



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

32 Recovery by parent etc. where child placed and consent withdrawn

- (1) This section applies where—
 - (a) a child is placed for adoption by an adoption agency under section 19, and
 - (b) consent to placement under that section has been withdrawn,unless an application is, or has been, made for a placement order and the application has not been disposed of.
- (2) If a parent or guardian of the child informs the agency that he wishes the child to be returned to him—
 - (a) the agency must give notice of the parent's or guardian's wish to the prospective adopters, and
 - (b) the prospective adopters must return the child to the agency within the period of 14 days beginning with the day on which the notice is given.
- (3) A prospective adopter who fails to comply with subsection (2)(b) 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.
- (4) As soon as a child is returned to an adoption agency under this section, the agency must return the child to the parent or guardian in question.

Status: *This is the original version (as it was originally enacted).*

- (5) Where a notice under subsection (2) is given, but—
- (a) before the notice was given, an application for an adoption order (including a Scottish or Northern Irish adoption order), special guardianship order or residence order, or for leave to apply for a special guardianship order or residence order, was made in respect of the child, and
 - (b) the application (and, in a case where leave is given on an application to apply for a special guardianship order or residence order, the application for the order) has not been disposed of,

the prospective adopters are not required by virtue of the notice to return the child to the agency unless the court so orders.