

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

*Changes to legislation: Adoption and Children Act (Northern Ireland) 2022, Section 28 is up to date with all changes known to be in force on or before 11 June 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

##### *Removal of children who are or may be placed by adoption agencies*

PROSPECTIVE

#### **Recovery by parent etc. where child not placed or is a baby**

**28.**—(1) Subsection (2) applies where—

- (a) a child who is not for the time being placed for adoption is being provided with accommodation by an adoption agency; and
- (b) the agency would be authorised to place the child for adoption under section 16 if consent to placement under that section had not been withdrawn.

(2) If any parent or guardian (“P or G”) of the child informs the agency that P or G wishes the child to return to P or G, the agency must secure the child’s return to P or G within the period of 14 days beginning with the request unless an application is, or has been, made for a placement order and the application has not been disposed of.

(3) Subsection (4) applies where—

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(a) a child is placed for adoption by an adoption agency and either the child is less than six weeks old or the agency has at no time been authorised to place the child for adoption; and

(b) any parent or guardian (“P or G”) of the child informs the agency that P or G wishes the child to return to P or G,

unless an application is, or has been, made for a placement order and the application has not been disposed of.

(4) The agency must give notice of the parent’s or guardian’s wish to the prospective adopters who must secure the child’s return to the agency within the period of seven days beginning with the day on which the notice is given.

(5) A prospective adopter who fails to comply with subsection (4) is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both.

(6) The agency must secure the child’s return to the parent or guardian in question before the end of the period of seven days from the day on which the child returns to the agency.

#### Commencement Information

**II** S. 28 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](#)