF ENFORCEMENT IN SCOTLAND, A MAINTENANCE ORDER MADE IN \*THE REPUBLIC OF IRELAND/A HAGUE CONVENTION COUNTRY

**Status:** This is the original version (as it was originally made).

Rules 5.34(2) and 5.36(2)

(Place) (Date)

AB (Design)

Notice is hereby given that the maintenance order made by [name and address of Court in Republic of Ireland or Hague Convention Country as the case may be] on [date of making order] requiring CD (design) to pay to you [narrate terms of order] has NOT been registered in the Maintenance Orders (Reciprocal Enforcement) Act 1972 Register kept at this Sheriff Court.

The Order has not been registered on the grounds that [narrate grounds].

You may within one calendar month from the date of this notice make application to this Sheriff Court to set aside the decision not to register the order by lodging at this Sheriff Court a summary application setting out the grounds of your application.

[Signed]  
Sheriff Clerk

FORM 72 INTIMATION OF REGISTRATION FOR ENFORCEMENT IN SCOTLAND OF A  
MAINTENANCE ORDER MADE IN A HAGUE CONVENTION COUNTRY

Status: This is the original version (as it was originally made).

Rule 5.36(1)(a)

(Place) (Date)

AB (Design)

Intimation is hereby given of the registration in the Maintenance Orders (Reciprocal Enforcement) Act 1972 Register kept at [name and address of Sheriff Court] of a maintenance order made by [name and address of Court in Hague Convention Country] on [date of making order].

In terms of the said maintenance order you are required [narrate terms of order and payee].

You may within one calendar month from the date of this intimation make application to [name and address of Sheriff Court] to set aside the registration of the order by lodging with Sheriff Clerk at [name and address of Sheriff Court] a summary application setting out the grounds of the application.

The grounds upon which application to set aside the registration may be made are

- (a) [name of Court in Hague Convention Country] did not have jurisdiction to make the order;
- (b) registration is manifestly contrary to public policy;
- (c) the order was obtained by fraud in connection with a matter of procedure;
- (d) proceedings between you and the payee under the maintenance order and having the same purpose are pending before a court in Scotland and those proceedings were the first to be instituted;
- (e) the order is incompatible with an order made in proceedings between you and the payee and having the same purpose either in the United Kingdom or in another country, provided that the latter order fulfils the conditions necessary for registration and enforcement;
- (f) you did not appear in the proceedings in the Hague Convention Country and you were not served in accordance with the institution of proceedings including notice of the substance of the claim in sufficient time, having regard to the circumstances, to enable you to defend the proceedings.

[Signed]  
Sheriff Clerk

FORM 73 NOTICE OF DETERMINATION BY SHERIFF CLERK OF APPLICATION UNDER SECTION 5 OF THE CIVIL JURISDICTION AND JUDGMENTS ACT 1982

**Status:** This is the original version (as it was originally made).

Rule 5.40

Sheriff Court (Address)

.....(Applicant) v. ....

(Respondent)

TAKE NOTICE that the application by [name and address], for the recognition and/or enforcement of a maintenance order granted by [state Court or Tribunal] on the                    day of                    ; has been \*GRANTED/REFUSED (state reasons in brief for refusal); and has been registered in the Books of Court to the extent that [state the extent].

(Signed)

Sheriff Clerk

Date

**NOTE:**

1. If the application has been granted to any extent, the person against whom enforcement is sought may appeal against this decision within one month from the date of service of this Notice, unless he is domiciled in another Contracting State in which case he may appeal within two months from the date of service.
2. If the application has been refused or not granted in full the Applicant may appeal against the decision within one month from the date of service of this Notice.
3. A solicitor qualified in Scots law should be consulted for the purposes of any appeal.

\*Delete as appropriate

FORM 74FORM OF CERTIFICATE OF A TRANSFER OF RIGHTS TO AN ORDER BY VIRTUE OF SECTION 107 OF THE ACT

**Status:** This is the original version (as it was originally made).

Rule 6.3(1)

(Place)

(Date)

I certify that notice has today been received from the Secretary of State under section 107 of the Social Security Administration Act 1992 of a transfer of rights under an order granted on (date) from (name and design) to (name and design) with effect from (date).

(Signed)

Sheriff Clerk [Depute]