



# Child Care Act 1980

## 1980 CHAPTER 5

### PART I

#### POWERS AND DUTIES OF LOCAL AUTHORITIES IN RELATION TO THE WELFARE AND CARE OF CHILDREN

*Provisions as to children subject to care order etc.*

#### **10 Powers and duties of local authorities with respect to children committed to their care**

- (1) It shall be the duty of a local authority to whose care a child is committed by a care order or by a warrant under section 23(1) of the Children and Young Persons Act 1969 (which relates to remands in the care of local authorities) to receive the child into their care and, notwithstanding any claim by his parent or guardian, to keep him in their care while the order or warrant is in force.
- (2) A local authority shall, subject to the following provisions of this section, have the same powers and duties with respect to a person in their care by virtue of a care order or such a warrant as his parent or guardian would have apart from the order or warrant and may (without prejudice to the foregoing provisions of this subsection but subject to regulations made in pursuance of section 39 of this Act) restrict his liberty to such extent as the authority consider appropriate.
- (3) A local authority shall not cause a child in their care by virtue of a care order to be brought up in any religious creed other than that in which he would have been brought up apart from the order.
- (4) It shall be the duty of a local authority to comply with any provision included in an interim order in pursuance of section 22(2) of the Children and Young Persons Act 1969 and, in the case of a person in their care by virtue of section 23 of that Act, to permit him to be removed from their care in due course of law.

## **11 Appointment of visitor for child subject to care order**

- (1) If a child who is subject to a care order and has attained the age of five is accommodated in a community home or other establishment which he has not been allowed to leave during the preceding three months for the purpose of ordinary attendance at an educational institution or at work and it appears to the local authority to whose care he is committed by the order that—
- (a) communication between him and his parent or guardian has been so infrequent that it is appropriate to appoint a visitor for him; or
  - (b) he has not lived with or visited or been visited by either of his parents or his guardian during the preceding twelve months,
- it shall be the duty of the authority to appoint an independent person to be his visitor for the purposes of this subsection; and a person so appointed shall—
- (i) have the duty of visiting, advising and befriending the child to whom the care order relates ; and
  - (ii) be entitled to exercise on behalf of that child his powers under section 21(2) of the Children and Young Persons Act 1969 (which relates to the discharge of care orders); and
  - (iii) be entitled to recover from the authority who appointed him any expenses reasonably incurred by him for the purposes of his functions under this subsection.
- (2) A person's appointment as a visitor in pursuance of subsection (1) above shall be determined if the care order in question ceases to be in force or he gives notice in writing to the authority who appointed him that he resigns the appointment or the authority give him notice in writing that they terminate it; but the determination of such an appointment shall not prejudice any duty under subsection (1) above to make a further appointment.
- (3) In this section "independent person" means a person satisfying such conditions as may be prescribed by regulations made by the Secretary of State with a view to securing that he is independent of the local authority in question and unconnected with any community home.

## **12 Supplementary provisions relating to children subject to care order etc.**

- (1) While a care order other than an interim order is in force in respect of a child who has not attained the age of eighteen, it shall be the duty of his parent to keep the local authority to whose care he is committed by the order informed of the parent's address; and if the parent knows of the order and fails to perform his duty under this subsection, the parent shall be guilty of an offence and liable on summary conviction to a fine not exceeding £10 unless he shows that at the material time he was residing at the address of the other parent and had reasonable cause to believe that the other parent had kept the authority informed of their address.
- (2) The functions conferred on a local authority by sections 10 and 11 of this Act in respect of any child are additional to the functions which are conferred on the authority in respect of the child by Part III of this Act.