



2022 CHAPTER 18

PART 1

Adoption

CHAPTER 3

Placement for adoption and adoption orders

*Post-adoption contact*

**Post-adoption contact**

**49.—**(1) This section applies where—

- (a) an adoption agency has placed or was authorised to place a child for adoption; and
- (b) the court is making or has made an adoption order in respect of the child.

(2) When making the adoption order or at any time afterwards, the court may make an order under this section—

- (a) requiring the person in whose favour the adoption order is or has been made to allow the child to visit or stay with the person named in the order under this section, or for the person named in that order and the child otherwise to have contact with each other; or
- (b) prohibiting the person named in the order under this section from having contact with the child.

(3) The following people may be named in an order under this section—

- (a) any person who (but for the child's adoption) would be related to the child by blood (including half-blood), marriage or civil partnership;

- (b) any former guardian of the child;
  - (c) any person who had parental responsibility for the child immediately before the making of the adoption order;
  - (d) any person who was entitled to make an application for an order under section 23 in respect of the child (contact with children placed or to be placed for adoption) by virtue of subsection (3)(c), (d) or (e) of that section;
  - (e) any person with whom the child has lived for a period of at least one year.
- (4) An application for an order under this section may be made by—
- (a) a person who has applied for the adoption order or in whose favour the adoption order is or has been made;
  - (b) the child; or
  - (c) any person who has obtained the court's leave to make the application.
- (5) In deciding whether to grant leave under subsection (4)(c), the court must consider—
- (a) any risk there might be of the proposed application disrupting the child's life to such an extent that the child would be harmed by it (within the meaning of the Children Order);
  - (b) the applicant's connection with the child; and
  - (c) any representations made to the court by—
    - (i) the child; or
    - (ii) a person who has applied for the adoption order or in whose favour the adoption order is or has been made.
- (6) When making an adoption order, the court may on its own initiative make an order of the type mentioned in subsection (2)(b).
- (7) The period of one year mentioned in subsection (3)(e) need not be continuous but must not have begun more than five years before the making of the application.
- (8) Where this section applies, an order under Article 8 of the Children Order may not make provision about contact between the child and any person who may be named in an order under this section.

#### **Orders under section 49: supplementary**

- 50.**—(1) An order under section 49—
- (a) may contain directions about how it is to be carried into effect;
  - (b) may be made subject to any conditions the court thinks appropriate;
  - (c) may be varied or revoked by the court on an application by the child, a person in whose favour the adoption order was made or a person named in the order; and

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*Status: This is the original version (as it was originally enacted).*

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- (d) has effect until the child's 18th birthday or an earlier date as specified by the court, unless revoked.
- (2) Subsection (3) applies to proceedings—
  - (a) on an application for an adoption order in which—
    - (i) an application is made for an order under section 49; or
    - (ii) the court indicates that it is considering making such an order on its own initiative;
  - (b) on an application for an order under section 49;
  - (c) on an application for such an order to be varied or revoked.
- (3) The court must (in the light of any rules of court made by virtue of subsection (4))—
  - (a) draw up a timetable with a view to determining without delay whether to make, (or as the case may be) vary or revoke an order under section 49; and
  - (b) give directions for the purpose of ensuring, so far as is reasonably practicable, that that timetable is adhered to.
- (4) Rules of court may—
  - (a) specify periods within which specified steps must be taken in relation to proceedings to which subsection (3) applies; and
  - (b) make other provision with respect to such proceedings for the purpose of ensuring, so far as is reasonably practicable, that the court makes determinations about orders under section 49 without delay.