

# CHILDREN AND ADOPTION ACT 2006

---

## EXPLANATORY NOTES

### SUMMARY

#### **Part 1 - Orders with respect to children in family proceedings**

7. **Part 1** of the Act adds to the powers of the courts when dealing with cases involving contact with children.
8. During the proceedings a court may, even if it does not make a contact order, direct a party to take part in an activity that would promote contact with a child. It may make similar provision by means of a condition in a contact order.
9. The courts' powers in cases involving breach of a contact order are increased by adding:
  - a power to make an enforcement order imposing an unpaid work requirement;
  - a power to order one person to pay compensation to another for a financial loss caused by a breach.
10. These powers are in addition to their powers as to contempt and their ability to alter the residence and contact arrangements as regards a child.
11. **Part 1** also includes provision to reform the courts' existing power to make family assistance orders and imposes a duty on the Children and Family Court Advisory and Support Service (CAFCASS) and Welsh family proceedings officers to carry out risk assessments where they suspect a child is at risk of harm.

#### **Part 2 - Adoptions with a foreign element**

12. **Part 2** makes provision for the Secretary of State to suspend intercountry adoptions from a country if he has concerns about the practices there in connection with the adoption of children.
13. It also makes other provision for the following other matters relating to intercountry adoption:
  - providing a power for the Secretary of State and the National Assembly for Wales to charge a fee to adopters or prospective adopters for services provided in relation to intercountry adoptions;
  - preventing an overlap of functions by local authorities where a child is brought into the country for the purposes of intercountry adoption; and
  - amending section 83 of the Adoption and Children Act 2002 to make it harder for intercountry adopters to circumvent restrictions on bringing children into the UK.

**Part 3 - Miscellaneous and final**

14. **Part 3** makes a number of miscellaneous and final provisions, including provision about the operation of orders and regulations made under the Act, and provision about commencement and extent.
15. It also provides for Schedules 2 and 3, which make provision for minor and consequential amendments and repeals, to have effect.