



Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 3

PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

Removal of children who are or may be placed by adoption agencies

31 Recovery by parent etc. where child not placed or is a baby

- (1) Subsection (2) applies where—
- (a) a child who is not for the time being placed for adoption is being provided with accommodation by an adoption agency, and
 - (b) the agency would be authorised to place the child for adoption under section 19 if consent to placement under that section had not been withdrawn.
- (2) If any parent or guardian of the child informs the agency that he wishes the child to be returned to him, the agency must return the child to him within the period of seven days beginning with the request unless an application is, or has been, made for a placement order and the application has not been disposed of.
- (3) Subsection (4) applies where—
- (a) a child is placed for adoption by an adoption agency and either the child is less than six weeks old or the agency has at no time been authorised to place the child for adoption, and
 - (b) any parent or guardian of the child informs the agency that he wishes the child to be returned to him,
- unless an application is, or has been, made for a placement order and the application has not been disposed of.

Changes to legislation: Adoption and Children Act 2002, Section 31 is up to date with all changes known to be in force on or before 09 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](#)

- (4) The agency must give notice of the parent’s or guardian’s wish to the prospective adopters who must return the child to the agency within the period of seven days beginning with the day on which the notice is given.
- (5) A prospective adopter who fails to comply with subsection (4) is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both.
- (6) As soon as a child is returned to an adoption agency under subsection (4), the agency must return the child to the parent or guardian in question.

Commencement Information

- II** S. 31 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(c\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

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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. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22, s. 17\(4\)](#) ; [S.I. 2013/2200 art. 2\(a\)](#))