

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

*Changes to legislation: Adoption and Children Act (Northern Ireland) 2022, Section 26 is up to date with all changes known to be in force on or before 28 April 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

#### *Placement of children by adoption agency for adoption*

PROSPECTIVE

#### **Further consequences of placement orders**

- 26.**—(1) Where a placement order is made in respect of a child and either—
- (a) the child is subject to a care order; or
  - (b) the court at the same time makes a care order in respect of the child,
- the care order does not have effect at any time when the placement order is in force.
- (2) On the making of a placement order in respect of a child, any order mentioned in Article 8(1) of the Children Order, and any supervision order in respect of the child, ceases to have effect.
- (3) Where a placement order is in force—
- (a) no prohibited steps order, residence order or specific issue order; and
  - (b) no supervision order or child assessment order,
- may be made in respect of the child.

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- (4) Subsection (3)(a) does not apply in respect of a residence order if—
- (a) an application for an adoption order has been made in respect of the child; and
  - (b) the residence order is applied for by a parent or guardian who has obtained the court's leave under subsection (3) or (5) of section 44 or by any other person who has obtained the court's leave under this subsection.
- (5) Where a placement order is in force, no special guardianship order may be made in respect of the child unless—
- (a) an application has been made for an adoption order; and
  - (b) the person applying for the special guardianship order has obtained the court's leave under this subsection or, if the person is a guardian of the child, has obtained the court's leave under section 44(5).
- (6) Article 14A(7) of the Children Order applies in respect of an application for a special guardianship order for which leave has been given as mentioned in subsection (5)(b) with the omission of the words “the beginning of the period of three months ending with”.
- (7) Where a placement order is in force—
- (a) Article 14C(1)(b) of the Children Order (special guardianship: parental responsibility) has effect subject to any determination under section 22(4);
  - (b) paragraphs (3) and (4) of that Article (special guardianship: removal of child from UK etc.) do not apply.

#### Commencement Information

- II** S. 26 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](#)