

3. Where a placement order is in force or has been revoked but a child is still with the prospective adopters or in accommodation provided by the local authority, only the local authority may remove the child (section 34(1)), e.g. a parent cannot remove the child.
4. Where a child under six weeks old has been placed for adoption but after 6 weeks the agency does not have authorisation under section 19 of the 2002 Act, only the adoption agency can remove the child from the placement (section 30(1)), e.g. a parent cannot remove the child.
5. Where a step-parent or partner has given notice of intention to apply to adopt and the child has had his or her home with the step-parent/partner for not less than 3 years out of the last 5 the child may be removed only by a person with the court's permission or a local authority or other person in exercise of statutory powers (section 39(2)), e.g. a parent can only remove the child with the court's permission.
6. Where a step-parent or partner has given notice of intention to adopt and the child has had his or her home with the step-parent/partner for less than 3 years, the child may only be removed by the child's parent or guardian, by a person with the court's permission or a local authority or other person in exercise of statutory powers (section 39(3)), e.g. a parent can remove the child.
7. Where local authority foster parents have given notice of intention to apply to adopt and the child has had his or her home with the foster parents for 5 years the child may be removed only by a person with the court's permission or a local authority or other person in exercise of statutory powers (other than under section 20(8) of the Children Act 1989) (section 38(2) and (3)), e.g. a parent can only remove the child with the court's permission.
8. Where local authority foster parents have applied to the court for permission to apply to adopt the child because the child has not had his home with them for a year before the application to adopt (and the permission application has not been dealt with) the child may be removed only by a person with the court's permission or a local authority or other person in exercise of statutory powers (other than under section 20(8) of the Children Act 1989), e.g. a parent can only remove the child with the court's permission.
9. If the child has had his or her home with the foster parents for a year and the foster parents have given notice of intention to adopt, the child may only be removed by a person who has the court's permission, by a local authority or other person in exercise of statutory powers, or a person with parental responsibility for the child who is exercising the power in section 20(8) of the Children Act 1989 (section 38(4) and (5)), e.g. a parent can only remove the child with the court's permission unless he or she has parental responsibility for the child and the foster parents are providing accommodation pursuant to section 20 of the 1989 Act.

## **B. Prospective adopters have failed to:**

### **1. Return the child to the adoption agency within 7 days of the agency giving them notice to return the child where the child:**

- a) is placed for adoption by an adoption agency and is less than six weeks old, or the agency has not been authorised to place the child for adoption and
- b) the child's parent(s) or guardian(s) has/have informed the agency that they want the child to be returned to them, and
- c) there is no pending application for a placement order, and
- d) the child is not subject to a care order (section 31(3) and (4)).

### **2. Return the child to the adoption agency within 14 days of the agency giving them notice to return the child where the child:**

- a) is placed for adoption by an adoption agency under section 19 of the Act and
- b) consent to placement under section 19 has been withdrawn and
- c) there is no pending application for a placement order and