
STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART III

ADOPTION ORDERS

Supplemental

Notification to Board of adoption application, where child not placed by adoption agency

22.—(1) An adoption order shall not be made in respect of a child who was not placed with the applicant by an adoption agency unless the applicant has, at least 3 months before the date of the order, served notice on the Board within whose area he has his home of his intention to apply for the adoption order.

(2) On receipt of such a notice the Board shall investigate the matter and submit to the court a report of its investigation and shall assist the court in any manner the court may direct.

(3) Under paragraph (2), the Board shall in particular investigate,—

(a) so far as is practicable, the suitability of the applicant, and any other matters relevant to the operation of Article 9 in relation to the application; and

(b) whether the child was placed with the applicant in contravention of Article 11.

(4) A Board which receives notice under paragraph (1) in respect of a child whom the Board knows to be in the care of another Board shall, not more than 7 days after the receipt of the notice, inform that other Board in writing, that it has received the notice.

Enquiries to be made of Board, where child is to be placed by registered adoption society

23. Where a registered adoption society is considering the placement of a child with any person for adoption, the society shall make enquiries of the Board in whose area that person's place of residence is situated so that the Board may inform the society whether or not there is any reason to believe that the proposed adoption would be detrimental to the child.

Reports to court where child placed by agency

24.—(1) Where an application for an adoption order relates to a child placed by an adoption agency, the agency shall submit to the court a report on the suitability of the applicants and any other matters relevant to the operation of Article 9 and shall assist the court in any manner the court may direct.

(2) Arrangements may be made by an adoption agency which has placed a child for its functions in relation to that child with respect to the report on the suitability of the applicants for adoption and any other matters relevant to the operation of Article 9 to be discharged by another adoption agency where unforeseen and exceptional circumstances make such an arrangement necessary.

Restrictions on making adoption orders

25.—(1) The court shall not proceed to hear an application for an adoption order in relation to a child where a previous application for a British adoption order made in relation to the child by the same persons was refused by any court unless—

- (a) in refusing the previous application the court directed that this paragraph should not apply, or
- (b) it appears to the court that because of a change in circumstances or for any other reason it is proper to proceed with the application.

(2) The court shall not make an adoption order in relation to a child unless it is satisfied that the applicants have not, as respects the child, contravened Article 59.

(3) In this Article “British adoption order” means an adoption order, an order under the Adoption Act (Northern Ireland) 1967⁽¹⁾ or any provision for the adoption of a child effected under the law of any part of Great Britain or the Channel Islands or under the law of the Isle of Man.

Interim orders

26.—(1) Where on an application for an adoption order the requirements of Articles 16(1) and 22(1) are complied with, the court may postpone the determination of the application and make an order vesting the legal custody of the child in the applicants for a probationary period not exceeding 2 years upon such terms for the maintenance of the child and otherwise as the court thinks fit.

(2) Where the probationary period specified in an order under paragraph (1) is less than 2 years, the court may by a further order extend the period to a duration not exceeding 2 years in all.

Care, etc., of child on refusal of adoption order

27.—(1) Where on an application for an adoption order in relation to a child the court refuses to make the adoption order then—

- (a) if it appears to the court that there are exceptional circumstances making it desirable that the child should be under the supervision of an independent person, the court may order that the child shall be under the supervision of a specified Board;
- (b) if it appears to the court that there are exceptional circumstances making it impracticable or undesirable for the child to be entrusted to either of the parents or to any other individual, the court may by order commit the child to the care of a specified Board.

(2) Where the court makes an order under paragraph (1)(b) the order may require the payment by either or each parent to the Board, while it has the care of the child, of such weekly or other periodical sum towards the maintenance of the child as the court thinks reasonable.

(1) 1967 c. 35 (N.I.)