

CHILDREN AND ADOPTION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 2 - Adoptions With A Foreign Element

Section 14 - Other amendments relating to adoptions from abroad

66. *Section 14* makes further provision regarding intercountry adoption. *Subsection (1)* amends section 83 of the Adoption and Children Act 2002. Section 83, among other things, makes it an offence for a British resident to bring or cause someone else to bring into the United Kingdom a child who was habitually resident outside the British Islands who has been adopted within the period of six months before he was brought in, unless the adopter meets certain requirements and conditions. These conditions include that the adopter has been assessed and approved in accordance with regulations. This section extends that time limit to twelve months.
67. *Subsection (2)* provides that the amendment mentioned above will only apply in relation to a child adopted under an external adoption order made after the change from six to twelve months is brought into force. Before commencing this amendment, the Government will look to give a sufficient period of notice.
68. Where a notice of intention to adopt a child (who has been brought into the country for the purposes of intercountry adoption) has been provided to a local authority the authority will have certain functions to discharge in respect of him, under regulations made under section 83 of the Adoption and Children Act 2002. Following the repeal of the 'protected child' provisions in the Adoption Act 1976, such a child may also be considered to be a privately fostered child as defined in section 66 of the 1989 Act. If he is then the local authority would have duties in respect of the child under regulations made under section 67 of the 1989 Act. The functions imposed on the local authority under these regulations are separate from, but additional and similar to, those imposed under the regulations made under section 83 of the Adoption and Children Act 2002. The effect of the provision in section 14(3) is to exclude a child in respect of whom a notice of intention to adopt has been served from the definition of a privately fostered child, so preventing the local authority being subject to two different sets of duties in respect of the same child.