



Children Act 1989

1989 CHAPTER 41

PART IV

CARE AND SUPERVISION

Care orders

33 Effect of care order

- (1) Where a care order is made with respect to a child it shall be the duty of the local authority designated by the order to receive the child into their care and to keep him in their care while the order remains in force.
- (2) Where—
 - (a) a care order has been made with respect to a child on the application of an authorised person; but
 - (b) the local authority designated by the order was not informed that that person proposed to make the application,the child may be kept in the care of that person until received into the care of the authority.
- (3) While a care order is in force with respect to a child, the local authority designated by the order shall—
 - (a) have parental responsibility for the child; and
 - (b) have the power (subject to the following provisions of this section) to determine the extent to which a parent or guardian of the child may meet his parental responsibility for him.
- (4) The authority may not exercise the power in subsection (3)(b) unless they are satisfied that it is necessary to do so in order to safeguard or promote the child's welfare.
- (5) Nothing in subsection (3)(b) shall prevent a parent or guardian of the child who has care of him from doing what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting his welfare.

Status: This is the original version (as it was originally enacted).

- (6) While a care order is in force with respect to a child, the local authority designated by the order shall not—
- (a) cause the child to be brought up in any religious persuasion other than that in which he would have been brought up if the order had not been made; or
 - (b) have the right—
 - (i) to consent or refuse to consent to the making of an application with respect to the child under section 18 of the Adoption Act 1976;
 - (ii) to agree or refuse to agree to the making of an adoption order, or an order under section 55 of the Act of 1976, with respect to the child; or
 - (iii) to appoint a guardian for the child.
- (7) While a care order is in force with respect to a child, no person may—
- (a) cause the child to be known by a new surname; or
 - (b) remove him from the United Kingdom,
- without either the written consent of every person who has parental responsibility for the child or the leave of the court.
- (8) Subsection (7)(b) does not—
- (a) prevent the removal of such a child, for a period of less than one month, by the authority in whose care he is; or
 - (b) apply to arrangements for such a child to live outside England and Wales (which are governed by paragraph 19 of Schedule 2).
- (9) The power in subsection (3)(b) is subject (in addition to being subject to the provisions of this section) to any right, duty, power, responsibility or authority which a parent or guardian of the child has in relation to the child and his property by virtue of any other enactment.

34 Parental contact etc. with children in care

- (1) Where a child is in the care of a local authority, the authority shall (subject to the provisions of this section) allow the child reasonable contact with—
- (a) his parents;
 - (b) any guardian of his;
 - (c) where there was a residence order in force with respect to the child immediately before the care order was made, the person in whose favour the order was made; and
 - (d) where, immediately before the care order was made, a person had care of the child by virtue of an order made in the exercise of the High Court's inherent jurisdiction with respect to children, that person.
- (2) On an application made by the authority or the child, the court may make such order as it considers appropriate with respect to the contact which is to be allowed between the child and any named person.
- (3) On an application made by—
- (a) any person mentioned in paragraphs (a) to (d) of subsection (1); or
 - (b) any person who has obtained the leave of the court to make the application,
- the court may make such order as it considers appropriate with respect to the contact which is to be allowed between the child and that person.

- (4) On an application made by the authority or the child, the court may make an order authorising the authority to refuse to allow contact between the child and any person who is mentioned in paragraphs (a) to (d) of subsection (1) and named in the order.
- (5) When making a care order with respect to a child, or in any family proceedings in connection with a child who is in the care of a local authority, the court may make an order under this section, even though no application for such an order has been made with respect to the child, if it considers that the order should be made.
- (6) An authority may refuse to allow the contact that would otherwise be required by virtue of subsection (1) or an order under this section if—
 - (a) they are satisfied that it is necessary to do so in order to safeguard or promote the child’s welfare; and
 - (b) the refusal—
 - (i) is decided upon as a matter of urgency; and
 - (ii) does not last for more than seven days.
- (7) An order under this section may impose such conditions as the court considers appropriate.
- (8) The Secretary of State may by regulations make provision as to—
 - (a) the steps to be taken by a local authority who have exercised their powers under subsection (6);
 - (b) the circumstances in which, and conditions subject to which, the terms of any order under this section may be departed from by agreement between the local authority and the person in relation to whom the order is made;
 - (c) notification by a local authority of any variation or suspension of arrangements made (otherwise than under an order under this section) with a view to affording any person contact with a child to whom this section applies.
- (9) The court may vary or discharge any order made under this section on the application of the authority, the child concerned or the person named in the order.
- (10) An order under this section may be made either at the same time as the care order itself or later.
- (11) Before making a care order with respect to any child the court shall—
 - (a) consider the arrangements which the authority have made, or propose to make, for affording any person contact with a child to whom this section applies; and
 - (b) invite the parties to the proceedings to comment on those arrangements.