
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART V

CARE AND SUPERVISION

Care orders

Effect of care order

52.—(1) Where a care order is made with respect to a child the authority designated by the order shall receive him into its care and keep him in its care while the order remains in force.

(2) Where—

- (a) a care order has been made with respect to a child on the application of an authorised person; but
- (b) the authority designated by the order was not informed that that person proposed to make the application,

the child may be kept in the care of that person until received into the care of the authority.

(3) While a care order is in force with respect to a child, the authority designated by the order shall—

- (a) have parental responsibility for the child; and
- (b) have the power (subject to paragraphs (4) to (9)) to determine the extent to which a parent or guardian of the child may meet his parental responsibility for the child.

(4) The authority shall not exercise the power in paragraph (3)(b) unless it is satisfied that it is necessary to do so in order to safeguard or promote the child's welfare.

(5) Nothing in paragraph (3)(b) shall prevent a parent or guardian of the child who has care of him from doing what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting his welfare.

(6) While a care order is in force with respect to a child, the authority designated by the order shall not—

- (a) cause the child to be brought up in any religious persuasion other than that in which he would have been brought up if the order had not been made; or
- (b) have the right—
 - (i) to consent or refuse to consent to the making of an application with respect to the child under Article 17 of the Adoption Order;
 - (ii) to agree or refuse to agree to the making of an adoption order, or an order under Article 57 of that Order, with respect to the child; or
 - (iii) to appoint a guardian for the child.

(7) While a care order is in force with respect to a child, no person may—

Status: Point in time view as at 12/04/2010.

Changes to legislation: The Children (Northern Ireland) Order 1995, Cross Heading: Care orders 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)

- (a) cause the child to be known by a new surname; or
- (b) remove him from the United Kingdom,

without either the written consent of every person who has parental responsibility for the child or the leave of the court.

(8) Paragraph (7)(b) does not—

- (a) prevent the removal of such a child, for a period of less than one month, by, or with the written consent of, the authority in whose care he is; or
- (b) apply to arrangements for such a child to live outside Northern Ireland (which are governed by Article 33).

(9) The power in paragraph (3)(b) is subject (in addition to being subject to the provisions of this Article) to any right, duty, power, responsibility or authority which a parent or guardian of the child has in relation to the child and his property by virtue of any other statutory provision.

Parental contact etc. with children in care

53.—(1) Where a child is in the care of an authority, the authority shall (subject to the provisions of this Article) allow the child reasonable contact with—

- (a) his parents;
- (b) any guardian of his;
- (c) where there was a residence order in force with respect to the child immediately before the care order was made, the person in whose favour the residence order was made; and
- (d) where, immediately before the care order was made, a person had care of the child by virtue of an order made in the exercise of the High Court's inherent jurisdiction with respect to children, that person.

(2) On an application made by the authority or the child, the court may make such order as it considers appropriate with respect to the contact which is to be allowed between the child and any named person.

(3) On an application made by—

- (a) any person mentioned in sub-paragraphs (a) to (d) of paragraph (1); or
- (b) any person who has obtained the leave of the court to make the application,

the court may make such order as it considers appropriate with respect to the contact which is to be allowed between the child and that person.

(4) On an application made by the authority or the child, the court may make an order authorising the authority to refuse to allow contact between the child and any person who is mentioned in sub-paragraphs (a) to (d) of paragraph (1) and named in the order.

(5) When making a care order with respect to a child, or in any family proceedings in connection with a child who is in the care of an authority, the court may make an order under this Article, even though no application for such an order has been made with respect to the child, if the court considers that the order should be made.

(6) An authority may refuse to allow the contact that would otherwise be required by virtue of paragraph (1) or an order under this Article if—

- (a) the authority is satisfied that it is necessary to do so in order to safeguard or promote the child's welfare; and
- (b) the refusal—
 - (i) is decided upon as a matter of urgency; and
 - (ii) does not last for more than seven days.

- (7) An order under this Article may impose such conditions as the court considers appropriate.
- (8) The Department may by regulations make provision as to—
 - (a) the steps to be taken by an authority which has exercised its powers under paragraph (6);
 - (b) the circumstances in which, and conditions subject to which, the terms of any order under this Article may be departed from by agreement between the authority and the person in relation to whom the order is made;
 - (c) notification by an authority of any variation or suspension of arrangements made (otherwise than under an order under this Article) with a view to affording any person contact with a child to whom this Article applies.
- (9) The court may vary or discharge any order made under this Article on the application of the authority, the child concerned or the person named in the order.
- (10) An order under this Article may be made either at the same time as the care order itself or later.
- (11) Before making a care order with respect to any child the court shall—
 - (a) consider the arrangements which the authority has made, or proposes to make, for affording any person contact with a child to whom this Article applies; and
 - (b) invite the parties to the proceedings to comment on those arrangements.

Status:

Point in time view as at 12/04/2010.

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