SEANAD ÉIREANN

AN BILLE UCHTÁLA (FAISNÉIS AGUS LORGAIREACHT),
2016
ADOPTION (INFORMATION AND TRACING) BILL 2016
LEASUITHE COISTE
COMMITTEE AMENDMENTS
SECTION 2

1. In page 6, line 5, to delete “otherwise adopted” and substitute “adopted, prior to the date on which the Adoption Act 1952 came into operation,”.

2. In page 6, between lines 6 and 7, to insert the following:

“(d) born outside the State to an Irish mother and placed for adoption in the State by An Bord Uchtála, a person who was at the time a registered adoption society, the Authority or the Agency,

(e) adopted illegally as defined under ‘illegal adoption’,

(f) born outside the State and brought to the State for adoption, regardless of whether An Bord Uchtála or the Authority has sanctioned an adoption order;”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

3. In page 6, between lines 6 and 7, to insert the following:

“Adoption Advisory Group” means the advisory group convened by the Minister as prescribed in section 46#;”.

—Senator Marie-Louise O'Donnell.

[#This is a reference to the section proposed to be inserted by amendment No. 150.]

4. In page 6, line 8, after “person” to insert “(other than a person who is a previous adoptive parent of the adopted child)”.

5. In page 6, line 12, to delete “section 23(1), 23(2), 30(1),” and substitute “section 22(1)#, 22(2)#,”.

[#These are references to subsections proposed to be inserted by amendment No. 69.]
[SECTION 2]

*6. In page 6, between lines 15 and 16, to insert the following:

““birth certificate” means a document issued under section 13(4) of the Civil Registration Act 2004 in respect of an entry in the register of births, and a reference to a birth certificate of a particular person means such a document issued in respect of the person’s birth;”.

7. In page 6, to delete lines 16 to 21 and substitute the following:

““birth certificate” means the official document which records the adopted person’s birth and identifies them by name, place, date of birth and parentage;”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

8. In page 6, to delete line 16 and substitute the following:

““birth certificate” means the official document which records the adopted person’s birth and identifies them by name, place, date of birth, and parentage, which may include—”.

—Senator Alice-Mary Higgins.

9. In page 6, line 28, to delete “, at the time of the person’s birth,”.

—Senator Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

10. In page 7, between lines 5 and 6, to insert the following:

“(l) his or her contact details;
(m) photographs;
(n) his or her parents’ and grandparents’ occupations;
(o) his or her marital status;
(p) number of siblings in his or her family;
(q) whether the birth parents’ families were aware of the adoption;
(r) in the case of the person’s birth mother, whether any of her other children were adopted;
(s) any other information which the birth parent may have provided;”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

11. In page 7, line 18, after “means” to insert “personal data”.

—Senator Marie-Louise O'Donnell.

12. In page 7, line 18, after “person,” to insert “personal data or”.

—Senator Alice-Mary Higgins.
13. In page 7, line 20, after “includes” to insert “but is not limited to”.

—Senator Alice-Mary Higgins.

14. In page 7, between lines 28 and 29, to insert the following:

“(e) the adopted person’s forename and surname at the time of his or her birth,

(f) the date of his or her birth,

(g) the place at which he or she was born,

(h) the forename and surname of the person’s birth mother at the time of the birth mother’s birth,

(i) details regarding the circumstances of birth, e.g. was it a normal birth or if there were complications,

(j) the adopted person’s birth weight,

(k) whether the adopted person was carried to full term, and if not, what precipitated early delivery and at what stage in the pregnancy,

(l) whether the adopted person presented as healthy at birth,

(m) details concerning the adopted person’s health from birth until the time of placement with the adoptive parents,

(n) whether the birth mother was resident in any other institution offering social care/support either prior to or subsequent to the adopted person’s birth,

(o) whether the birth mother stayed at the institution with the adopted person prior to their placement with the adoptive parents,

(p) any anecdotal information regarding the adopted person’s stay in the institution,

(q) if applicable, whether the birth mother was transferred from the Mother and Baby Home to a Magdalene Laundry and if so, details of the circumstances,

(r) if applicable, whether the birth mother was transferred from a Magdalene Laundry to the Mother and Baby Home prior to giving birth and if so, details of the circumstances,

(s) whether the birth mother gave informed consent to the adoption,

(t) whether the birth mother was made aware of or offered any other choices apart from adoption,

(u) whether the birth mother received support after the adoption;”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O’Donnell.

15. In page 7, between lines 28 and 29, to insert the following:

“(e) the adopted person’s forename and surname at the time of his or her birth,

(f) the date of his or her birth,
(g) the place at which he or she was born,
(h) the forename and surname of the person’s birth mother at the time of the birth mother’s birth,
(i) details regarding the medical circumstances of the adopted person’s birth,
(j) details concerning the adopted person’s health from the birth until the time of placement with the adoptive parents,
(k) details of the birth mother’s place of residence during and immediately after the pregnancy and birth,
(l) details of whether the birth mother gave informed consent to the adoption;”.

—Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

16. In page 7, between lines 28 and 29, to insert the following:

“(e) the adopted person’s forename and surname at the time of his or her birth,
(f) the date of his or her birth,
(g) the place at which he or she was born,
(h) the forename and surname of the person’s birth mother at the time of the birth mother’s birth,
(i) details regarding the circumstances of birth, e.g. was it a normal birth or if there were complications,
(j) the adopted person’s birth weight,
(k) whether the adopted person was carried to full term, and if not, what precipitated early delivery and at what stage in the pregnancy,
(l) whether the adopted person presented as healthy at birth,
(m) details concerning the adopted person’s health from birth until the time of placement with the adoptive parents,
(n) whether the birth mother was resident in any other institution offering social care/support either prior to or subsequent to the adopted person’s birth,
(o) whether the birth mother stayed at the institution with the adopted person prior to their placement with the adoptive parents,
(p) any anecdotal information regarding the adopted person’s stay in the institution,
(q) if applicable, whether the birth mother was transferred from the Mother and Baby Home to a Magdalene Laundry and if so, details of the circumstances,
(r) if applicable, whether the birth mother was transferred from a Magdalene Laundry to the Mother and Baby Home prior to giving birth and if so, details of the circumstances,
(s) whether the birth mother gave informed consent to the adoption,
(t) whether the birth mother was made aware of or offered any other choices apart from adoption,
(u) whether the birth mother received support after the adoption,
(v) birth relative information;”.

—Senator Alice-Mary Higgins.

17. In page 7, between lines 28 and 29, to insert the following:

““illegal adoption” means an illegal adoption, where any of the following occurs:

(a) where the adoptive parents were not resident in the State at the time of the adoption,
(b) where a relinquished child over a year old was sent overseas for adoption without the consent and knowledge of the birth mother,
(c) where informed consent was not given, including in the case of birth mothers who were minors and who signed consent without a guardian or legal advisor present,
(d) any adoption arranged by a private person or private body not regarded as a registered adoption agency,
(e) any adoption arranged by a registered adoption agency or other body for the purpose of financial gain;”.

—Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

18. In page 7, between lines 28 and 29, to insert the following:

““illegal adoption” means an illegal adoption, including but not limited to, where any of the following occurs:

(a) where a child was registered as the natural child of the adoptive parents without the birth mother’s knowledge or consent and no adoption order was made;
(b) where a child was registered as the natural child of the adoptive parents and an adoption order was made;
(c) where the adoptive parents were not resident in the State at the time of the adoption;
(d) where a relinquished child over a year old was sent overseas for adoption without the consent and knowledge of the birth mother;
(e) where informed consent was not given, including in the case of birth mothers who were minors and who signed consent without a guardian or legal advisor present;
(f) any adoption arranged by a private person or private body not regarded as a registered adoption agency;
(g) any adoption arranged by a registered adoption agency or other body for the purpose of financial gain;”.
19. In page 7, to delete lines 29 to 35 and substitute the following:

“illegal adoption” means an illegal adoption, where any of the following situations occurred:

(a) where a non-marital child was registered as the natural child of the adoptive parents without the birth mother’s knowledge or consent and no adoption order was made;
(b) where a non-marital child was registered as the natural child of the adoptive parents and an adoption order was made;
(c) where a marital child was registered as the natural child of the adoptive parents and no adoption order was made;
(d) where a marital child was registered as the natural child of the adoptive parents and an adoption order was made;
(e) where the adoptive parents were not resident in the state at the time of the adoption;
(f) where a relinquished child over a year old was sent overseas for adoption without the consent and knowledge of the birth mother;
(g) where informed consent was not given, including in the case of birth mothers who were minors and who signed consents without a guardian or legal advisor present, without understanding the importance of severing parental rights;
(h) any adoption arranged by a private person or private body, not regarded as a registered adoption agency;
(i) any adoption arranged by a registered adoption agency or other body for the purpose of financial gain;”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.

20. In page 7, to delete lines 29 to 35 and substitute the following:

“illegal adoption” means an illegal adoption, where any of the following occurs:

(a) where the adoptive parents were not resident in the State at the time of the adoption,
(b) where a relinquished child over a year old was sent overseas for adoption without the consent and knowledge of the birth mother,
(c) where informed consent was not given, including in the case of birth mothers who were minors and who signed consent without a guardian or legal advisor present
(d) any adoption arranged by a private person or private body not regarded as a registered adoption agency,
(e) any adoption arranged by a registered adoption agency or other body for the purpose of financial gain;”.

—Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

21. In page 7, to delete lines 29 to 35.

—Senator Alice-Mary Higgins.

22. In page 7, between lines 35 and 36, to insert the following:

““Independent Archive” means the independent, centralised national repository of adoption and related historic abuse records;

“Independent Information Service” means the information service provided to adopted people, natural parents and others as part of the Independent Archive.”.

—Senator Marie-Louise O'Donnell.

23. In page 8, between lines 6 and 7, to insert the following:

“(d) unregistered adoption societies,

(e) any agency or institution involved in the facilitation or arrangement of adoptions,”.

