

*Status: This version of this provision is prospective.*

*Changes to legislation: Adoption and Children Act (Northern Ireland) 2022, Section 25 is up to date with all changes known to be in force on or before 08 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*



## 2022 CHAPTER 18

### PART 1

#### Adoption

#### CHAPTER 3

#### Placement for adoption and adoption orders

#### *Placement of children by adoption agency for adoption*

PROSPECTIVE

#### **Further consequences of placement**

**25.—**(1) Where a child is placed for adoption under section 16 or an adoption agency is authorised to place a child for adoption under that section—

- (a) a parent or guardian of the child may not apply for a residence order unless an application for an adoption order has been made and the parent or guardian has obtained the court's leave under subsection (3) or (5) of section 44;
  - (b) if an application has been made for an adoption order, a guardian of the child may not apply for a special guardianship order unless the guardian has obtained the court's leave under subsection (3) or (5) of that section.
- (2) The following subsections apply where—
- (a) a child is placed for adoption under section 16 or an adoption agency is authorised to place a child for adoption under that section; or
  - (b) a placement order is in force in respect of a child.

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(3) A person must not remove the child from the United Kingdom unless the court gives leave or each parent or guardian of the child gives written consent.

(4) Subsection (3) does not prevent the removal of the child from the United Kingdom for a period of less than one month by a person who provides the child's home.

(5) A person must not cause the child to be known by a new surname unless the court gives leave or each parent or guardian of the child or the adoption agency gives written consent.

(6) The adoption agency must not give its consent under subsection (5) unless it has given at least 14 days' notice of its intention to do so—

- (a) every person with parental responsibility for the child; and
- (b) if the agency considers that the child has sufficient understanding, the child.

(7) Subsection (5) is subject to any direction of the court.

(8) The court may vary or revoke a direction under subsection (7)—

- (a) on the application of—
  - (i) any person mentioned in subsection (6)(a);
  - (ii) if the child appears to the court to have sufficient understanding, the child; or
  - (iii) the adoption agency; or
- (b) in any family proceedings in which a question arises in relation to the welfare of the child without an application having been made.

(9) In subsection (8)(b) “family proceedings” has the same meaning as in the Children Order.

(10) This section applies whether or not the child is in Northern Ireland.

#### **Commencement Information**

**II** S. 25 not in operation at Royal Assent, see [s. 160\(1\)](#)

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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](#)