The Adoption Authority of Ireland

Annual Report 2011
Membership of the Board - 2011

Dr. Geoffrey Shannon, Chairman
Ms. Helen Collins, Deputy Chairperson
  Ms. Siobhan Keogh
  Ms. Corrina Carrick
  Ms. Ann McWilliams

Chief Executive Officer: Ms. Elizabeth Canavan
  (March – September 2011)
Director of Services: Mr. Conor Kerlin
Registrar and Secretary to the Board: Mr. Kiernan Gildea
Acting Principal Social Worker: Ms. Celia Loftus
Report of
Udarás Uchtála
Adoption Authority of Ireland
for 2011

To: Ms. Frances Fitzgerald, T.D.
Minister for Children and Youth Affairs,
Department of Children and Youth Affairs.
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Chairman’s Foreword

2011 was a busy and challenging year for the Adoption Authority of Ireland (“the Authority”) as it was the first full year of operation of the Adoption Act 2010 (“the 2010 Act”).

The 2010 Act provides for the 1993 Hague Convention to have legal effect in this jurisdiction and for judicial notice to be taken of the explanatory report on the Hague Convention prepared by Mr. Gonzalo Parra-Aranguren in 1993, on behalf of the Permanent Bureau of the Hague Conference. The 1993 Hague Convention is an international instrument that attempts to ensure that intercountry adoption takes place in the best interests of the child and with respect for his or her fundamental rights as recognised in international law.

The Convention was challenging for the Authority as it put in place the infrastructure for the new legislation and the processes and procedures of the Hague Convention. New statutory regulations and forms were drafted to render the new legislation operational. This report details the activities and progress achieved by the Authority during 2011.

Over 500 domestic files were forwarded to the Health Service Executive for assessment under the new legislation. Over 740 Declarations of Eligibility and Suitability or extensions were granted. In addition, 620 applications for entry on the National Adoption Contact Preference Register were processed.

Delegations from the Authority visited the United States of America, Bulgaria, Italy, Mexico, Vietnam and Russia to discuss mechanisms for implementing the Hague Convention or establishing bi-lateral agreements which will ensure that adoptions are effected to the highest possible standards.

The 2010 Act established the Authority as a separate corporate entity. Considerable work was carried out on drafting the Authority’s first Corporate Plan, to be published during 2012. Much work remains to be done but I am confident that during 2011 the Authority has laid the foundations for the world-class adoption service we all strive for.

I thank all members of the Authority for their willingness to attend extra meetings to enable the Authority to fulfil its statutory functions.

On my own behalf and on behalf of my fellow members, I would like to thank the staff of the Authority for their commitment and dedication to the work of the Authority. It is very much appreciated.

I also wish to acknowledge the continued support and assistance of the Minister for Children and Youth Affairs, Frances Fitzgerald, T.D. and the staff of the Office of the Minister for Children and Youth Affairs.

Dr. Geoffrey Shannon
Chairman
REVIEW OF THE YEAR
1. DOMESTIC ADOPTION

Activity Analysis
The Authority granted 71 Declarations of Eligibility and Suitability in 2011 to applicants seeking to adopt in Ireland. 39 Adoption Orders were granted. 16 of these were family adoptions while 23 were non-family adoptions. (see Tables 1-2)

Declaration of Eligibility and Suitability
Since the enactment of the Adoption Act 2010 on 1st November 2010, it is now a requirement that all applicants wishing to adopt in Ireland must be in possession of a valid Declaration of Eligibility and Suitability before an adoption order can be made.

Processing of Domestic Applications
The Act changed the focus of the AAI from service provider to service regulator which requires that the processing of all domestic adoption applications is undertaken by the Regional Adoption Services of the Health Service Executives. The change in legislation required all applications held by the then Adoption Board social work and administrative staff to be transferred to the relevant Health Service Executives. This considerable task involved securing the permission of all applicants who currently had an adoption application with the Board to release their file to the HSE and subsequently transferring the social work assessments and administrative procedures related to all the applications to the relevant Regional adoption service provider. Over 500 files were transferred to the Health Service Executive in 2011.

