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**AN BILLE UCHTÁLA OSCAILTE, 2014**  
**OPEN ADOPTION BILL 2014**

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**EXPLANATORY MEMORANDUM**

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*Purpose of Bill*

The purpose of the Bill is to provide for the possibility of access to a child by a natural parent or relative of the natural parent after the making of the adoption order.

*Provisions of Bill*

*Section 1* amends section 58 of the Adoption Act 2010. At present that section extinguishes all rights of the natural parents and their relatives, such as grandparents, upon the making of an adoption order. The Bill amends this so as to allow the natural parent or relative to either agree with the Adoption Authority of Ireland or the adopters to facilitate ongoing access, or by allowing the natural parent to apply to court.

The existing law is far too inflexible and cuts off natural parents, grandparents and other relatives in an absolute way that does not apply to other family situations. Outside the adoption context, there is a discretion given to the court to allow access to relatives for example. Irish law should recognise that there can be a diversity of arrangements for access to children, and the one-size-fits-all model in the 2010 Act is outdated and absolutist.

In relation to relatives, this term is defined in section 3 of the Adoption Act 2010 as “a grandparent, brother, sister, uncle or aunt of the child, whether of the whole blood, of the half-blood or by affinity and includes the spouse of any such person, relationship to the child being traced through the mother or the father.”

*Section 2* is a standard provision.

*Financial and regulatory implications.*

There are no financial implications other than purely incidental costs if additional court applications are made under the Bill.

*Anne Ferris T.D.,*  
*Márta, 2014.*