



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 where child placed and consent withdrawn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 - (b) consent to placement under that section has been withdrawn,unless an application is, or has been, made for a placement order and the application has not been disposed of.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.

Changes to legislation: *Adoption and Children Act 2002, Section 32 is up to date with all changes known to be in force on or before 18 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*

- (5) Where a notice under subsection (2) is given, but—
- [^{F1}(a) before the notice was given, an application—
 - (i) for an adoption order (including a Scottish or Northern Irish adoption order),
 - (ii) for a special guardianship order,
 - (iii) for a child arrangements order to which subsection (6) applies, or
 - (iv) for permission to apply for an order within sub-paragraph (ii) or (iii), was made in respect of the child, and
 - (b) the application (and, in a case where permission is given on an application to apply for an order within paragraph (a)(ii) or (iii), 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.

- [^{F2}(6) A child arrangements order is one to which this subsection applies if it is an order regulating arrangements that consist of, or include, arrangements which relate to either or both of the following—
- (a) with whom a child is to live, and
 - (b) when the child is to live with any person.]

Textual Amendments

- F1** S. 32(5)(a)(b) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 63(2)**; [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F2** S. 32(6) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 63(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. 32(5) applied (with modifications) (30.12.2005) by [The Adoptions with a Foreign Element Regulations 2005 \(S.I. 2005/392\)](#), regs. 1(1), **11(1)(h)**, 52, 55

Commencement Information

- I1** S. 32 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:

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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\(a\)](#))