The processing of applications for Declarations of Eligibility and Suitability and applications for Adoption Orders is a new area of work now being provided by the Regional Adoption Service of the Health Service Executive. Domestic adoption processes and social work guidance and training were provided by the Authority to assist the various service providers in processing applications.

Consultation of Birth/Natural Father
With the enactment of the Adoption Act 2010, significant developments have taken place in relation to the process of consultation of the birth/natural father. Firstly, in cases where the nature of the relationship between the natural parents or the circumstances of the conception it is inappropriate for the birth/natural father to be contacted, the Authority after first obtaining the approval of the High Court may authorise the Health Service Executive or an Accredited Body to place the child for adoption. Secondly, where the identity of the father of a child is unknown or the mother refuses to reveal the father’s identity, the Authority again after first obtaining the approval of the High Court may authorise the Health Service Executive or an Accredited Body to place the child for adoption. Similar provisions also apply where a child is already living with prospective adopters (e.g. in a step-family situation). The Authority must first obtain the approval of the High Court before it may make the adoption order without consulting the father. This new requirement of necessitating High Court approval created significant delays in processing domestic adoption applications during 2011.
2. ACCREDITATION OF ACCREDITED BODIES

Under the Adoption Act 2010, Adoption Societies that had previously been on the former Adoption Board’s ‘Register of Adoption Societies’ were not automatically entitled to be entered into the ‘Register of Accredited Bodies’ but were required to apply to be accredited.

These societies could not legally provide any adoption related services whatsoever until such accreditation was granted by the Authority. The Authority granted accreditation to twelve such Accredited Bodies during 2011. (See Table 11)

3. INTERCOUNTRY ADOPTION

Activity Analysis

The Authority granted 626 Declarations of Eligibility and Suitability in 2011 to applicants seeking to adopt abroad, compared to 423 in 2010. There was a discernible shift in applicants’ choice of country towards Russia and Ethiopia and away from China and Vietnam. A total of 342 entries were made in the Register of Intercountry Adoptions in respect of all relevant sections of the Adoption Act 2010.

The Authority accredited the mediation agency ARC, the support and advisory agency IAA, and assessment agencies PACT, Families for Children and Pathways to Adoption during this year.

Country Specific Issues - Hague Convention States

Bulgaria

Representatives of the Adoption Authority of Ireland met with the Bulgarian Central Authority in the Bulgarian capital Sofia in March 2011. The Bulgarian Central Authority (known as the ‘Bulgarian Adoption Council’) is a part of the Ministry of Justice.

Bulgaria ratified the Hague Convention in 2003. There are about 750 domestic adoptions annually, many of these being family/relative adoptions. There are approximately 250 intercountry adoptions effected under the Hague Convention.

The Bulgarian Adoption Council operates within the Ministry of Justice and holds two adoption registers – the first is essentially a comprehensive national register of all children available for adoption. When a child has not secured an adoption following referrals to three Bulgarian families, he/she may then be placed on a separate register for a potential intercountry adoption.

Children are placed on the national adoption register about six months after first contact with the municipal social services who must satisfy themselves that the mother/parents are unable to care for the child. Consents can only be taken at least four weeks after the birth. Birth parents’ consents can be withdrawn by them at any time up to the making of the adoption order.
The age profile of those children available for intercountry adoption is broadly similar to that in most other Hague Convention ‘countries of origin’. None of the children are under one year old. Generally, they are over 3 years old and mostly aged around about 5 years. However, a considerable number of children are older and in the range up to 8 years and 11 years old. These children may have special needs in terms of their age, education, institutionalisation, ethnicity and some quite significant health issues.

There is an apparent disparity between the profile of these Bulgarian children and the expectations of Irish applicants. The Bulgarian authorities require home assessment reports with in-depth analysis of the prospective parents’ capacities in relation to children with special needs. Prospective adoptive parents, therefore, need to view the profiles of the available children and assess their expectations in a realistic manner.

In line with best practice and the terms of the Hague Convention, the Bulgarian authorities approve matches initially through the Bulgarian Adoption Council in order to ensure that all matches are in the children’s best interests. This also serves to eliminate the practice of prospective adopters meeting children prior to matching.