—Senator Alice-Mary Higgins.

24. In page 8, between lines 8 and 9, to insert the following:

“(f) any agency, institution, organisation or individual involved with unmarried mothers and their children in Ireland;”.

—Senators Fintan Warfield, Rose Conway-Walsh, Mairé Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.

25. In page 8, between lines 8 and 9, to insert the following:

““maternity information” includes, in relation to a natural mother, all information relating to her antenatal care, her maternity care, her placement in any institution and the arrangements surrounding such placement, the birth and care of her child until such time as her guardianship of the child was legally severed, and her involvement in any process by which her guardianship of the child was legally severed, and further includes the identities of all people involved in such matters;”.

—Senators Fintan Warfield, Rose Conway-Walsh, Mairé Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell, Alice-Mary Higgins.

26. In page 8, lines 20 and 21, to delete all words from and including “has” in line 20 down to and including line 21 and substitute the following:

“means a person’s physical, physiological, genetic, mental, economic, cultural or social identity. Personal data includes but is not limited to—

(a) in terms of a relevant person’s physical, mental and physiological identity:
[SECTION 2]

(i) the relevant person’s place of birth;

(ii) the relevant person’s physical condition and circumstances during their early months and years;

(iii) the relevant person’s early-life care records;

(iv) the relevant person’s medical records, including x-rays, tests, vaccine trials;

(v) the medical history of the relevant person’s natural family,

(b) in terms of the relevant person’s genetic identity:

(i) the relevant person’s name at birth, as held in the public Register of Births;

(ii) the relevant person’s natural mother’s name, as held in the public Register of Births;

(iii) the relevant person’s natural father’s name;

(iv) the relevant person’s natural family members’ names, as held in the public Register of Births,

and

(c) in terms of the relevant person’s economic, cultural and social identity, both before and after their adoption, relating to their economic, cultural and social identity both around the time of their birth and after their adoption, and which relate to how the relevant person acquired their adoptive identity:

(i) the relevant person’s name at birth, as held in the public Register of Births;

(ii) the relevant person’s natural mother’s name, as held in the public Register of Births;

(iii) the relevant person’s natural father’s name;

(iv) the relevant person’s natural family members’ names, as held in the public Register of Births;

(v) the relevant person’s county/country of origin at the time of their birth;

(vi) the occupation of the relevant person’s natural parents and family members at the time of the person’s birth;

(vii) the relevant person’s natural parents’ ages at the time of the relevant person’s birth;

(viii) the relevant person’s grandparents’ occupations at the time of the relevant person’s birth;

(ix) the number of siblings in the immediate family of the relevant person’s natural mother;

(x) the circumstances surrounding the relevant person’s adoption;

(xi) correspondence about the relevant person, including correspondence associated with the administrative process surrounding the relevant person’s
adoption, and correspondence from the relevant person’s natural mother enquiring about the person;

(xii) the assessment process associated with the relevant person’s adoption;

(xiii) the administrative process surrounding the relevant person’s adoption, including records about the decision-making process around the placement and how the relevant person acquired their adoptive identity;

(xiv) the names of the people responsible for the relevant person’s care during the relevant person’s early weeks, months and years;”.

—Senator Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.

*27. In page 8, between lines 22 and 23, to insert the following:

“ “previous adoptive parent” means, in relation to a person who is the subject of a further adoption, a person who—

(a) was, at the time of the further adoption, the adoptive parent of the person, and

(b) has ceased, by virtue of the further adoption, to be the adoptive parent of the person;

“previous adoptive parent information” means, in relation to a person who is the subject of a further adoption, the following information relating, at the time of the further adoption, to a previous adoptive parent of the person:

(a) his or her age;

(b) his or her civil status (within the meaning of section 2(1) of the Civil Registration Act 2004);

(c) the county in Ireland in which he or she resided;

(d) the county or counties in Ireland in which he or she resided before the further adoption;

(e) the places outside the State in which he or she resided before the further adoption;

(f) his or her nationality, religion (if of any religion), race and ethnicity;

(g) the education and training received by him or her;

(h) his or her occupation;

(i) his or her talents, hobbies and special interests;

(j) his or her physical appearance, including his or her height, hair colour and eye colour;

“previous adoptive relative” means, in relation to a person—

(a) a relative of his or her previous adoptive parent, or

(b) a person who would, but for the adoption of any person, be a relative of his or her
[SECTION 2]

previous adoptive parent;

“previous adoptive relative information” means, in relation to a person, the following information:

(a) whether the person has a previous adoptive relative, whether living or deceased;
(b) where the person has a previous adoptive sibling—
    (i) the sex of the previous adoptive sibling, and
    (ii) whether the previous adoptive sibling is older or younger than the person;

“previous adoptive sibling” means, in relation to a person, a person who is or was the child of his or her previous adoptive parent;”.

*28. In page 8, line 27, after “parent” to insert “or previous adoptive parent”.

*29. In page 8, to delete lines 36 and 37.

