

*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

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 - Adoption**

#### *Chapter 3 - Placement for Adoption and Adoption Orders*

#### *Section 41: Notice of intention to adopt*

Section 41 applies where persons wish to adopt a child who is not placed for adoption with them by an adoption agency. Section 41 provides that an adoption order may not be made in respect of a child in a non-agency case unless the proposed adopters have given notice of intention to adopt to the appropriate adoption authority (*subsection (2)*). The notice must be given not more than two years or less than three months before the application is made for the adoption order (*subsection (3)*). The 'appropriate adoption authority' is defined in *subsection (9)*. Where the adoption authority receives a notice of intention to adopt they must investigate (or make arrangements for this to be done by another adoption agency) and are responsible for preparing a report for the court which includes the suitability of the proposed adopters and any other matters relevant to the operation of section 1 (*subsections (5) and (6)*). Where a person needs leave to apply for an adoption order under section 39(4) and (5) they cannot give notice of intention to adopt unless they have the court's leave to make the adoption application (*subsection (4)*).

If an adoption authority receives notice of intention to adopt a child whom it knows was, at any time before the notice was given, looked after by another adoption authority it must, within 7 days of receipt of the notice, inform the other adoption authority in writing that it has received the notice (*subsection (7)*).

*Subsection (8)* provides that where an adoption authority has placed a child with any persons otherwise than as prospective adopters and those persons give notice of intention to adopt, the adoption authority is not to be treated as keeping the child with them as prospective adopters for the purposes of section 15(1)(b).