



## 2022 CHAPTER 18

### PART 2

#### Children order amendments

##### **Ascertainment of children's wishes**

**120.**—(1) In Article 18 of the Children Order (general duty of authority to provide social care for children in need, their families and others) after paragraph (4) insert—

“(4A) Before determining what (if any) services to provide for a particular child in need in the exercise of functions conferred on it by this Article, an authority must, so far as is reasonably practicable and consistent with the child's welfare—

- (a) ascertain the child's wishes and feelings regarding the provision of those services; and
- (b) give due consideration (having regard to the child's age and understanding) to such wishes and feelings of the child as the authority has been able to ascertain.”

(2) In Article 21 of the Children Order (provision of accommodation for children: general), in sub-paragraphs (a) and (b) of paragraph (6) after “wishes” insert “and feelings”.

(3) In Article 66 of the Children Order (authority's duty to investigate), after paragraph (5) insert—

“(5A) For the purposes of making a determination under this Article as to the action to be taken with respect to a child, an authority must, so far as is reasonably practicable and consistent with the child's welfare—

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**Changes to legislation:** *Adoption and Children Act (Northern Ireland) 2022, Section 120 is up to date with all changes known to be in force on or before 09 July 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) View outstanding changes*

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- (a) ascertain the child’s wishes and feelings regarding the action to be taken with respect to the child; and
- (b) give due consideration (having regard to the child’s age and understanding) to such wishes and feelings of the child as the authority has been able to ascertain.”.

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**Commencement Information**

- I1** S. 120 not in operation at Royal Assent, see **s. 160(1)**
- I2** S. 120 in operation at 1.4.2024 by **S.R. 2024/30, art. 2(1)(c)**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by S.I. 2018/412, Sch. 3 (as substituted) by [2022 c. 18 \(N.I.\) Sch. 3 para. 83](#)