Furthermore, those applicants whose country of choice is Bulgaria should be aware that the Authority, pursuant to Article 22 of the Convention, has delegated the activities outlined in Article 15 (2) of the Convention, i.e. the transmission of the applicants’ dossiers (home study report etc) to ARC Adoptions Ltd.

United States of America
Representatives of the Authority met with the U.S. National Central Authority (the U.S. State Department) in Washington in November 2011. The visit took place within the context of a number of concerns which have arisen as regards the operational process and procedures around intercountry adoption from the U.S.A., including the State of Florida.

The matters in question were

- Birth mother consents - the circumstances around and situations within which, and the legal parameters governing, the securing of legal consent from natural birth mothers to the adoption.
- Principle of subsidiarity- an underlying tenet of best international practice within intercountry adoption holds that the option of intercountry adoption should be examined only after all other precedent options for the suitable care of the child within his/her country of birth have been examined and evaluated e.g. foster care with relatives or with strangers, domestic adoption by relatives or strangers in the country of origin etc.
- Monetary consideration – it is a core tenet of Irish law and practice, and of Hague, that only reasonable levels of professional legal fees etc and provision of justifiable levels of reimbursement of expenses may be permitted.
- Matching - the concept of professionally supervised and mediated matching is a core, fundamental and essential aspect of the Hague Convention. This requires that each child available for adoption should be carefully matched by qualified social care professionals with a suitable prospective adoptive parent(s) through the joint collaboration of the two ‘National Central Authorities’ of the respective ‘sending’ and ‘receiving’ countries, or in the alternative,
through the joint collaboration of two registered and accredited adoption mediation agencies, one in each of the respective countries, either working with each other directly or through the medium of the National Central Authorities.

- Birth father notification and consultation.

**India**

In July 2011, the Authority was informed by the Indian National central Authority, the Central Adoption Resource Authority (CARA) that it was in the process of revising its intercountry family adoption guidelines. By year end, there was no change to this position.

**Mexico**

Representatives of the Authority met with the Mexican National Central Authority (the Department of External Affairs) in Mexico City in December 2011.

Items discussed included

- the adoption process in Mexico
- the accreditation process in Mexico for accredited bodies
- Mexico and Ireland working together within the Hague Convention

The Mexican authorities stated that all documentation for intercountry adoption must be sent by the Authority, or a body accredited by the AAI, to the National Central Authority (as per Mexican notice on the Hague Convention website); that there was only one system of intercountry adoption within Mexico (i.e. a public and statutorily regulated system); that the ‘matching’ process is conducted by a Technical Group at DIF level; that some Mexican States allowed for adoptions outside of public entities but that these adoptions were domestic simple adoptions only and that visa applicants must clearly state the actual purpose of their journey to Mexico.

**South Africa**

In June 2011, South Africa authorities advised the Authority that it currently had Working Agreements with 11 countries. South Africa’s strategy was, first and foremost to promote adoptions within South Africa. Approximately 2,500 adoptions per year are approved by the authorities. Of these approximately 200 are intercountry adoptions.

During 2011/2012, the South African Department of Social Development proposes to review the current adoption arrangements, both in country and with countries abroad. Once this review has been completed, the Department may amend the current arrangements in line with the review results. One of the possible recommendations of the review might be to open negotiations on intercountry adoption with a number of additional countries. Ireland might possibly be one of these countries.

In the event that a Working Agreement is concluded with Ireland, both countries would each assign one of their own Adoption Agencies to facilitate intercountry adoptions. A number of agencies are accredited by the SA Department of Social Development to facilitate adoptions abroad. No agency has, as yet, been assigned by the Department of Social Development to work with Ireland.
Thailand
A delegation from the Thai National Central Authority, the Child Adoption Centre, met with the Authority in April 2011. The delegation detailed the adoption process in Thailand under Hague.

Most domestic adoptions in Thailand are in-family relative adoptions and there are also domestic adoptions of non-relative children, most of whom have been relinquished or abandoned to baby homes. Children who are not accepted by Thai couples for adoption are placed on an Intercountry adoption register. The process required to ensure the child's eligibility for adoption prior to placement on the ICA register is done by District Offices and is comprehensive, including address checks, birth certificate, checks done through the police, relatives and blood tests if necessary. Due to the length of this process, the children placed on the ICA register are at least over one year old and mostly aged over two years. Some children can have minor health problems.

