



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

28 Further consequences of placement

- (1) Where a child is placed for adoption under section 19 or an adoption agency is authorised to place a child for adoption under that section—
 - (a) a parent or guardian of the child may not apply for a [F1child arrangements order regulating the child's living arrangements] unless an application for an adoption order has been made and the parent or guardian has obtained the court's leave under subsection (3) or (5) of section 47,
 - (b) if an application has been made for an adoption order, a guardian of the child may not apply for a special guardianship order unless he has obtained the court's leave under subsection (3) or (5) of that section.
- (2) Where—
 - (a) a child is placed for adoption under section 19 or an adoption agency is authorised to place a child for adoption under that section, or
 - (b) a placement order is in force in respect of a child,then (whether or not the child is in England and Wales) a person may not do either of the following things, unless the court gives leave or each parent or guardian of the child gives written consent.
- (3) Those things are—

Changes to legislation: *Adoption and Children Act 2002, Section 28 is up to date with all changes known to be in force on or before 31 July 2019. 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*

- (a) causing the child to be known by a new surname, or
 - (b) removing the child from the United Kingdom.
- (4) Subsection (3) does not prevent the removal of a child from the United Kingdom for a period of less than one month by a person who provides the child's home.
- [^{F2}(5) For the purposes of subsection (1)(a), a child arrangements order regulates a child's living arrangements if the arrangements regulated by the order consist of, or include, arrangements which relate to either or both of the following—
- (a) with whom the child is to live, and
 - (b) when the child is to live with any person.]

Textual Amendments

- F1** Words in s. 28(1)(a) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 2 para. 61\(2\)](#); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F2** S. 28(5) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 2 para. 61\(3\)](#); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)

Modifications etc. (not altering text)

- C1** S. 28(1) applied (with modifications) (30.12.2005) by [The Adoptions with a Foreign Element Regulations 2005 \(S.I. 2005/392\)](#), regs. 1(1), [11\(1\)\(f\)](#), 52, 55
- C2** S. 28(2) applied (with modifications) (30.12.2005) by [The Adoptions with a Foreign Element Regulations 2005 \(S.I. 2005/392\)](#), regs. 1(1), [52](#), 53
- C3** S. 28(2)-(4) extended (S.) (with modifications) by 1978 c. 28, s. 53B (as inserted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 3 para. 30](#) (with [Sch. 4 paras. 6-8](#)); [S.S.I. 2005/643](#), art. 2(c))
- C4** S. 28(2) applied (with modifications) (30.12.2005) by [The Adoptions with a Foreign Element Regulations 2005 \(S.I. 2005/392\)](#), regs. 1(1), [6](#), 7
- C5** S. 28(2)-(4) extended (S.) (with modifications) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), [ss. 78](#), 121(2); [S.S.I. 2009/267](#), arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by [S.S.I. 2012/99](#), art. 2)

Commencement Information

- I1** S. 28 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)

Changes to legislation:

Adoption and Children Act 2002, Section 28 is up to date with all changes known to be in force on or before 31 July 2019. 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.

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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\(a\)](#))