

EXPLANATORY NOTES

ADOPTION AND CHILDREN ACT 2002

INTRODUCTION

SUMMARY

Changes to the Adoption Service

Placement for adoption

Adoption orders

Disclosure of information about a person's adoption

Intercountry adoption

Safeguards for the adoption process

Measures to tackle delay

Special Guardianship

THE ACT

COMMENTARY ON SECTIONS

PART 1 – ADOPTION

Chapter 1 - Introductory

Section 1: Considerations applying to the exercise of powers

Chapter 2 – The Adoption Service

Section 2: Basic definitions

Section 3: Maintenance of Adoption Service

Section 4: Assessments etc. for adoption support services

Section 5: Local authority plans for adoption services

Section 6: Arrangements on cancellation of registration

Section 7: Inactive or defunct adoption societies etc.

Section 8: Adoption support agencies

Section 9: General power to regulate adoption etc. agencies

Section 10: Management etc. of agencies

Section 11: Fees

Section 12: Independent review of determinations

Section 13: Information concerning adoption

Section 14: Default power of appropriate Minister

Section 15: Inspection of premises etc.

Section 16: Distribution of functions in relation to registered adoption societies

Section 17: Inquiries

Chapter 3 - Placement for Adoption and Adoption Orders

Section 18: Placement for adoption by agencies

Section 19: Placing children with parental consent

Section 20: Advance consent to adoption

Section 21: Placement orders

Section 22: Applications for placement orders

Section 23: Varying placement orders

Section 24: Revoking placement orders

Section 25: Parental responsibility

Section 26: Contact

Section 27: Contact: supplementary

Sections 28 and 29: Further consequences of placement and placement orders

Removal provisions

Section 30: General prohibitions on removal

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

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 where child placed and consent withdrawn

Section 33: Recovery by parent etc. where application for placement order refused

Section 34: Placement orders: prohibition on removal

Section 35: Return of child in other cases

Sections 36 to 40: Restrictions on removal

Section 36: Restrictions on removal

Section 37: Applicants for adoption

Section 38: Local authority foster parents

Section 39: Partners of parents

Section 40: Other non-agency cases

Section 41: Recovery orders

Section 42: Child to live with adopters before application

Section 43: Reports where child placed by agency

Section 44: Notice of intention to adopt

Section 45: Suitability of adopters

Section 46: Adoption orders

Section 47: Conditions for making adoption orders

Section 48: Restrictions on making adoption orders

Section 49: Applications for adoption

Section 50: Adoption by couple

Section 51: Adoption by one person

Section 52: Parental etc. consent

Section 53: Modification of 1989 Act in relation to adoption

Section 54: Disclosing information during adoption process

Section 55: Revocation of adoptions on legitimation

Disclosure of information in relation to a person's adoption

Section 56: Information to be kept about a person's adoption

Section 57: Restrictions on disclosure of protected etc. information

Section 58: Disclosure of other information

Section 59: Offence

Section 60: Disclosing information to adopted adult

Section 61: Disclosing protected information about adults

Section 62: Disclosing protected information about children

Section 63: Counselling

Section 64: Other provision to be made by regulations

Section 65: Sections 56 to 65: Interpretation

Chapter 4 – Status of Adopted Children

Section 66: Meaning of adoption in Chapter 4

Section 67: Status conferred by adoption

Section 68: Adoptive relatives

Section 69: Rules of interpretation for instruments concerning property

Section 70: Dispositions depending on date of birth

Section 71: Property devolving with peerages etc.

Section 72: Protection of trustees and personal representatives

Section 73: Meaning of disposition

Section 74: Miscellaneous enactments

Section 75: Pensions

Section 76: Insurance

Chapter 5 - The Registers

Section 77: Adopted Children Register

Section 78: Searches and copies

Section 79: Connections between the register and birth records

Section 80: Adoption Contact Register

Section 81: Adoption Contact Register: supplementary

Section 82: Interpretation

Chapter 6 – Adoptions with a Foreign Element

Section 83: Restriction on bringing children in

Section 84: Giving parental responsibility prior to adoption abroad

Section 85: Restriction on taking children out

Section 86: Power to modify sections 83 and 85

Section 87: Overseas adoptions

Section 88: Modification of section 67 for Hague Convention adoptions

Section 89: Annulment etc. of overseas or Hague Convention adoptions

Section 90: Section 89: supplementary

Section 91: Overseas determinations and orders

Chapter 7 - Miscellaneous

Section 92: Restriction on arranging adoptions, etc.

Section 93: Offence of breaching restrictions under section 92

Section 94: Restriction on reports

Section 95: Prohibition of certain payments

Section 96: Excepted payments

Section 98: Pre-commencement adoptions: information

Section 99: Proceedings for offences

Section 100: Appeals

Section 101: Privacy

Section 102: Officers of the Service

Section 103: Right of officers of the Service to have access to adoption agency records

Section 104: Evidence of consent

Section 105: Effect of certain Scottish orders and provisions

Section 106: Effect of certain Northern Irish orders and provisions

Section 107: Use of adoption records from other parts of the British Islands

Section 108: Channel Islands and the Isle of Man

Section 109: Avoiding delay

Section 110: Service of notices etc.

PART 2 – AMENDMENTS OF THE CHILDREN ACT 1989

Section 111: Parental responsibility of unmarried father

Section 112: Acquisition of parental responsibility by step-parent

Section 113: Section 8 orders: local authority foster parents

Section 114: Residence orders: extension to age of 18

Section 115: Special guardianship

Section 116: Accommodation of children in need etc.

Section 117: Inquiries by local authorities into representations

Section 118: Review of cases of looked after children

Section 119: Advocacy services

Section 120: Meaning of “harm” in the 1989 Act

Section 121: Care plans

Section 122: Interests of children in proceedings

PART 3 -MISCELLANEOUS AND FINAL PROVISIONS

Chapter 1 – Miscellaneous

Section 123: Restrictions on advertisements etc.

Section 124: Offence of breaching restrictions under section 123

Section 125: Adoption and Children Act Register

Section 126: Use of an organisation to establish etc. the register

Section 127: Use of an organisation as agency for payments

Section 128: Supply of information for the register

Section 129: Disclosure of information

Section 130: Territorial application

Section 131: Supplementary

Section 132: Amendment of the Adoption (Scotland) Act 1978: contravention of sections 30 to 36 of Adoption and Children Act 2002

Section 133: Scottish restriction on bringing children into or out of United Kingdom

Section 134: Amendment of Adoption (Scotland) Act 1978: overseas adoptions

Section 135: Adoption and fostering: criminal records

Section 136: Payment of grants in connection with welfare services

Section 137: Extension of the Hague Convention to British Overseas Territories

Section 138: Proceedings in Great Britain

Chapter 2 - Final Provisions

Section 140: Orders, rules and regulations

Section 141: Rules of procedure

These notes refer to the Adoption and Children Act 2002 (c.38)

Section 144: General interpretation, etc.

Section 145: Devolution: Wales

Schedule 1: Registration of Adoptions

Schedule 2: Disclosure of Birth Records by Registrar General

Schedule 3: Minor and consequential amendments

Schedule 4: Transitional and transitory provisions and savings