
STATUTORY INSTRUMENTS

1987 No. 2203

The Adoption (Northern Ireland) Order 1987

PART III

ADOPTION ORDERS

Freeing for adoption

Freeing child for adoption with parental agreement

17.—^[F1](1) Subject to paragraph (2), where, on the joint application of the parents or guardian of the child and an adoption agency, an authorised court is satisfied in the case of each parent or guardian that he freely, and with full understanding of what is involved, agrees—

- (a) generally, and
- (b) either unconditionally or subject only to a condition with respect to the religious persuasion in which the child is to be brought up,

to the making of an adoption order, the court shall make an order declaring the child free for adoption.]

(2) Where, on an application for an order under paragraph (1) in relation to a child, the mother of the child satisfies the court that her spouse ^[F2]or civil partner] is not the father of the child, the court may make the order on the joint application of the mother and the adoption agency.

^[F3](3) On the making of an order under paragraph (1), parental responsibility for the child is given to the adoption agency, and paragraphs (2) to (4) of Article 12 shall apply as if the order were an adoption order and the agency were the adopters.]

(4) Agreement by the mother of the child is ineffective for the purposes of this Article if given less than 6 weeks after the child's birth.

(5) Before making an order under paragraph (1), the court shall satisfy itself, in relation to each parent or guardian of the child who can be found, that he has been given an opportunity of making, if he so wishes, a declaration that he prefers not to be involved in future questions concerning the adoption of the child; and any such declaration shall be recorded by the court.

^[F4](6) Before making an adoption order or an order under paragraph (1) in the case of a child whose father does not have parental responsibility for him, the court shall satisfy itself in relation to any person claiming to be the father that—

- (a) he has no intention of applying for—
 - (i) an order under Article 7(1) of the Children (Northern Ireland) Order 1995, or
 - (ii) a residence order under Article 10 of that Order, or
- (b) if he did make any such application, it would be likely to be refused.

(7) Paragraphs (5) and (7) of Article 12 shall apply in relation to the making of an order under this Article as they apply in relation to the making of an order under Article 12.]

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- F1** 1995 NI 2
F2 Words in art. 17(2) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **30(6)** (with regs. 6-9)
F3 1995 NI 2
F4 1995 NI 2

Freeing child for adoption without parental agreement

18.—(1) Where, on an application by an adoption agency, an authorised court is satisfied in the case of each parent or guardian of a child that his agreement to the making of an adoption order should be dispensed with on a ground specified in Article 16(2) the court shall make an order declaring the child free for adoption.

(2) No application shall be made under paragraph (1) unless—

- (a) the child is in the care of the adoption agency; and
- (b) the child is already placed for adoption or the court is satisfied that it is likely that the child will be placed for adoption.

[^{F5}(2A) For the purposes of paragraph (2) a child is in the care of an adoption agency if the adoption agency is [^{F6}an][^{F7}HSC trust] and he is in its care.]

(3) Paragraphs (3), [^{F5} and (5) to (7)] of Article 17 shall apply to an order made by a court under paragraph (1) as they apply to an order made by a court under Article 17(1).

- F5** 1995 NI 2
F6 Word in art. 18(2A) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), **Sch. 1 para. 108**; S.R. 2022/102, art. 2(b)
F7 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

Progress reports to former parent

19.—(1) This Article and Article 20 apply to any person (“the former parent”) who was required to be given an opportunity of making a declaration under Article 17(5) or by virtue of Article 18(3) but did not do so.

(2) If at any time the former parent by notice makes a declaration to the adoption agency that he prefers not to be involved in future questions concerning the adoption of the child—

- (a) the agency shall secure that the declaration is recorded by the court which made the order freeing the child for adoption, and
- (b) paragraphs (3) and (4) and Article 20 shall not apply as respects that former parent.

