

*These notes refer to the Adoption and Children Act 2002
(c.38) which received Royal Assent on 7th November 2002*

ADOPTION AND CHILDREN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Amendments of the Children Act 1989

Section 113: Section 8 orders: local authority foster parents

269. *Section 113* amends section 9 of the Children Act 1989. Section 9(3) provides that local authority foster carers may not seek leave of the court to apply for a section 8 order (including a residence order) in respect of a child unless they have the consent of the local authority, they are a relative of the child, or the child has been living with them for three years. This section replaces the period of three years in section 9(3) with a one year period. This is intended to align the position with the residence requirement for local authority foster carers who wish to adopt a child living with them (see *section 42(4) and 44(4)*).