



Children Act 1989

1989 CHAPTER 41

PART IV

CARE AND SUPERVISION

Care orders

34 Parental contact etc. with children in care.

- (1) Where a child is in the care of a local authority, the authority shall (subject to the provisions of this section) allow the child reasonable contact with—
- (a) his parents;
 - (b) any guardian [^{F1}or special guardian] of his;
 - [^{F2}(ba) any person who by virtue of section 4A has parental responsibility for him;]
 - (c) where there was a residence order in force with respect to the child immediately before the care order was made, the person in whose favour the order was made; and
 - (d) where, immediately before the care order was made, a person had care of the child by virtue of an order made in the exercise of the High Court's inherent jurisdiction with respect to children, that person.
- (2) On an application made by the authority or the child, the court may make such order as it considers appropriate with respect to the contact which is to be allowed between the child and any named person.
- (3) On an application made by—
- (a) any person mentioned in paragraphs (a) to (d) of subsection (1); or
 - (b) any person who has obtained the leave of the court to make the application,
- the court may make such order as it considers appropriate with respect to the contact which is to be allowed between the child and that person.

Status: Point in time view as at 30/12/2005. This version of this provision has been superseded.

Changes to legislation: Children Act 1989, Section 34 is up to date with all changes known to be in force on or before 23 June 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)

- (4) On an application made by the authority or the child, the court may make an order authorising the authority to refuse to allow contact between the child and any person who is mentioned in paragraphs (a) to (d) of subsection (1) and named in the order.
- (5) When making a care order with respect to a child, or in any family proceedings in connection with a child who is in the care of a local authority, the court may make an order under this section, even though no application for such an order has been made with respect to the child, if it considers that the order should be made.
- (6) An authority may refuse to allow the contact that would otherwise be required by virtue of subsection (1) or an order under this section if—
 - (a) they are satisfied that it is necessary to do so in order to safeguard or promote the child’s welfare; and
 - (b) the refusal—
 - (i) is decided upon as a matter of urgency; and
 - (ii) does not last for more than seven days.
- (7) An order under this section may impose such conditions as the court considers appropriate.
- (8) The Secretary of State may by regulations make provision as to—
 - (a) the steps to be taken by a local authority who have exercised their powers under subsection (6);
 - (b) the circumstances in which, and conditions subject to which, the terms of any order under this section may be departed from by agreement between the local authority and the person in relation to whom the order is made;
 - (c) notification by a local authority of any variation or suspension of arrangements made (otherwise than under an order under this section) with a view to affording any person contact with a child to whom this section applies.
- (9) The court may vary or discharge any order made under this section on the application of the authority, the child concerned or the person named in the order.
- (10) An order under this section may be made either at the same time as the care order itself or later.
- (11) Before making a care order with respect to any child the court shall—
 - (a) consider the arrangements which the authority have made, or propose to make, for affording any person contact with a child to whom this section applies; and
 - (b) invite the parties to the proceedings to comment on those arrangements.

Textual Amendments

- F1** Words in s. 34(1)(b) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 64(a) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F2** S. 34(1)(ba) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 64(b) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)

Commencement Information

- I1** S. 34 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Status:

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