



# 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 <sup>F1</sup>—
    - (i) a parent, guardian or special guardian of the child; or
    - (ii) a person who by virtue of section 4A has parental responsibility for 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.

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*Changes to legislation: Children Act 1989, Section 33 is up to date with all changes known to be in force on or before 18 April 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*

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- (5) Nothing in subsection (3)(b) shall prevent [<sup>F2</sup>a person mentioned in that provision who has care of the child] from doing what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting his welfare.
- (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) <sup>F3</sup> .....
    - (ii) to agree or refuse to agree to the making of an adoption order, or an order under [<sup>F4</sup>section 84 of the Adoption and Children Act 2002], 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 [<sup>F5</sup>in England, and section 124 of the Social Services and Well-being (Wales) Act 2014 in Wales]).
- (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 [<sup>F6</sup>a person mentioned in that provision] has in relation to the child and his property by virtue of any other enactment.

#### Textual Amendments

- F1** Words in s. 33(3)(b) substituted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 63(a) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F2** Words in s. 33(5) substituted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 63(b) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F3** S. 33(6)(b)(i) repealed (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 63(c)(i), Sch. 5 (with Sch. 4 para. 6-8); S.I. 2005/2213, **art. 2(o)**; S.I. 2005/2897, **art. 2(b)**
- F4** Words in s. 33(6)(b)(ii) substituted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 63(c)(ii) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F5** Words in s. 33(8)(b) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **97**
- F6** Words in s. 33(9) substituted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 63(d) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**

#### Commencement Information

- I1** S. 33 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

**Changes to legislation:**

Children Act 1989, Section 33 is up to date with all changes known to be in force on or before 18 April 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.

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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. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)