

*Status: This version of this provision is prospective.*

*Changes to legislation: Adoption and Children Act (Northern Ireland) 2022, Section 36 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



## 2022 CHAPTER 18

### PART 1

#### Adoption

#### CHAPTER 3

Placement for adoption and adoption orders

*Removal of children in non-agency cases*

PROSPECTIVE

#### **Partners of parents**

**36.**—(1) This section applies if a child's home is with a partner of a parent and the partner has given notice of intention to adopt.

(2) If the child's home has been with the partner for not less than three years (whether continuous or not) during the period of five years ending with the removal, the following persons may remove the child—

- (a) a person who has the court's leave;
- (b) an adoption authority or other person in the exercise of a power conferred by any statutory provision other than Article 22(2) of the Children Order.

(3) If subsection (2) does not apply, the following persons may remove the child—

- (a) a parent or guardian;
- (b) a person who has the court's leave;

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(c) an adoption authority or other person in the exercise of a power conferred by any statutory provision other than Article 22(2) of the Children Order.

**Commencement Information**

**II** S. 36 not in operation at Royal Assent, see [s. 160\(1\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by S.I. 2018/412, Sch. 3 (as substituted) by [2022 c. 18 \(N.I.\) Sch. 3 para. 83](#)