



2022 CHAPTER 18

PART 1

Adoption

CHAPTER 3

Placement for adoption and adoption orders

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

**Return of child in other cases**

**32.—**(1) Where a child is placed for adoption by an adoption agency and the prospective adopters give notice to the agency of their wish that the child return to the agency to end the placement, the agency must—

- (a) receive the child from the prospective adopters before the end of the period of seven days beginning with the giving of the notice; and
- (b) give notice to any parent or guardian of the child of the prospective adopters' wish to end the placement.

(2) Where a child is placed for adoption by an adoption agency, and the agency—

- (a) is of the opinion that the child should not remain with the prospective adopters; and
- (b) gives notice to them of its opinion,

the prospective adopters must, not later than the end of the period of seven days beginning with the giving of the notice, secure the child's return to the agency.

(3) If the agency gives notice under subsection (2)(b), it must give notice to any parent or guardian of the child of the obligation to secure the child's return to the agency.

(4) A prospective adopter who fails to comply with subsection (2) is guilty of an offence and 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.

(5) Where—

- (a) an adoption agency gives notice under subsection (2) in respect of a child;
- (b) before the notice was given, an application for an adoption order, special guardianship order or residence order, or for leave to apply for a special guardianship order or residence order, was made in respect of the child; and
- (c) the application (and, in a case where leave is given on an application to apply for a special guardianship order or residence order, the application for the order) has not been disposed of,

prospective adopters are not required by virtue of the notice to secure the child's return to the agency unless the court so orders.

(6) This section applies whether or not the child in question is in Northern Ireland.

(7) In subsection (5)(b) "adoption order" means an adoption order made under the law of any part of the United Kingdom.