(3) Within the 14 days following the date 12 months after the making of the order freeing the child for adoption the adoption agency [^{F8} to which parental responsibility was given] on the making of the order, unless it has previously by notice to the former parent informed him that an adoption order has been made in respect of the child, shall by notice to the former parent inform him—

- (a) whether an adoption order has been made in respect of the child, and (if not)
- (b) whether the child has his home with a person with whom he has been placed for adoption.

(4) If at the time when the former parent is given notice under paragraph (3) an adoption order has not been made in respect of the child, the adoption agency shall give notice to the former parent of the making of an adoption order (if and when made), and meanwhile shall give the former parent

notice whenever the child is placed for adoption or ceases to have his home with a person with whom he has been placed for adoption.

F8 1995 NI 2

Revocation of order freeing child for adoption

20.—(1) The former parent, at any time more than 12 months after the making of the order freeing the child for adoption when—

- (a) no adoption order has been made in respect of the child, and
- (b) the child does not have his home with a person with whom he has been placed for adoption,

may apply to the court which made the order for a further order revoking it on the ground that he wishes to resume^[F9] parental responsibility for the child].

(2) While the application is pending the adoption agency having^[F9] parental responsibility] shall not place the child for adoption without the leave of the court.

^[F9](3) The revocation of an order under Article 17(1) or 18(1) (“a freeing order”) operates—

- (a) to extinguish the parental responsibility given to the adoption agency under the freeing order;
- (b) to give parental responsibility for the child to—
 - (i) the child's mother; and
 - (ii) where the child's father and mother were married to ^[F10], or civil partners of,] each other at the time of his birth, the father; and
- (c) to revive—
 - (i) any parental responsibility agreement,
 - (ii) any order under Article ^[F11]7] of the Children (Northern Ireland) Order 1995, and
 - (iii) any appointment of a guardian in respect of the child (whether made by a court or otherwise),extinguished by the making of a freeing order.

(3A) Subject to paragraph (3)(c), the revocation does not—

- (a) operate to revive—
 - (i) any order under the Children (Northern Ireland) Order 1995,or
- (ii) any duty referred to in Article 12(3)(c),

extinguished by the making of the freeing order; or

- (b) affect any person's parental responsibility so far as it relates to the period between the making of the freeing order and the date of revocation of that order.]

(4) Subject to paragraph (5), if the application is dismissed on the ground that to allow it would contravene the principle embodied in Article 9—

- (a) the former parent who made the application shall not be entitled to make any further application under paragraph (1) in respect of the child, and
- (b) the adoption agency is released from the duty of complying further with Article 19(3) as respects that parent.

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(5) Paragraph (4)(a) shall not apply where the court which dismissed the application gives leave to the former parent to make a further application under paragraph (1), but such leave shall not be given unless it appears to the court that because of a change in circumstances or for any other reason it is proper to allow the application to be made.

F9 1995 NI 2

F10 Words in art. 20(3)(b)(ii) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), [30\(7\)\(a\)](#) (with regs. 6-9)

F11 Word in art. 20(3)(c)(ii) substituted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), [30\(7\)\(b\)](#) (with regs. 6-9)

[^{F12}Variation of order under Article 17(1) or 18(1) so as to substitute one adoption agency for another

21.—(1) On an application to which this Article applies, an authorised court may vary an order under Article 17(1) or 18(1) so as to give parental responsibility for the child to another adoption agency (“the substitute agency”) in place of the agency for the time being having parental responsibility for the child under the order (“the existing agency”).

(2) This Article applies to any application made jointly by—

- (a) the existing agency; and
- (b) the would#be substitute agency.

(3) Where an order under Article 17(1) or 18(1) is varied under this Article, Article 19 shall apply as if the substitute agency had been given responsibility for the child on the making of the order.]

F12 1995 NI 2

Changes to legislation:

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- s. 6(2) words inserted by [S.I. 2019/1514 reg. 29\(4\)](#)
- art. 60(1A) inserted by [2022 c. 18 \(N.I.\) Sch. 4 para. 6\(a\)](#)