



# Children Act 1989

## 1989 CHAPTER 41

### PART VII

#### VOLUNTARY HOMES AND VOLUNTARY ORGANISATIONS

#### **61 Duties of voluntary organisations.**

- (1) Where a child is accommodated by or on behalf of a voluntary organisation, it shall be the duty of the organisation—
  - (a) to safeguard and promote his welfare;
  - (b) to make such use of the services and facilities available for children cared for by their own parents as appears to the organisation reasonable in his case; and
  - (c) to advise, assist and befriend him with a view to promoting his welfare when he ceases to be so accommodated.
- (2) Before making any decision with respect to any such child the organisation shall, so far as is reasonably practicable, ascertain the wishes and feelings of—
  - (a) the child;
  - (b) his parents;
  - (c) any person who is not a parent of his but who has parental responsibility for him; and
  - (d) any other person whose wishes and feelings the organisation consider to be relevant,regarding the matter to be decided.
- (3) In making any such decision the organisation shall give due consideration—
  - (a) having regard to the child's age and understanding, to such wishes and feelings of his as they have been able to ascertain;
  - (b) to such other wishes and feelings mentioned in subsection (2) as they have been able to ascertain; and
  - (c) to the child's religious persuasion, racial origin and cultural and linguistic background.

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*Changes to legislation: Children Act 1989, Section 61 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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#### Modifications etc. (not altering text)

- C1** S. 61: power to apply conferred (7.2.2004 for W. and 7.12.2004 for E.) by 2002 c. 38, ss. 53(3)(a), 148 (with Sch. 4 paras. 6-8); S.I. 2004/252, **art. 2(b)**; S.I. 2004/3203, **art. 2(1)(h)**
- C2** S. 61(2)(a) applied (30.12.2005) (E.) by The Adoption Agencies Regulations 2005 (S.I. 2005/389), **art. 45(4)(a)**  
 S. 61(2)(a) applied (30.12.2005) (W.) by The Adoption Agencies (Wales) Regulations 2005 (S.I. 2005/1313), **art. 46(4)(a)**
- C3** S. 61(2)(b)-(d)(3)(b): power to apply with modifications or exclude conferred (7.2.2004 for W. and 7.12.2004 for E) by 2002 c. 38, ss. 53(3)(b), 148 (with Sch. 4 paras. 6-8); S.I. 2004/252, **art. 2(b)**; S.I. 2004/3203, **art. 2(1)(h)**
- C4** S. 61(2)(b) excluded (30.12.2005) (E.) by The Adoption Agencies Regulations 2005 (S.I. 2005/389), **art. 45(4)(b)**  
 S. 61(2)(b) excluded (30.12.2005) (W.) by The Adoption Agencies (Wales) Regulations 2005 (S.I. 2005/1313), **art. 46(4)(b)**
- C5** S. 61(2)(c) applied (with modifications) (30.12.2005) (E.) by The Adoption Agencies Regulations 2005 (S.I. 2005/389), **art. 45(4)(c)**  
 S. 61(2)(c) applied (with modifications) (30.12.2005) (W.) by The Adoption Agencies (Wales) Regulations 2005 (S.I. 2005/1313), **art. 46(4)(c)**

#### Commencement Information

- I1** S. 61 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

**Changes to legislation:**

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

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

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)