

*These notes refer to the Children (Leaving Care) Act (Northern Ireland)
2002 (c.11) which received Royal Assent on 22 November 2002*

Children (Leaving Care) Act (Northern Ireland) 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 4 – Advice and assistance for certain children and young persons aged 16 or over

Article 35A – Advice and assistance

Article 35A restates with amendments the powers and duties of authorities in respect of qualifying persons previously found in Articles 35(4) to (6) and 36(1) and (4) of the Children Order^{before} amendment by the Act.

Paragraph (1) places a duty on the relevant authority to consider whether a qualifying person meets the conditions set out in paragraph (2).

Paragraph (2) sets out the conditions, which are: that the qualifying person needs help of a kind which the relevant authority can give him, and (if not qualifying by virtue of being a care leaver) the authority is satisfied that the person who was looking after the young person is not in a position to offer that help.

Paragraph (3) states that if the conditions in paragraph (2) are met, the relevant authority must advise and befriend a young person who has been looked after by an authority or voluntary organisation, and may advise and befriend other qualifying young people.

Paragraph (4) provides that where an authority has a duty or a power to advise and befriend someone under this Article, it may also give him assistance.

Paragraph (5) enables an authority which gives assistance under paragraph (4) to provide such assistance in kind or, in exceptional circumstances, in cash.

Paragraph (6) applies existing Article 18(7) to (9) of the Children Order to any assistance which may be given under this Article or Article 35B. This requires an authority to take account of the means of the child concerned and his or her parents, and permits the authority, depending on their means, to require some or all of this assistance to be repaid.