

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

*Changes to legislation: Adoption and Children Act (Northern Ireland) 2022, Section 41 is up to date with all changes known to be in force on or before 31 May 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

#### *Preliminaries to adoption*

PROSPECTIVE

#### **Notice of intention to adopt**

**41.—**(1) This section applies where persons (referred to in this section as “proposed adopters”) wish to adopt a child who is not placed for adoption with them by an adoption agency.

(2) An adoption order may not be made in respect of the child unless the proposed adopters have given notice to the appropriate adoption authority of their intention to apply for the adoption order (referred to in this Act as a “notice of intention to adopt”).

(3) The notice must be given not more than two years, or less than three months, before the date on which the application for the adoption order is made.

(4) Where—

(a) if a person were seeking to apply for an adoption order, subsection (4) or (5) of section 39 would apply; but

(b) the condition in the subsection in question is not met,

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the person may not give notice of intention to adopt unless the person has the court's leave to apply for an adoption order.

(5) On receipt of a notice of intention to adopt, the appropriate adoption authority must arrange for the investigation of the matter and submit to the court a report of the investigation.

(6) In particular, the investigation must, so far as practicable, include the suitability of the proposed adopters and any other matters relevant to the operation of section 1 in relation to the application.

(7) If an adoption authority receives a notice of intention to adopt in respect of a child who the adoption authority knows was (at any time before the notice was given) looked after by another adoption authority, the first adoption authority must, not more than seven days after the receipt of the notice, inform the other adoption authority in writing that it has received the notice.

(8) Where—

(a) an adoption authority has placed a child with any persons otherwise than as prospective adopters; and

(b) the persons give notice of intention to adopt,

the adoption authority is not to be treated as keeping the child with them as prospective adopters for the purposes of section 15(1)(b).

(9) In this section, references to the appropriate adoption authority, in relation to any proposed adopters, are—

(a) in prescribed cases, references to the prescribed adoption authority;

(b) in any other case, references to the adoption authority for the area in which, at the time of giving the notice of intention to adopt, the proposed adopters have their home.

#### **Commencement Information**

**II** S. 41 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](#)