



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

33 Recovery by parent etc. where child placed and placement order refused

- (1) This section applies where—
 - (a) a child is placed for adoption by a local authority under section 19,
 - (b) the authority have applied for a placement order and the application has been refused, and
 - (c) any parent or guardian of the child informs the authority that he wishes the child to be returned to him.
- (2) The prospective adopters must return the child to the authority on a date determined by the court.
- (3) A prospective adopter who fails to comply with subsection (2) 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 the authority, they must return the child to the parent or guardian in question.

Changes to legislation: Adoption and Children Act 2002, Section 33 is up to date with all changes known to be in force on or before 05 August 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](#)

Commencement Information

- II** S. 33 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 Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22, s. 17\(4\)](#) ; [S.I. 2013/2200 art. 2\(a\)](#))