

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

*Changes to legislation: Adoption and Children Act (Northern Ireland) 2022, Section 35 is up to date with all changes known to be in force on or before 06 May 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 in non-agency cases*

PROSPECTIVE

#### **Authority foster parents**

**35.**—(1) This section applies if the child's home is with authority foster parents.

(2) If—

- (a) the child's home has been with the foster parents at all times during the period of five years ending with the removal and the foster parents have given notice of intention to adopt; or
- (b) an application has been made for leave under section 39(6) and has not been disposed of,

the following persons may remove the child.

(3) They are—

- (a) a person who has the court's leave;
- (b) an adoption authority or other person in the exercise of a power conferred by any statutory provision, other than Article 22(2) of the Children Order.

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(4) If subsection (2) does not apply but—

- (a) the child's home has been with the foster parents at all times during the period of one year ending with the removal; and
- (b) the foster parents have given notice of intention to adopt,

the following persons may remove the child.

(5) They are—

- (a) subject to subsection (6), a person with parental responsibility for the child who is exercising the power in Article 22(2) of the Children Order;
- (b) a person who has the court's leave;
- (c) an adoption authority or other person in the exercise of a power conferred by any statutory provision, other than Article 22(2) of the Children Order.

(6) The power mentioned in subsection (5)(a) is not exercisable by the person there mentioned for such period as the court may, on an application made by the adoption authority, order.

#### **Commencement Information**

**II** S. 35 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](#)