

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 124: Placement of looked after children with prospective adopters

Section 124 amends Article 27 of the Children Order (Accommodation and maintenance for children) by inserting new *paragraphs (9A), (9B), and (9C)*. New *paragraph (9A)* imposes a duty on an authority looking after a child, when they are considering adoption for the child, or are satisfied that the child ought to be placed for adoption but are not authorised to place that child for adoption, to consider placing the child in a “Fostering for Adoption” placement.

A “Fostering for Adoption” placement is a foster placement with approved authority foster parents who are also approved prospective adopters, in circumstances where the authority are considering adoption as an option for the child’s long term care (whether it is the only option they are considering, or one of several) or are satisfied that the child ought to be placed for adoption but do not yet have authorisation to place the child for adoption. In these circumstances the authority will be under a duty to consider a “Fostering for Adoption” placement. *Paragraph (9B)* provides that the authority must first have considered placing the child with an individual who is a relative, friend or other connected person who has been approved as an authority foster parent and ruled them out as not being the most appropriate potential carers for the child. Where *paragraph (9B)* applies, *paragraphs (7A) to (9)* of Article 27 do not apply.

In new *paragraph (9C)*, the duty in *paragraph (9B)* does not apply where the adoption authority has applied for a placement order under section 18 of the Act in respect of the child and the application has been refused.