



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Status: This is the original version (as it was originally enacted).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