
STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART III

ADOPTION ORDERS

Freeing for adoption

Freeing child for adoption with parental agreement

17.—(1) Subject to paragraph (2), where, on the joint application of the parents or guardian of the child and an adoption agency, an authorised court is satisfied in the case of each parent or guardian that he freely, and with full understanding of what is involved, agrees generally and unconditionally to the making of an adoption order the court shall make an order declaring the child free for adoption.

(2) Where, on an application for an order under paragraph (1) in relation to a child, the mother of the child satisfies the court that her spouse is not the father of the child, the court may make the order on the joint application of the mother and the adoption agency.

(3) On the making of an order under paragraph (1), the parental rights and duties relating to the child vest in the adoption agency, and paragraphs (2) and (3) of Article 12 apply as if the order were an adoption order and the agency were the adopters.

(4) Agreement by the mother of the child is ineffective for the purposes of this Article if given less than 6 weeks after the child's birth.

(5) Before making an order under paragraph (1), the court shall satisfy itself, in relation to each parent or guardian of the child who can be found, that he has been given an opportunity of making, if he so wishes, a declaration that he prefers not to be involved in future questions concerning the adoption of the child; and any such declaration shall be recorded by the court.

(6) Before making an adoption order or an order under paragraph (1) in the case of an illegitimate child whose father is not his guardian, the court shall satisfy itself that all reasonable steps have been taken to identify the father of the child and that he has been given notice of, and the opportunity of appearing at, the proceedings.

Freeing child for adoption without parental agreement

18.—(1) Where, on an application by an adoption agency, an authorised court is satisfied in the case of each parent or guardian of a child that his agreement to the making of an adoption order should be dispensed with on a ground specified in Article 16(2) the court shall make an order declaring the child free for adoption.

(2) No application shall be made under paragraph (1) unless—

- (a) the child is in the care of the adoption agency; and
- (b) the child is already placed for adoption or the court is satisfied that it is likely that the child will be placed for adoption.

(3) Paragraphs (3), (5) and (6) of Article 17 shall apply to an order made by a court under paragraph (1) as they apply to an order made by a court under Article 17(1).

Progress reports to former parent

19.—(1) This Article and Article 20 apply to any person (“the former parent”) who was required to be given an opportunity of making a declaration under Article 17(5) or by virtue of Article 18(3) but did not do so.

(2) If at any time the former parent by notice makes a declaration to the adoption agency that he prefers not to be involved in future questions concerning the adoption of the child—

- (a) the agency shall secure that the declaration is recorded by the court which made the order freeing the child for adoption, and
- (b) paragraphs (3) and (4) and Article 20 shall not apply as respects that former parent.

(3) Within the 14 days following the date 12 months after the making of the order freeing the child for adoption the adoption agency in which the parental rights and duties were vested on the making of the order, unless it has previously by notice to the former parent informed him that an adoption order has been made in respect of the child, shall by notice to the former parent inform him—

- (a) whether an adoption order has been made in respect of the child, and (if not)
- (b) whether the child has his home with a person with whom he has been placed for adoption.

(4) If at the time when the former parent is given notice under paragraph (3) an adoption order has not been made in respect of the child, the adoption agency shall give notice to the former parent of the making of an adoption order (if and when made), and meanwhile shall give the former parent notice whenever the child is placed for adoption or ceases to have his home with a person with whom he has been placed for adoption.

Revocation of order freeing child for adoption

20.—(1) The former parent, at any time more than 12 months after the making of the order freeing the child for adoption when—

- (a) no adoption order has been made in respect of the child, and
- (b) the child does not have his home with a person with whom he has been placed for adoption,

may apply to the court which made the order for a further order revoking it on the ground that he wishes to resume the parental rights and duties.

(2) While the application is pending the adoption agency having the parental rights and duties shall not place the child for adoption without the leave of the court.

(3) Where an order freeing a child for adoption is revoked under this Article—

- (a) the parental rights and duties relating to the child are vested in the individual or, as the case may be, the individuals in whom they vested immediately before that order was made;
- (b) if the parental rights and duties, or any of them, vested in a government department, public body or voluntary organisation immediately before the order freeing the child for adoption was made, those rights and duties are vested in the individual, or as the case may be, the individuals in whom they vested immediately before they were vested in the department, body or organisation; and
- (c) any duty extinguished by virtue of Article 12(3)(b) is forthwith revived,

but the revocation does not affect any right or duty so far as it relates to any period before the date of the revocation.

(4) Subject to paragraph (5), if the application is dismissed on the ground that to allow it would contravene the principle embodied in Article 9—

- (a) the former parent who made the application shall not be entitled to make any further application under paragraph (1) in respect of the child, and
- (b) the adoption agency is released from the duty of complying further with Article 19(3) as respects that parent.

(5) Paragraph (4)(a) shall not apply where the court which dismissed the application gives leave to the former parent to make a further application under paragraph (1), but such leave shall not be given unless it appears to the court that because of a change in circumstances or for any other reason it is proper to allow the application to be made.

Transfer of parental rights and duties between adoption agencies

21. On the joint application of an adoption agency in which the parental rights and duties relating to a child who is in Northern Ireland are vested under Article 17(3) or this Article or by virtue of Article 18(3) or under section 18(5) or 21 of the Adoption Act 1976⁽¹⁾ or under section 18(5) or 21 of the Adoption (Scotland) Act 1978⁽²⁾ and any other adoption agency, an authorised court may if it thinks fit by order transfer the parental rights and duties to the latter agency.

(1) 1976 c. 36
(2) 1978 c. 28