30. In page 8, line 36, to delete “Contact”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O’Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

31. In page 9, line 4, after “person” to insert “or persons”.

—Senator Marie-Louise O’Donnell, Alice-Mary Higgins.

*32. In page 9, line 9, to delete “uncle or aunt” and substitute “uncle, aunt or first-cousin”.

*33. In page 9, to delete lines 27 and 28 and substitute the following:

“(g) birth certificate information,
(h) the forename and surname of his or her birth father,
(i) previous adoptive parent information,
(j) previous adoptive relative information, and
(k) the forename and surname of his or her previous adoptive parent;”.

34. In page 9, to delete line 27 and substitute the following:

“(g) the person’s birth certificate, and”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O’Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

35. In page 9, line 31, to delete “incorrect registration” and substitute “illegal adoption”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O’Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.
[SECTION 2]

36. In page 9, line 31, to delete “incorrect registration” and substitute “illegal birth registration”.
   —Senator Alice-Mary Higgins.

37. In page 9, line 31, after “registration” to insert “or illegal adoption”.
   —Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

38. In page 9, line 31, after “registration” to insert “or illegal birth registration”.
   —Senator Alice-Mary Higgins.

*39. In page 10, line 9, to delete “the Agency, the Authority or an accredited body” and substitute “the Agency or the Authority”.

40. In page 10, to delete lines 11 to 13.
   —Senator Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

SECTION 7

41. In page 11, line 23, after “person” to insert “, agency, institution, or other body”.
   —Senator Alice-Mary Higgins.

42. In page 11, line 25, after “child” to insert “whether legal or illegal”.
   —Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.

SECTION 8

43. In page 11, between lines 25 and 26, to insert the following:

   “Independent Archive

   8. (1) The State shall establish an independent, centralised national repository of adoption and related historic abuse records.

       (2) The purpose of the Independent Archive shall be to gather and preserve personal information and administrative records relating to adoption and related historic abuses, and to make this information available to the persons affected.

       (3) The Independent Archive shall make the administrative and other anonymised records available to researchers and members of the public.”.

   —Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.

SECTION 10

*44. In page 12, line 33, after “is” to insert “or was”.

45. In page 13, between lines 7 and 8, to insert the following:

   “(4) Subject to suitable and specific measures for the protection of personal data, all records held by the Authority should be transferred to the National Archives under the provisions of the National Archiving Act.”.
SECTION 12

*46. In page 13, line 30, to delete “or an accredited body”.

SECTION 14

*47. In page 16, line 14, to delete “Contact”.

—Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

48. In page 16, between lines 15 and 16, to insert the following:

“(a) provide a service to people affected by adoption,

(b) safeguard and maintain the entries on the National Adoption Contact Preference Register,

(c) identify matches between registrants in the Register of Adoption Enquiries,

(d) identify matches between entrants in the Register of Adoption Enquiries and the National Adoption Contact Preference Register.”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlann, Niall Ó Donnghaile.

49. In page 16, between lines 15 and 16, to insert the following:

“(a) provide a service to people affected by adoption,

(b) safeguard and maintain the entries on the National Adoption Contact Preference Register,

(c) identify matches between registrants in the Register of Adoption Enquiries,

(d) identify matches between entrants in the Register of Adoption Enquiries and the National Adoption Contact Preference Register, including registrants who have opted for “no contact at present” but who have asked to be notified when a relevant party has registered.”.

—Senators Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

*50. In page 16, line 18, after “paragraph (a),” to insert “and”.

*51. In page 16, to delete lines 19 and 20 and substitute the following:

“(c) facilitate the Agency in the performance by it of its functions under Parts 4 and 5.”.

52. In page 17, line 11, to delete “not” and substitute “with the exception of an adoptive parent of an adopted child, not”.

—Senators Fintan Warfield, Rose Conway-Walsh, Mairé Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.
53. In page 17, line 11, after “person” to insert “at the moment”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

54. In page 17, between lines 11 and 12, to insert the following:

“(iv) not willing to be contacted by the specific person at the moment but willing to provide information,

(v) not willing to be contacted by the specific person at the moment, but would like to be notified if the specific person registers.”

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

55. In page 17, between lines 13 and 14, to insert the following:

“(8) The Agency shall examine the National Adoption Contact Preference Register and identify any matches between the Register of Adoption Enquiries and that register.”

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.

56. In page 17, between lines 13 and 14, to insert the following:

“(8) The Agency shall examine the National Contact Preference Register and identify any matches between the Register of Adoption Enquiries and that register.”

—Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

57. In page 17, to delete lines 18 to 26.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

58. In page 17, lines 20 to 26, to delete all words from and including “records” in line 20, down to and including line 26 and substitute the following:

“records—

(a) that the birth parent does not wish to have contact with the relevant person—

(i) the Agency shall make an entry in the register in respect of the birth parent concerned, and

(ii) the wish of the birth parent shall be deemed to be, and shall be recorded in the entry in the register as, a statement made by him or her under subsection (6)(c)(iii), in relation to the relevant person.

and

(b) that the birth parent is willing or is seeking to have contact with the relevant person—
[SECTION 14]

(i) the Agency shall make an entry in the register in respect of the birth parent concerned and

(ii) the wish of the birth parent shall be deemed to be, and shall be recorded in the entry in the register as, a statement made by him or her under subsection (6)(c)(i) or (6)(c)(ii) as appropriate, in relation to the relevant person.”.

—Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

SECTION 15

*59. In page 18, lines 12 to 14, to delete all words from and including “Part—” in line 12 down to and including line 14 and substitute “Part,”.

SECTION 16

60. In page 18, between lines 18 and 19, to insert the following:

“(a) the Minister shall make arrangements for regular training for the staff and management of the Agency, the format of which shall be determined in consultation with the Adoption Advisory Group,

(b) the staff and management of the Agency shall be required to attend regular training in the provision of tracing services,”.

—Senator Marie-Louise O'Donnell.

SECTION 17

*61. In page 18, line 28, after “it” to insert “, as soon as practicable,”.

*62. In page 19, line 3, to delete “or an accredited body authorised under section 21”.

SECTION 18

*63. In page 19, to delete lines 26 to 28 and substitute the following:

“(b) the Agency, and

(c) the Minister.”.

SECTION 19

64. In page 19, between lines 29 and 30, to insert the following:

“(1) The Minister shall establish a Stakeholder Advisory Group to advise and offer feedback to the Minister, the Authority and the Agency, and in the making of any guidelines under this section. The group shall include at least: 

(a) a representative or representatives of groups advocating on behalf of adopted people;

(b) a representative or representatives of groups advocating on behalf of birth parents; and

(c) representatives of the Authority, the Agency, and the Department of Children and Youth Affairs.”.

—Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.
SECTION 19

65. In page 19, line 30, after “Minister” to insert “, in consultation with the Adoption Advisory Group,”.

—Senator Marie-Louise O'Donnell.

66. In page 19, line 30, after “may” to insert “, having consulted the Stakeholder Advisory Group,”.

—Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

SECTION 20

67. In page 20, line 12, after “fact” to insert the following:

“and the specified person shall be supplied with the contact details of peer support groups relevant to their situation”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.

68. In page 20, lines 14 and 15, to delete “take such action as it considers appropriate to facilitate such contact.” and substitute the following:

“inform both parties of their right to choose whether they:

(a) wish to proceed with contact without the assistance of the Agency; or

(b) wish to proceed with contact with the assistance of the Agency.

(6) Both parties shall be supplied with the contact details of peer support groups relevant to their situation.”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.

SECTION 21

* Section proposed to be deleted.

SECTION 22

*69. In page 20, between lines 24 and 25, to insert the following:

“Relevant person may apply for items and information

22. (1) A person who has attained the age of 18 years and who is, or who reasonably believes himself or herself to be, a relevant person may, in such manner as may be specified by the Agency, apply to the Agency for the provision by the Agency to him or her of any or all of the following that is or are held by the Agency or Authority and that relates or relate to him or her:

(a) birth relative information;

(b) birth parent information;

(c) early life information;

(d) medical information;

(e) medical information relating to a birth relative;
(f) provided items;
(g) birth certificate information;
(h) the forename and surname of his or her birth father;
(i) the forename and surname of the person who is, in relation to him or her, a relevant guardian;
(j) where the person is an adopted person (other than a person who is the subject of a further adoption), a copy of an adoption order made in respect of him or her;
(k) his or her birth certificate.

(2) A person to whom subsection (1) applies may, in such manner as may be specified by the Agency, apply to the Agency for the provision by the Agency to him or her of any information, not referred to in paragraphs (a) to (k) of that subsection that relates to—
(a) him or her,
(b) his or her birth parents,
(c) his or her birth relatives,
(d) a person who is, in relation to him or her, a relevant guardian, or
(e) the circumstances in which he or she became a relevant person.”.

[Acceptance of this amendment involves the deletion of section 22 of the Bill.]

Section opposed.

—Senator Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlann, Niall Ó Donnghaile, Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

SECTION 23

*70. In page 20, between lines 28 and 29, to insert the following:

“Agency to provide certain items and information on application under section 22(1)"

23. (1) Where an application made in accordance with subsection (1)# of section 22 is for the provision to the applicant of information referred to in paragraphs (a), (b), (c), (d) or (e) of that subsection, the Agency shall, as soon as practicable, provide the applicant with a statement in accordance with section 40(1).

(2) Where an application made in accordance with subsection (1)# of section 22 is for the provision to the applicant of provided items, the Agency shall, as soon as practicable, provide the applicant with such items as are held by it or the Authority.”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 69.]  
[Acceptance of this amendment involves the deletion of section 23 of the Bill.]
71. In page 20, between lines 28 and 29, to insert the following:

“Independent information service

23. An independent information service shall be established under the Independent Archive for the purpose of providing information to adopted people, natural parents and others affected by adoption.”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.

72. In page 20, line 33, to delete “Agency” and substitute “Independent Information Service”.

—Senator Marie-Louise O'Donnell.

