

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

COMMENTARY ON SECTIONS

Part 1 - Adoption

Chapter 3 - Placement for Adoption and Adoption Orders

Removal provisions

Section 31: Placement orders: prohibition on removal

Section 31 applies where a placement order is in force or has been revoked, but the child has not been returned by the prospective adopters or remains in any accommodation provided by an adoption authority (*subsection (1)*). It is an offence, punishable as set out in *subsection (5)*, for a person (other than the adoption authority) to remove the child from the prospective adopters or accommodation provided by the authority.

Where a placement order has been revoked, it will be for the court, when they revoke the order, to determine whether the child is to remain with the prospective adopters or be returned to the adoption authority or parent or guardian. If the court determines the child should not remain with the former prospective adopters, they must return the child to the adoption authority within a period determined by the court, otherwise they commit an offence (*subsection (3)*). If the court determines that the child should return to the parent or guardian, the adoption authority must secure the child's return to the parent or guardian within 7 days from the day the child is returned to the authority, or where the child is in accommodation provided by an authority, within 7 days from the day on which the revocation of the placement order comes into force (*subsection (4)*). This section does not prevent the removal of a child who is arrested (*subsection (7)*) and *subsection (8)* provides that section 31 applies whether or not the child in question is in Northern Ireland.