



# Adoption and Children Act 2002

## 2002 CHAPTER 38

### PART 1

#### ADOPTION

### CHAPTER 3

#### PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

##### *Removal of children who are or may be placed by adoption agencies*

#### **34 Placement orders: prohibition on removal**

- (1) Where a placement order in respect of a child—
  - (a) is in force, or
  - (b) has been revoked, but the child has not been returned by the prospective adopters or remains in any accommodation provided by the local authority,a person (other than the local authority) may not remove the child from the prospective adopters or from accommodation provided by the authority.
- (2) A person who removes a child in contravention of subsection (1) is guilty of an offence.
- (3) Where a court revoking a placement order in respect of a child determines that the child is not to remain with any former prospective adopters with whom the child is placed, they must return the child to the local authority within the period determined by the court for the purpose; and a person who fails to do so is guilty of an offence.
- (4) Where a court revoking a placement order in respect of a child determines that the child is to be returned to a parent or guardian, the local authority must return the child to the parent or guardian as soon as the child is returned to the authority or, where the child is in accommodation provided by the authority, at once.

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**Changes to legislation:** Adoption and Children Act 2002, Section 34 is up to date with all changes known to be in force on or before 19 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) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both.
- (6) This section does not affect the exercise by any local authority or other person of a power conferred by any enactment, other than section 20(8) of the 1989 Act [<sup>F1</sup>or section 76(5) of the 2014 Act (removal of children from local authority accommodation)].
- (7) This section does not prevent the removal of a child who is arrested.
- (8) This section applies whether or not the child in question is in England and Wales.

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#### Textual Amendments

- F1** Words in s. 34(6) 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), **192**

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#### Commencement Information

- I1** S. 34 in force at 30.12.2005 by [S.I. 2005/2213](#), **art. 2(c)** (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

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**Changes and effects yet to be applied to :**

- s. 34 extended (N.I.) by [2022 c. 18 \(N.I.\) s. 110\(2\)\(3\)](#)

**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. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22, s. 17\(4\)](#) ; [S.I. 2013/2200 art. 2\(a\)](#))