

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 2 – Children Order Amendments

Section 140: Welfare of children who will be privately fostered

Article 108 of the Children Order places a duty on authorities to ensure the welfare of privately fostered children, in their area, is being safeguarded and promoted. They must also secure that private foster parents are provided with advice if the authority feels this is necessary. It also enables the Department to make regulations requiring authorities to arrange for privately fostered children to be visited. If an authority is not satisfied that the child's welfare is being satisfactorily safeguarded or promoted, it must, take reasonable steps, unless it would not be in the child's best interests to secure that the child is looked after by a parent, relative of the child or a person with parental responsibility for the child.

Subsections (2), (4) and (5) amend Article 108 to provide that the duties which apply to an authority in respect of children who are privately fostered and those caring for them also apply in respect of children who are proposed to be privately fostered and their prospective carers.

Article 108(2) of the Children Order gives the Department the power to make regulations about visits by an authority to privately fostered children and imposing requirements which are to be met by the authority in carrying out their functions under this Article. *Subsection (3)* inserts a new paragraph (2A) which provides that the regulations made under paragraph (2)(b) may impose requirements as to the action an authority must take when they are informed that a child is going to be privately fostered. The intention is that these regulations will require an authority to carry out proper checks on, and satisfy themselves of the suitability of, a proposed arrangement or exercise their powers to prohibit, or impose requirements on, the arrangement before the child is privately fostered.