

ADOPTION AND CHILDREN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Adoption

Chapter 3 - Placement for Adoption and Adoption Orders

Section 34: Placement orders: prohibition on removal

113. *Section 34* applies where a placement order is in force or has been revoked, but the child has not been returned by the prospective adopters or remains in any accommodation provided by a local authority (*subsection (1)*). It is an offence, punishable as set out in paragraph 107 for a person (other than a local authority) to remove the child from the prospective adopters or accommodation provided by the agency (*subsections (1) and (5)*).
114. Where a placement order has been revoked it will be for the court when they revoke the order to determine whether the child is to remain with the prospective adopters or to be returned to the parent (*subsections (3) and (4)*). If the court determines the child should not remain with the prospective adopters, they must return to the child to the local authority, otherwise they commit an offence.
115. *Subsections (4) and (5)* provide that a person who removes a child, or fails to return a child, is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 5 on the standard scale, or both.