73. In page 21, to delete line 5 and substitute the following:

“(g) the adopted person’s birth certificate;
(h) the file or files held by the Agency and/or the Authority;”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

SECTION 24

74. In page 21, between lines 12 and 13, to insert the following:

“Application under section 22(1)# for certain information where applicant became relevant person after commencement of section

24. (1) This section applies to an application made in accordance with subsection (1)# of section 22, for information referred to in paragraph (g), (h), (i), (j) or (k) of that subsection, by an applicant—

(a) who became a relevant person (other than an adopted person) on or after the date on which this section comes into operation, or
(b) who is an adopted person whose adoption was effected on or after the date on which this section comes into operation.

(2) The Agency shall, as soon as practicable after it receives an application to which this section applies—

(a) in the case of an application for information referred to in section 22(1)(g)##, provide the applicant with a statement in accordance with section 40(2),
(b) in the case of an application for information referred to in section 22(1)(h)##, provide the applicant with a statement in accordance with section 40(2),
(c) in the case of an application for information referred to in section 22(1)(i)##, provide the applicant with a statement in accordance with section 40(2),
(d) in the case of an application, referred to in section 22(1)(j)##, for an adoption order, provide the applicant with the document concerned, and
[SECTION 24]

(e) in the case of an application, referred to in section 22(1)(k)##, for the applicant’s birth certificate, provide the applicant with—

(i) where the birth certificate is part of the relevant records held by the Agency or Authority in respect of the applicant, the document concerned, and

(ii) a statement in accordance with section 40(2).”.

[This is a reference to a subsection proposed to be inserted by amendment No. 69.]
[These are references to paragraphs proposed to be inserted by amendment No. 69.]

Acceptance of this amendment involves the deletion of section 24 of the Bill.]

75. In page 21, between lines 12 and 13, to insert the following:

“24. (1) Where a person, under section 23(1), believes they have compelling reasons why a birth parent should not be informed of the request for information they must provide the agency with a statement in writing of their reasons for that view and the agency shall determine whether there are compelling reasons why the birth parent should not be informed about the application and, for the purpose of its determination, shall consider any statement provided by the applicant and any information otherwise available to it that is relevant to its determination.

(2) Where the Agency determines, under subsection (1), that there are compelling reasons why the birth parent should not be informed of the application for information, it shall make an application to the Circuit Court seeking the approval of the Court for its determination.”.

—Senator Alice-Mary Higgins.

SECTION 25

*76. In page 21, between lines 20 and 21, to insert the following:

“Application under section 22(1)# for birth certificate information, adoption order or birth certificate by applicant who became relevant person before commencement of section

25. (1) This section applies to an application made in accordance with subsection (1)# of section 22, for information or a document referred to in paragraph (g), (j) or (k) of that subsection, by an applicant who—

(a) became a relevant person (other than an adopted person) before the date on which this section comes into operation, or

(b) is an adopted person whose adoption was effected before the date on which this section comes into operation.

(2) The Agency, on receipt of an application to which this section applies, shall—

(a) take all reasonable steps, in accordance with any guidelines under section 19, to locate, for the purposes of this section, the birth mother concerned, and

(b) where it succeeds in locating the birth mother, and within 2 weeks of the date on which it so succeeds, send her, by post in a prepaid registered letter to the address
at which she has been located, a notification under subsection (3).

(3) A notification under this subsection shall inform the birth mother concerned of—

(a) the making of the application, and the information, order or certificate to which the application relates,

(b) the effect of this section, including, in particular—

(i) her entitlement under subsection (4)(b) to request the Agency to refer the application to the Authority under section 34##;

(ii) that, in the event that she does not respond to the notification within the timeframe specified in subsection (4), the information, order or certificate concerned shall, subject to this section, be provided to the applicant, and

(iii) that, if she provides the Agency with a confirmation referred to in subsection (4)(a), the information, order or certificate concerned shall, subject to this section, be provided to the applicant, and may be so provided before the expiry of the period referred to in that subsection,

and

(c) her entitlement, and that of the applicant, under section 45 to support and guidance.

(4) A birth mother to whom a notification under subsection (3) is sent may, within 10 weeks of the date of the notification—

(a) confirm to the Agency that she agrees to the provision to the applicant of the information, order or certificate to which the application relates, or that she does not wish to avail of her entitlement under paragraph (b), or

(b) request the Agency to refer the application to the Authority for a determination under section 34##.

(5) The Agency shall comply with subsection (6) where—

(a) having complied with subsection (2)(a), it—

(i) is satisfied that the birth mother is deceased, or

(ii) has obtained an authorisation under section 43(4)(a)### in respect of the application,

(b) it has sent the birth mother a notification under subsection (2), and the birth mother—

(i) has provided the Agency with a confirmation referred to in subsection (4)(a), or

(ii) has not, within the timeframe specified in subsection (4), responded to the notification,

or

(c) the Authority has made a determination under section 34(6)(a)#### or the Circuit
Court has made an order under section 34(11)(a)####, and—

(i) such determination or order has not been appealed within the period specified in section 34(10)##### or (12)#####, as the case may be, or such an appeal has been abandoned or withdrawn, or

(ii) the High Court has dismissed an appeal brought under section 34(12)##### against such an order.

