



Children and Families Act 2014

2014 CHAPTER 6

PART 1

ADOPTION AND CONTACT

Contact

8 Contact: children in care of local authorities

- (1) Section 34 of the Children Act 1989 (parental contact etc with children in care) is amended as follows.
- (2) In subsection (1), after “subject to the provisions of this section” insert “and their duty under section 22(3)(a)”.
- (3) After subsection (6) insert—

“(6A) Where (by virtue of an order under this section, or because subsection (6) applies) a local authority in England are authorised to refuse to allow contact between the child and a person mentioned in any of paragraphs (a) to (c) of paragraph 15(1) of Schedule 2, paragraph 15(1) of that Schedule does not require the authority to endeavour to promote contact between the child and that person.”
- (4) In subsection (8), before paragraph (a) insert—

“(za) what a local authority in England must have regard to in considering whether contact between a child and a person mentioned in any of paragraphs (a) to (d) of subsection (1) is consistent with safeguarding and promoting the child’s welfare;”.
- (5) In subsection (11) after “Before” insert “making, varying or discharging an order under this section or”.

9 Contact: post-adoption

(1) After section 51 of the Adoption and Children Act 2002 insert—

“Post-adoption contact

51A Post-adoption contact

- (1) This section applies where—
- (a) an adoption agency has placed or was authorised to place a child for adoption, and
 - (b) the court is making or has made an adoption order in respect of the child.
- (2) When making the adoption order or at any time afterwards, the court may make an order under this section—
- (a) requiring the person in whose favour the adoption order is or has been made to allow the child to visit or stay with the person named in the order under this section, or for the person named in that order and the child otherwise to have contact with each other, or
 - (b) prohibiting the person named in the order under this section from having contact with the child.
- (3) The following people may be named in an order under this section—
- (a) any person who (but for the child’s adoption) would be related to the child by blood (including half-blood), marriage or civil partnership;
 - (b) any former guardian of the child;
 - (c) any person who had parental responsibility for the child immediately before the making of the adoption order;
 - (d) any person who was entitled to make an application for an order under section 26 in respect of the child (contact with children placed or to be placed for adoption) by virtue of subsection (3)(c), (d) or (e) of that section;
 - (e) any person with whom the child has lived for a period of at least one year.
- (4) An application for an order under this section may be made by—
- (a) a person who has applied for the adoption order or in whose favour the adoption order is or has been made,
 - (b) the child, or
 - (c) any person who has obtained the court’s leave to make the application.
- (5) In deciding whether to grant leave under subsection (4)(c), the court must consider—
- (a) any risk there might be of the proposed application disrupting the child’s life to such an extent that he or she would be harmed by it (within the meaning of the 1989 Act),
 - (b) the applicant’s connection with the child, and
 - (c) any representations made to the court by—
 - (i) the child, or

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

- (ii) a person who has applied for the adoption order or in whose favour the adoption order is or has been made.
- (6) When making an adoption order, the court may on its own initiative make an order of the type mentioned in subsection (2)(b).
- (7) The period of one year mentioned in subsection (3)(e) need not be continuous but must not have begun more than five years before the making of the application.
- (8) Where this section applies, an order under section 8 of the 1989 Act may not make provision about contact between the child and any person who may be named in an order under this section.

51B Orders under section 51A: supplementary

- (1) An order under section 51A—
 - (a) may contain directions about how it is to be carried into effect,
 - (b) may be made subject to any conditions the court thinks appropriate,
 - (c) may be varied or revoked by the court on an application by the child, a person in whose favour the adoption order was made or a person named in the order, and
 - (d) has effect until the child’s 18th birthday, unless revoked.
 - (2) Subsection (3) applies to proceedings—
 - (a) on an application for an adoption order in which—
 - (i) an application is made for an order under section 51A, or
 - (ii) the court indicates that it is considering making such an order on its own initiative;
 - (b) on an application for an order under section 51A;
 - (c) on an application for such an order to be varied or revoked.
 - (3) The court must (in the light of any rules made by virtue of subsection (4))—
 - (a) draw up a timetable with a view to determining without delay whether to make, (or as the case may be) vary or revoke an order under section 51A, and
 - (b) give directions for the purpose of ensuring, so far as is reasonably practicable, that that timetable is adhered to.
 - (4) Rules of court may—
 - (a) specify periods within which specified steps must be taken in relation to proceedings to which subsection (3) applies, and
 - (b) make other provision with respect to such proceedings for the purpose of ensuring, so far as is reasonably practicable, that the court makes determinations about orders under section 51A without delay.”
- (2) In section 1 of the Adoption and Children Act 2002 (considerations applying to the exercise of powers relating to the adoption of a child), in subsection (7)(a) after “section 26” insert “or 51A”.
- (3) In section 26 of that Act (children placed, or authorised to be placed, for adoption: contact), omit subsection (5).

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

- (4) In section 96(3) of that Act (section 95 does not prohibit payment of legal or medical expenses in connection with applications under section 26 etc) after “26” insert “, 51A”.
- (5) In section 1(1) of the Family Law Act 1986 (orders which are Part 1 orders) after paragraph (ab) insert—
- “(ac) an order made under section 51A of the Adoption and Children Act 2002 (post-adoption contact), other than an order varying or revoking such an order;”.
- (6) In section 2 of that Act (jurisdiction of courts in England and Wales to make Part 1 orders: pre-conditions) after subsection (2B) insert—
- “(2C) A court in England and Wales shall not have jurisdiction to make an order under section 51A of the Adoption and Children Act 2002 unless—
- (a) it has jurisdiction under the Council Regulation or the Hague Convention, or
- (b) neither the Council Regulation nor the Hague Convention applies but the condition in section 3 of this Act is satisfied.”
- (7) In section 9 of the Children Act 1989, in subsection (5)(a) (restrictions on making certain orders with respect to children) after “order” insert “or an order under section 51A of the Adoption and Children Act 2002 (post-adoption contact)”.
- (8) In section 17(4) of the Armed Forces Act 1991 (persons to be given notice of application for service family child assessment order) before paragraph (e) insert—
- “(db) any person in whose favour an order under section 51A of the Adoption and Children Act 2002 (post-adoption contact) is in force with respect to the child;”.
- (9) In section 18(7) of that Act (persons who may apply to vary or discharge a service family child assessment order) before paragraph (e) insert—
- “(db) any person in whose favour an order under section 51A of the Adoption and Children Act 2002 (post-adoption contact) is in force with respect to the child;”.
- (10) In section 20(8) of that Act (persons who are to be allowed reasonable contact with a child subject to a protection order) before paragraph (d) insert—
- “(cb) any person in whose favour an order under section 51A of the Adoption and Children Act 2002 (post-adoption contact) is in force with respect to the child;”.
- (11) In section 22A(7) of that Act (persons who are to be allowed reasonable contact with a child in service police protection) before paragraph (d) insert—
- “(cb) any person in whose favour an order under section 51A of the Adoption and Children Act 2002 (post-adoption contact) is in force with respect to the child;”.
- (12) In Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services)—
- (a) in paragraph 12(9) (victims of domestic violence and family matters), in the definition of “family enactment” after paragraph (o) insert—
- “(xvi) section 51A of the Adoption and Children Act 2002 (post-adoption contact orders).”, and

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

- (b) in paragraph 13(1) (protection of children and family matters) after paragraph (f) insert—
 - “(g) orders under section 51A of the Adoption and Children Act 2002 (post-adoption contact).”