The matching process includes a monthly meeting where representatives of baby homes meet with the National Central Authority. Children are matched with families using the child's availability and needs for adoption as the primary criteria.

At present, Irish applicants who may seek to adopt from Thailand face a wait of 30 to 36 months, as there is currently a 'nil' quota for Ireland on the Thai ICA register. Prospective applicants might also note that there was no agency accredited to facilitate adoption arrangements between Thailand and Ireland in 2011.

It is the Authority’s understanding that adoptions from Thailand are 'simple' adoptions, i.e. the pre-existing legal relationship between the child and its natural parents is not broken by a Thai adoption.

Country Specific Issues - Non-Hague Convention states

Russian Federation
Representatives from the Department of Children & Youth Affairs and the Authority met with officials of the Ministry of Education & Science of the Russian Federation in Moscow in December 2011.

The visit took place within the context of exploratory talks on the possibility of agreeing the outlines of a future draft bilateral agreement on intercountry adoption between Ireland and the Russian Federation.

Ethiopia
In March 2011, the Authority was informed by the Irish embassy in Addis Ababa that the Ethiopian Ministry of Women’s, Children’s and Youth Affairs (MWCYA) were undertaking a review of adoptions in that country. The Ministry undertook visits to orphanages in four regions and will continue with visits to the remaining regions during 2011.

Once the review had been completed, a set of guidelines would be finalised by the Ethiopian authorities. These guidelines would address the issue of ‘private / independent adoptions’. (Irish adoptions are categorised as ‘private / independent adoptions’ in that the prospective adoptive
parents deal directly with the children’s home and do not go through an accredited agency). MWCYA advised that there would be a ‘pause’ in private adoptions until the revised guidelines were in place.

The Authority welcomed the decision of the MWCYA to review its adoption procedures. The Authority is committed to working with the Ministry to ensure that any adoptions effected in Ethiopia comply with Ethiopian law and accord with the standards of the Hague Convention. Representatives of the Authority will visit Ethiopia in 2012.

**Review of foreign jurisdictions adoption laws**

In order to qualify for an entry in the Register of Intercountry Adoptions, a ‘foreign’ adoption must comply with the definition of a “foreign” adoption as stated in Section 1 of the Adoption Act 1991.

During 2011, the Board examined the adoption laws of Tanzania and found that the adoptions carried out in accordance with the laws of that country are compatible with the definition of a 'foreign' adoption as stated in Section 1 of the Adoption Act 1991 and may qualify for an entry in the Register of Intercountry Adoptions.
4. INFORMATION AND TRACING

Information and Tracing legislation

The Authority very much welcomes the commitment by the Minister for Children and Youth Affairs to introduce an Adoption Information and Tracing Bill in 2012.

The introduction of legislation that reflects the very significant changes that have taken place in Irish society with regard to this issue is long overdue. The lack of such legislation continues to cause severe difficulties in the provision of a service adequate to the needs and aspirations of many thousands of Irish adopted people and their natural relatives. A particular concern for many adopted adults is the lack of access to background medical information with regard to both themselves and their own children.

The Information and Tracing Unit has been consulted by the Department of Children and Youth Affairs officials responsible for drafting the Bill. The Unit has made the Department aware of the outcomes of the extensive consultation process undertaken in this regard by the former Adoption Board between 2003 and 2007, with input from HSE and registered adoption society practitioners along with representatives from support and advocacy groups for adopted people, natural parents and adoptive parents. This process led directly to the introduction of the NACPR in 2005 and the publication by the Adoption Board of the ‘Standardised Framework for the Provision of a National Information & Tracing Service’. The Department of Children and Youth Affairs has also been informed of the outcomes of the public survey undertaken to inform the Corporate Plan of the AAI as almost half of the respondents to the survey made strong submissions indicating the need for legislation in this area.

The Authority considers that the Framework, which had the approval of all the parties involved in the consultation process, reflects the extremely complex issues that arise in this regard and provides a sound basis for the drafting of legislation which will enable the provision of a service that respects the needs and rights of all those concerned.

The Authority remains ready to provide any advice and assistance that it can in this regard.

