



2022 CHAPTER 18

PART 1

Adoption

CHAPTER 3

Placement for adoption and adoption orders

Placement of children by adoption agency for adoption

Applications for placement orders

19.—(1) An adoption authority must apply to the court for a placement order in respect of a child if—

- (a) the child is placed for adoption by the adoption authority or is being provided with accommodation by it;
- (b) no adoption agency is authorised to place the child for adoption;
- (c) the child has no parent or guardian or the authority considers that the conditions in Article 50(2) of the Children Order are met; and
- (d) the adoption authority is satisfied that the child ought to be placed for adoption.

(2) If—

- (a) an application has been made (and has not been disposed of) on which a care order might be made in respect of a child; or
- (b) a child is subject to a care order and the appropriate authority is not authorised to place the child for adoption,

the appropriate authority must apply to the court for a placement order if the appropriate authority is satisfied that the child ought to be placed for adoption.

(3) If—

- (a) a child is subject to a care order; and
- (b) the appropriate authority is authorised to place the child for adoption under section 16,

the appropriate authority may apply to the court for a placement order.

(4) If an adoption authority—

- (a) is under a duty to apply to the court for a placement order in respect of a child; or
- (b) has applied for a placement order in respect of a child and the application has not been disposed of,

the child is looked after by that adoption authority.

(5) Subsections (1) to (3) do not apply in respect of a child—

- (a) if any persons have given notice of intention to adopt, unless the period of four months beginning with the giving of the notice has expired without them applying for an adoption order or their application for such an order has been withdrawn or refused; or
- (b) if an application for an adoption order has been made and has not been disposed of.

(6) Where—

- (a) an application for a placement order in respect of a child has been made and has not been disposed of; and
- (b) no interim care order is in force,

the court may give any directions it considers appropriate for the medical or psychiatric examination or other assessment of the child; but a child who is of sufficient understanding to make an informed decision may refuse to submit to the examination or other assessment.

(7) The appropriate authority—

- (a) in relation to a care order, is the authority in whose care the child is placed by the order; and
- (b) in relation to an application on which a care order might be made, is the authority which makes the application.

(8) In subsection (5) “adoption order” means an adoption order made under the law of any part of the United Kingdom.