(6) The Agency shall comply with this subsection—

(a) where the application is for the provision to the applicant of birth certificate information, by providing the applicant with a statement in accordance with section 40(2),

(b) where the application is for the provision to the applicant of a copy of an adoption order made in respect of the applicant, by providing the applicant with the document concerned, and

(c) where the application is for the provision to the applicant of his or her birth certificate, by providing the applicant with—

(i) the document concerned, and

(ii) a statement in accordance with section 40(2).

(7) The Agency shall notify the applicant of its refusal to provide him or her with the information order or certificate concerned where the Authority has made a determination under section 34(6)(b)#### or the Circuit Court has made an order under section 34(11)(b)####, and—

(a) such determination or order has not been appealed within the period specified in section 34(10)##### or (12)#####, as the case may be, or such an appeal has been abandoned or withdrawn, or

(b) the High Court has dismissed an appeal brought under section 34(12)##### against such an order.”.

77. In page 21, to delete lines 22 to 35 and substitute the following:

25. (1) An tArd-Chláraitheoir shall on an application made in the prescribed manner by an adopted person, a record of whose birth is kept by an tArd-Chláraitheoir and who has reached the age of 18 years, supply to that person on payment of the prescribed fee (if any) such information as is necessary to enable that person to obtain a certified copy of the record of his or her birth.
(2) It shall be the duty of the Independent Information Service to provide an information session to the adopted person, the format of which shall be prescribed in consultation with the Adoption Advisory Group. The information session shall serve the following purposes:

(a) to inform the adopted person about the records held by the Independent Information Service about them;

(b) to provide the adopted person with information on how to read and understand adoption records;

(c) to inform the adopted person of the existence of the tracing service provided by the Agency;

(d) to inform the adopted person of the existence of the National Adoption Contact Preference Register.

(3) An tArd-Chláraitheoir shall not supply a person who was adopted before the date on which this Act was passed with any information under subsections (1) and (2) unless that person has attended an information session as prescribed under subsection (2).”.

—Senator Marie-Louise O'Donnell.

78. In page 21, to delete lines 22 to 35 and substitute the following:

“25. (1) An tArd-Chláraitheoir shall on an application made in the prescribed manner by an adopted person, a record of whose birth is kept by an tArd-Chláraitheoir and who has reached the age of 18 years supply to that person on payment of the prescribed fee (if any) such information as is necessary to enable that person to obtain a certified copy of the record of his or her birth.

(2) The Authority shall supply to an adopted person who has reached the age of 18 years a copy of their adoption record held by the Authority and a copy of the record held by the registered adoption agency or accredited body.

(3) It shall be the duty of the Agency to provide an information session to the adopted person, the format of which shall be prescribed in consultation with the Stakeholder Advisory Group.

(4) An tArd-Chláraitheoir shall not supply a person who was adopted before the date on which this Act was passed with any information under subsections (1) and (2) unless that person has attended an information session as prescribed under subsection (2).”.

—Senators Colette Kelleher, Lynn Ruane.

Section opposed.

—Senator Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.
SECTION 26

*79. In page 21, after line 35, to insert the following:

“Application under section 22(1)# for forename and surname of birth father by applicant who became relevant person before commencement of section

26. (1) This section applies to an application made in accordance with subsection (1)# of section 22, for information referred to in paragraph (h) of that subsection, by an applicant who—

(a) became a relevant person (other than an adopted person) before the date on which this section comes into operation, or

(b) is an adopted person whose adoption was effected before the date on which this section comes into operation.

(2) The Agency, on receipt of an application to which this section applies, shall—

(a) where the information sought in the application is, or appears to be, contained in a relevant record held by the Agency or the Authority, take all reasonable steps, in accordance with any guidelines under section 19, to locate, for the purposes of this section, the birth father concerned, and

(b) where it succeeds in locating the birth father, and within 2 weeks of the date on which it so succeeds, send him, by post in a prepaid registered letter to the address at which he has been located, a notification under subsection (3).

(3) A notification under this subsection shall inform the birth father concerned of—

(a) the making of the application, and the information to which the application relates,

(b) the effect of this section, including, in particular—

(i) his entitlement under subsection (4)(b) to request the Agency to refer the application to the Authority under section 34##,

(ii) that, in the event that he does not respond to the notification within the timeframe specified in subsection (4), the information concerned shall, subject to this section, be provided to the applicant, and

(iii) that, if he provides the Agency with a confirmation referred to in subsection (4)(a), the information concerned shall, subject to this section, be provided to the applicant, and may be so provided before the expiry of the period referred to in that subsection,

and

(c) his entitlement, and that of the applicant, under section 45 to support and guidance.

