



Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 3

PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

Placement of children by adoption agency for adoption

22 Applications for placement orders

- (1) A local authority must apply to the court for a placement order in respect of a child if—
 - (a) the child is placed for adoption by them or is being provided with accommodation by them,
 - (b) no adoption agency is authorised to place the child for adoption,
 - (c) the child has no parent or guardian or the authority consider that the conditions in section 31(2) of the 1989 Act are met, and
 - (d) the authority are satisfied that the child ought to be placed for adoption.
- (2) If—
 - (a) an application has been made (and has not been disposed of) on which a care order might be made in respect of a child, or
 - (b) a child is subject to a care order and the appropriate local authority are not authorised to place the child for adoption,the appropriate local authority must apply to the court for a placement order if they are satisfied that the child ought to be placed for adoption.
- (3) If—
 - (a) a child is subject to a care order, and

Changes to legislation: Adoption and Children Act 2002, Section 22 is up to date with all changes known to be in force on or before 12 March 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

(b) the appropriate local authority are authorised to place the child for adoption under section 19,

the authority may apply to the court for a placement order.

(4) If a local authority—

(a) are under a duty to apply to the court for a placement order in respect of a child, or

(b) have applied for a placement order in respect of a child and the application has not been disposed of,

the child is looked after by the authority.

(5) Subsections (1) to (3) do not apply in respect of a child—

(a) if any persons have given notice of intention to adopt, unless the period of four months beginning with the giving of the notice has expired without them applying for an adoption order or their application for such an order has been withdrawn or refused, or

(b) if an application for an adoption order has been made and has not been disposed of.

“Adoption order” includes a Scottish or Northern Irish adoption order.

(6) Where—

(a) an application for a placement order in respect of a child has been made and has not been disposed of, and

(b) no interim care order is in force,

the court may give any directions it considers appropriate for the medical or psychiatric examination or other assessment of the child; but a child who is of sufficient understanding to make an informed decision may refuse to submit to the examination or other assessment.

(7) The appropriate local authority—

(a) in relation to a care order, is the local authority in whose care the child is placed by the order, and

(b) in relation to an application on which a care order might be made, is the local authority which makes the application.

Modifications etc. (not altering text)

C1 S. 22(5)(a)(b) applied (with modifications) (30.12.2005) by [The Adoptions with a Foreign Element Regulations 2005 \(S.I. 2005/392\)](#), regs. 1(1), **11(1)(d)**, 52, 55

Commencement Information

I1 S. 22 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))