Activity Analysis

In 2011, the Information and Tracing Unit received more than 1,700 written requests by letter and email for information and/or assistance from members of the public, the HSE Adoption Service and Accredited Bodies and handled approx 5,000 telephone enquiries. The Unit also processed 620 applications to join the National Adoption Contact Preference Register, which resulted in 60 “matches”.

National Adoption Contact Preference Register (NACPR)

The Authority continues to receive approx 30 applications to join the NACPR each week. At year end there were 6,738 adopted people registered including over 3,000 natural relatives which had generated 542 “matches” since the Register was established in 2005.

The breakdown by age, gender, contact preferences etc. are essentially same as set out in a review of the operation of the Register from 2005 to 2007. This review is available to download from: www.aai.gov.ie/index.php/information-a-tracing/information-booklets.html
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*Sources: Statistical Abstracts, (various years) C.S.O.*
### Table 2 — Adoption Order granted / Accredited Bodies concerned

Health Service Executive 39

### Table 3 — Entries in the Register of Foreign Adoptions, 1991-2010, entered pursuant to Section 5 of the Adoption Act 1991 and in the Register of Intercountry Adoptions, pursuant to Section 57(2)(b)(ii) of the Adoption Act 2010, for 2011. (Applicants habitually resident in Ireland holding a valid Declaration of Eligibility & Suitability at the time of effecting the adoption)

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Table 4 — Entries in the Register of Intercountry Adoptions, pursuant to Section 57(2)(b)(ii) of the Adoption Act 2010, for 2011 only. (Applicants habitually resident in Ireland holding a valid Declaration of Eligibility & Suitability at the time of effecting the adoption)

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Table 6 — Total number of adoptions recognised in 2011, where the adoptions were effected after the enactment of the Adoption Act 2010 and where the adopters were habitually resident abroad. (Section 57(2)(b)(i) of the Adoption Act 2010 refers).

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Table 7 — Total number of adoptions recognised between 2007 and 2011, where the adopters were habitually resident in Ireland and held a valid Declaration of Eligibility & Suitability at the time of effecting the adoption). (Section 5, Adoption Act 1991 and Section 57(2)(b)(ii) of the Adoption Act 2010 refers).

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Table 9 — Number of Declarations of Eligibility and Suitability granted and refused by the Adoption Board under the Adoption Act, 1991.

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Table 10 — Number of Declarations of Eligibility and Suitability granted and refused by the Adoption Authority of Ireland under the Adoption Act 2010.

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<td>AB06/2011</td>
<td>Cúnamh</td>
<td>Section 4 (a,c,d,j,k)</td>
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<td>08/03/2011</td>
<td>CPRSI House, 30 South Anne Street, Dublin 2</td>
<td>Amended 31/5/2011 (a,b,c,d,h,i,j,k)</td>
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<td>AB07/2011</td>
<td>Barnardos Post Adoption Service,</td>
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<td>31/05/2011</td>
<td>Hyde Square, 654 South Circular Road, Dublin 8</td>
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<td>AB08/2011</td>
<td>Families for Children Adoption Agency Limited</td>
<td>Section 4 (e,f,g)</td>
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<td>08/06/2011</td>
<td>Level 1, Unit 12, Woodfort Court, Woodfort Industrial Estate, Santry, Dublin 17.</td>
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<td>AB09/2011</td>
<td>St. Mura’s Adoption Society</td>
<td>Section 4 (k)</td>
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<td>14/6/2011</td>
<td>St. Mura’s Adoption Society, Pastoral Centre, Monastery Avenue, Letterkenny, Co. Donegal</td>
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<td>AB10/2011</td>
<td>CLARECARE</td>
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<td>28/06/2011</td>
<td>Harmony Row, Ennis, Co. Clare</td>
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<td>AB11/2011</td>
<td>PATHWAYS TO ADOPTION</td>
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<td>28/09/2011</td>
<td>3 Church Lane, Rathmines, Dublin 6</td>
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<td>AB12/2011</td>
<td>ARABELLA COUNSELLING</td>
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<td>18/10/2011</td>
<td>T/A Here2Help</td>
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<td>18D Nutgrove Office Park, Rathfarnham, Dublin 14</td>
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