

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 7 - Miscellaneous

Section 106: Children's court guardians

Subsection (1) provides that for the purposes of any relevant application (defined in *subsection (5)* for the making, varying or revoking of a placement order or a contact order under section 23, or the making of an adoption order or a parental responsibility order under section 83), rules of court must provide for the appointment of a children's court guardian in prescribed cases. *Subsection (2)* provides that rules may provide for the children's court guardian to act on behalf of the child, to safeguard the interests of the child in a prescribed manner, prepare reports on matters relating to the child's welfare and perform other prescribed functions. *Subsection (3)* provides that the report must include any matter prescribed by rules (unless the court orders otherwise) and must be made in the manner required by the court. *Subsection (4)* sets out who should not be appointed as a children's court guardian under subsection (1). Rules of court may make provision as to the assistance which the court may require a children's court guardian to give to it (*subsection (6)*).

Subsection (8) provides how children's court guardians are to be appointed under this section. The Department may by regulations provide that children's court guardians must be selected from persons employed or approved by such special agency or other public body as may be prescribed.

Subsection (8) is not to be taken to prejudice the power of the Lord Chief Justice to confer or impose duties on the Official Solicitor under section 75(2) of the Judicature (NI) Act 1978 (*subsection (9)*).

Subsection (10) provides that the regulations may in particular make provision for the employment or approval of persons by such special agency or other public body as may be prescribed, the qualifications for appointment as a children's court guardian, the training to be given to children's court guardians and for

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monitoring the work of children’s court guardians. A “public body” is defined in section 159 as a body established by or under any statutory provision. The Department may, with the approval of Department of Finance, make such grants as the Department considers appropriate with respect to expenditure incurred under regulations made under subsection (8) (*subsection (11)*).