

These notes refer to the Adoption and Children Act (Northern Ireland) 2022 (c.18) which received Royal Assent on 27 April 2022

Adoption and Children Act (Northern Ireland) 2022

EXPLANATORY NOTES

OVERVIEW

21. The Act replaces the Adoption (Northern Ireland) Order 1987 and reforms the existing legal framework for domestic and intercountry adoption in Northern Ireland. It also consolidates the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001. In the 2001 Act, sections 1 and 2 (regulations to give effect to the Convention and Central Authorities) and Schedule 1 (the text of the Hague Convention so far as material), are to continue in force. The remaining provisions will cease to apply and will instead be incorporated into the Act. The Act will affect all adoptions and arrangements for adoption of children in Northern Ireland and all adoption applications from persons resident in Northern Ireland who seek to adopt children living abroad. The current mutual recognition of adoption and cross border placement for adoption between England, Wales, Scotland and Northern Ireland will continue.
22. The Act has three Parts:
 - Part I sets out the framework for adoption law for Northern Ireland. Chapter 1 provides for the welfare of the child to be paramount (*section 1*). Chapter 2 covers the Adoption Service. It places a duty on adoption authorities in Northern Ireland to maintain an adoption service, which includes making arrangements for the adoption of children and for the provision of adoption support services (*section 4*); provides a statutory right to request an assessment for adoption support and places a duty on adoption authorities to provide adoption support which has been assessed as needed (*section 5*); enables the Department to establish a new independent review mechanism to consider determinations made by adoption agencies about the suitability of prospective adopters (*section 12*); inspection of premises (*section 14*). Chapter 3 covers placement for adoption and adoption orders. It introduces placement by consent and placement orders (*sections 15 to 26*); makes provision for the removal of children who are or may be placed for adoption (*sections 27 to 32*); makes provision for adoption orders (*sections 43 to 48*). It also makes provision for disclosure of information prior to and following a person's adoption (*sections 53, 55 to 64 and 102*). Chapter 4 covers the status of adopted children (*sections 65 to 75*). Chapter 5

makes provision for the Adopted Children Register (*sections 76 to 78*) and the Adoption Contact Register (*sections 79 to 81*). Chapter 6 makes provision for intercountry adoption (*sections 82 to 95*). Chapter 7 covers miscellaneous provisions. It makes provision for offences relating to making arrangements for adoption (*section 97*), and making certain payments (*section 99*).

- Part 2 makes amendments to the Children (Northern Ireland) Order 1995; it provides for the definition of family proceedings to include Part 2 of Schedule 2 to the Female Genital Mutilation Act 2003 (*section 116*); provides for an authority foster parent to apply for an Article 8 order if the child has lived with the foster parent for one year rather than three years (*section 117*); provides for the extension of residence orders for looked after children (*section 118*); introduces special guardianship orders (*section 119*); a duty to ascertain children's wishes and feelings (*section 120*); the provision of services to children in need (*section 121*); duties of authorities to promote, facilitate and support learning and development, achievement in relation to education or training and prevent disruption of education and training in respect of looked after children (*section 122*); introduces corporate parenting principles (*section 123*); placement of looked after children with prospective adopters (*section 124*); power to specify additional requirements before authorities place children in accommodation (*section 125*); a power to prescribe arrangements for the approval of authority foster parents and the establishment of an independent review mechanism for foster approval decisions (*section 126*); duties on authorities to ensure visits to, and advice is provided to, looked after children (*section 127*); improve services and support to care leavers (*sections 128 and 129*); enhance arrangements around inquiries into representations including complaints (*section 130*); duty for an authority to conduct reviews in respect of looked after children's cases (*section 131*); place advocacy services on a statutory basis (*section 132*); amend the definition of harm (*section 133*); place care planning on a statutory basis (*section 134*); enable an authority to refuse contact between a child and their birth parent if such contact is not consistent with their safeguarding or well-being (*section 135*); renaming of guardians ad litem, specified proceedings and appointment of children's court guardians (*sections 136 to 138*); strengthen arrangements for privately fostered children (*sections 139 to 141*); provide that it is not an offence to enter or search and access the Northern Ireland Adoption and Children Register (*section 142*); and amend the requirement for the Department to produce an annual report to producing a report at least every three years (*section 143*).
- Part 3 makes miscellaneous provision, including establishing the Northern Ireland Adoption and Children Act Register (*sections 144 to 151*).

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23. The Act contains five Schedules:
- Schedule 1: Registration of Adoptions.
 - Schedule 2: Disclosure of Birth Records by Registrar General.
 - Schedule 3: Minor and Consequential Amendments.
 - Schedule 4: Transitional and transitory provisions and savings.
 - Schedule 5: Repeals.