

# Application for a recovery order (Form A57)

## Notes on completing the form

### Parts 1 and 2 About the applicant

#### Note 1

If you are an applicant who is not the prospective adopter(s) and you do not want your private address, postcode, and telephone number, or the child's address or, (if the child does not live with you), the name of the person with whom the child lives, to be disclosed to any other party, **do not enter these details on this application form**. Instead you should enter the details on Form A65, which you must file at the court with your application. The information will not then be disclosed to any person, except by order of the court.

#### Note 2

If you are applying as the authorised officer of a local authority/adoption agency the contact details, including a telephone contact number, should be those for the local authority/agency which the court can use during working hours.

#### Note 3

There are no restrictions on who may apply for a recovery order but the court will need a brief indication of how you come to be making the application and how you are related to or connected to the child.

### Part 3 Reasons for application and evidence in support

#### Note 4

If you do not want the names and addresses given in this section to be disclosed to any other party, do not enter them on this application form. Instead you should enter the details on Form A65, which you must file at the court with your application. The information will not then be disclosed to any person, except by order of the court.

**Important:** If you are the **prospective adopter** you should make sure that the reasons for your application do not include any information that could lead to your identity being disclosed.

**Any applicant** who has withheld their address or telephone number or the child's address or the name of the person with whom the child lives should make sure that they do not include any information which could lead to these being disclosed.

**A. The child has been removed or there are reasonable grounds to believe that someone intends to remove the child in contravention of sections 30-40 of the Adoption and Children Act 2002 (sections 30-35 (agency cases) and sections 36-40 (non agency cases)).**

The detailed removal provisions are in sections 30-40 of the 2002 Act. The following situations are examples only.

1. Where a child is placed by consent under section 19 of the 2002 Act, only an adoption agency can remove the child (section 30(1)), e.g. a parent cannot remove the child.
2. Where a child is in accommodation provided by the local authority and an application for a placement order has been made, the child may only be removed by a person who has the court's permission, or the local authority (section 30(2)), e.g. a parent can only remove the child with the court's permission.
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 six 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 three years out of the last five 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 three 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 five 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
- d) the child is not subject to a care order and
- e) prior to service of the notice no application for an adoption order, special guardianship order, child arrangements order or for permission to apply for special guardianship or a child arrangements order, was made to the court and remains to be dealt with.

(Note: if there is such an application the prospective adopters are not required to return the child unless the court orders otherwise (section 32)).

**3. Return the child to the local authority on the date set by the court for return of the child where**

- a) the child is placed for adoption by a local authority under section 19;
- b) an application for a placement order has been refused and the parent or guardian has told the local authority that he wants the child returned and
- c) the child is not subject to a care order (section 33).

**4. Return the child to the local authority within the time set by the court when the court has revoked a placement order and has determined that the child is not to remain with the prospective adopters (section 34(3)).**

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

- a) had been placed with prospective adopters by the agency
- b) the agency is of the opinion that the child should not remain with them and
- c) Prior to service of the notice no application for an adoption order, special guardianship order, child arrangements order or for permission to apply for special guardianship or a child arrangements order, was made to the court and remains to be dealt with.

(Note: if there is such an application the prospective adopters are not required to return the child unless the court orders otherwise (section 35(2)).

**Part 4 the order and directions applied for**

Indicate here the type of order you will be asking the court to make. Give as much detail as you can.

**Note 5**

**Special assistance or facilities for disability**

If you need special assistance or special facilities for a disability or impairment, please set out your requirement in full. The court staff will need to know, for example, whether you want documents to be supplied in an alternative format, such as Braille or large print. They will also need to know about any specific requirements you may have on the day of the hearing such as wheelchair access, a hearing loop, or a sign language interpreter.

The court staff will get in touch with you about your requirements. It is important that you make the court aware of all your needs. If you do not, the result may be that the hearing has to be adjourned.

