Adoption and Children Act (Northern Ireland) 2022

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EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 - Adoption

Chapter 3 - Placement for Adoption and Adoption Orders

Removal provisions

Section 28: Recovery by parent etc. where child not placed or is a baby

Section 28 applies where a child is not yet placed for adoption but is being provided with accommodation by an adoption agency and previous consent to placement under section 16(1) has been withdrawn, which must be done in writing to the agency on the form prescribed (*subsection (1)*). If a parent or guardian informs the agency that they wish the child to be returned, the agency must return the child to them within 14 days beginning with the date of request, unless an application is, or has been, made for a placement order and the application has not been disposed of (*subsection (2)*).

Where a child is placed for adoption and either the child is less than 6 weeks old or the agency has at no time been authorised to place the child and any parent or guardian informs the agency that they wish the child to be returned (*subsection (3)*), the agency must give notice to the prospective adopters who must return the child to the agency within the period of 7 days beginning with the day on which the notice is given unless an application is, or has been, made for a placement order and the application has not been disposed of (*subsection (4)*). In this circumstance, once the child is returned to the agency, the agency must then return the child to the parent or guardian in question within 7 days from the date of the child's return from the prospective adopters (*subsection (6)*).

Should a prospective adopter fail to comply with this provision they are guilty of an offence and are liable on summary conviction to a term of imprisonment not exceeding three months or a fine not exceeding level 5 on the standard scale, or both (*subsection (5)*).