Timeline of main legislation affecting adoption in Scotland

**Pre 1930:** Informal adoption arrangements

**Adoption of Children (Scotland) Act 1930:** Requires adoption to be formalised by a court order. Curator ad litem- an officer of the court – has responsibility for checking correct procedure has been followed. Scottish birth records note event of adoption so adults likely to discover they were adopted.

Adoption at this point is wholly a court process and although most adoptions were arranged by religious/charitable bodies there was no registration of these and adoption could still be arranged privately. Hansard records of parliamentary debate at the time reflect motivation for the Act as about prevention of ‘baby farming’ and cruelty by some adopters. Also that unwed mothers should be supported by subsequent spouse being able to adopt the child and thereby remove stigma.

**Social Work [Scotland] Act 1968, implemented 1971:** No focus on adoption but very significant ethical basis, and duties introduced to provide assistance and services to parents which reduce the need for children to be received into care. Positive impact for parents with few supports or going through a time of trouble.

Up to the 1970s, adoption was mostly for infants and childless couples and in the context of a mother ‘giving up’ her baby. Question about circumstances where mother placed in institution, deemed to be ‘mentally handicapped’/other ‘private’ arrangements, where any adoption order would still have to be granted by a court. Initial placement could also happen if the local authority assumed parental rights- this was an internal procedure and parents had the right of appeal to the court. The prospective adopters could then apply to dispense with parental consent as being ‘unreasonably withheld’. This became more common with the knowledge of drift in the care system and growing awareness of abuse.

**Housing and local government reform of mid 1970s:** This had an impact as single women had more access to housing via rights to tenancies, and District Councils – responsible for housing – had duties to prevent homelessness for families with children.

**Adoption (Scotland) Act 1978:** Key modernisation. Introduced grounds by which parents’ consent to initial placement for adoption could be dispensed with following a court hearing (Freeing for Adoption). Required registration of adoption agencies/satisfactory standards, and confirmed that adoption was not based on financial transactions. Reiterated focus on preventive services being available. Non- agency arrangements other than for birth relatives of the child are banned. Introduced adoption
allowances and recognised need for support services for child, birth parents and adopters. Placed duty on adoption agencies to consider alternatives to adoption.

Adoption Panels and agency decisions introduced to effect objectivity in planning adoption and the kind of adoptive match made.


Concerns by professionals arose about delays in attaining court decisions on adoption and the complexity of going through the Children’s Hearing system then the court process (although there were also concerns about local authority delays in planning for children in care).

**Adoption and Children (Scotland) Act 2007:** Revised system to introduce Permanence Orders with authority to place a child for adoption. Permitted same sex partners to adopt as a couple. The legislation did not follow through initial proposals to transfer child’s case from Children’s Hearing Scotland to Court if an adoption plan was put forward, nor to establish right for parents to put their views directly to the local authority Adoption Panel which considers the plan.

Right to counselling extended to siblings affected by adoption.

Concerns remain about delays in processing plans and decisions. In some areas the Children’s Hearing system is used to effect the placement of a child in what is intended to become an adoptive home. The merits for adoption are in almost all cases in due course upheld in Court, but not heard at time of the placement being made.