



# Adoption and Children Act 2002

## 2002 CHAPTER 38

### PART 1

#### ADOPTION

### CHAPTER 3

#### PLACEMENT FOR ADOPTION AND ADOPTION ORDERS

##### *Removal of children in non-agency cases*

### **39 Partners of parents**

- (1) This section applies if a child's home is with a partner of a parent and the partner has given notice of intention to adopt.
- (2) If the child's home has been with the partner for not less than three years (whether continuous or not) during the period of five years ending with the removal, the following persons may remove the child—
  - (a) a person who has the court's leave,
  - (b) a local authority or other person in the exercise of a power conferred by any enactment, other than section 20(8) of the 1989 Act.
- (3) If subsection (2) does not apply, the following persons may remove the child—
  - (a) a parent or guardian,
  - (b) a person who has the court's leave,
  - (c) a local authority or other person in the exercise of a power conferred by any enactment, other than section 20(8) of the 1989 Act.