

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 118: Duration of residence orders

Subsection (1) makes clear that this section relates to a child who is looked after by an authority, within the meaning of the Children Order.

Currently, Article 9(6) of the Children Order (restrictions on making Article 8 Orders) states that no court shall make any Article 8 order which is to have effect for a period which will end after the child has reached the age of 16, unless there are exceptional circumstances. An Article 8 order is defined as a contact order, prohibited steps order, residence order and specific issue order. Article 179 of that Order sets out the circumstances under which court orders will be discharged or cease to have effect by the virtue of the making of other court orders in consequence of a child reaching a certain age. Paragraph (10) provides that an Article 8 order shall, if it would otherwise still be in force, cease to have effect when the child reaches the age of 16, unless the court making the order is satisfied that the circumstances of the case are exceptional.

Subsection (2) has the effect of amending Article 9(6) of the Children Order in relation to a child who is looked after by an authority so that the court shall not make a specific issue order, contact order or prohibited steps order for a period which will end after the child has reached the age of sixteen unless it is satisfied the circumstances of the case are exceptional. *Subsection (3)* has the effect of amending Article 179(10) of the Children Order in relation to a child who is looked after by an authority by inserting after "Article 8 order" the words "other than a residence order".

The effect of these modifications is that a residence order in respect of a child who is looked after by an authority will last until the child has reached eighteen years old unless the court considers it should end earlier or another order is made discharging the residence order prior to that date. Residence orders made in relation to children who are not looked after by an authority, and the other Article 8 orders (made in respect of all children) remain unchanged, ceasing to

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have effect at the age of 16, unless the court considers that the circumstances of the case are exceptional.