(4) A birth father to whom a notification under subsection (3) is sent may, within 10 weeks of the date of the notification—

(a) confirm to the Agency that he agrees to the provision to the applicant of the
information to which the application relates, or that he does not wish to avail of his entitlement under paragraph (b), or

(b) request the Agency to refer the application to the Authority for a determination under section 34##.

(5) The Agency shall provide the applicant with a statement in accordance with section 40(2) where—

(a) having complied with subsection (2)(a), it—

(i) is satisfied that the birth father is deceased, or

(ii) has obtained an authorisation under section 43(4)(a)## in respect of the application,

(b) it has sent the birth father a notification under subsection (2), and the birth father—

(i) has provided the Agency with a confirmation referred to in subsection (4)(a), or

(ii) has not, within the timeframe specified in subsection (4), responded to the notification,

or

(c) the Authority has made a determination under section 34(6)(a)##### or the Circuit Court has made an order under section 34(11)(a)##### and—

(i) such determination or order has not been appealed within the period specified in section 34(10)##### or (12)#####, as the case may be, or such an appeal has been abandoned or withdrawn, or

(ii) the High Court has dismissed an appeal brought under section 34(12)##### against such an order.

(6) The Agency shall notify the applicant of its refusal to provide him or her with the information concerned where the Authority has made a determination under section 34(6)(b)##### or the Circuit Court has made an order under section 34(11)(b)##### and—

(a) such determination or order has not been appealed within the period specified in section 34(10)##### or (12)#####, as the case may be, or such an appeal has been abandoned or withdrawn, or

(b) the High Court has dismissed an appeal brought under section 34(12)##### against such an order.

(7) Where the Agency, on receipt of an application to which this section applies, establishes that the information sought in the application is not contained in a relevant record held by the Agency or the Authority, it shall, without delay, inform the applicant in writing of that fact.”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 69.]
80. In page 21, after line 35, to insert the following:

“Independent Information Service

26. (1) The Independent Information Service shall, on an application made by an adopted person, natural parent or other person affected by adoption and related historic abuse, provide that person with—

(a) all personal data held by the Independent Archive about that person, and

(b) all administrative records relating to that person’s situation.

(2) It shall be the duty of the Independent Information Service to provide an information session to any person who applies for records and personal data, the format of which shall be prescribed in consultation with the Adoption Advisory Group. The information session shall serve the following purposes:

(a) to inform the person about the records held by the Independent Information Service about them;

(b) to provide the person with information on how to read and understand adoption records;

(c) to inform the person of the existence of the tracing service provided by the Agency;

(d) to inform the person of the existence of the National Adoption Contact Preference Register.”.

—Senator Marie-Louise O’Donnell.

81. In page 23, line 26, after “mother” to insert “or applicant”.

—Senator Alice-Mary Higgins.

82. In page 23, lines 29 to 32, to delete all words from and including “shall—” in line 29 down to and including line 32 and substitute the following:

“shall allow or dismiss the appeal having satisfied itself that there are or are not compelling reasons to provide the information or order concerned.”.

—Senator Alice-Mary Higgins.

83. In page 24, to delete lines 22 to 35.

—Senator Alice-Mary Higgins.
[SECTION 26]

84. In page 24, line 23, to delete “birth certificate information” and substitute “a birth certificate”.

—Senator Alice-Mary Higgins.

85. In page 24, to delete lines 32 to 35.

—Senator Alice-Mary Higgins.

Section opposed.

—Senators Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane.

SECTION 27

*86. In page 25, between lines 4 and 5, to insert the following:

“Application under section 22(1)# for forename and surname of relevant guardian where adoption occurred before commencement of section

27. (1) This section applies to an application made in accordance with subsection (1)# of section 22, for information referred to in paragraph (i) of that subsection, by an applicant who is an adopted person whose adoption was effected before the date on which this section comes into operation.

(2) The Agency, on receipt of an application to which this section applies, shall—

(a) take all reasonable steps, in accordance with any guidelines under section 19, to locate, for the purposes of this section, the relevant guardian concerned, and

(b) where it succeeds in locating the relevant guardian, and within 2 weeks of the date on which it so succeeds, send him or her, by post in a prepaid registered letter to the address at which he or she has been located, a notification under subsection (3).

(3) A notification under this subsection shall inform the relevant guardian concerned of—

(a) the making of the application, and the information to which the application relates,

(b) the effect of this section, including, in particular—

(i) his or her entitlement under subsection (4)(b) to request the Agency to refer the application to the Authority under section 34##,

(ii) that, in the event that he or she does not respond to the notification within the timeframe specified in subsection (4), the information concerned shall, subject to this section, be provided to the applicant, and

(iii) that, if he or she provides the Agency with a confirmation referred to in subsection (4)(a), the information concerned shall, subject to this section, be provided to the applicant, and may be so provided before the expiry of the period referred to in that subsection,
and

c) his or her entitlement, and that of the applicant, under section 45 to support and guidance.

(4) A relevant guardian to whom a notification under subsection (3) is sent may, within 10 weeks of the date of the notification—

a) confirm to the Agency that he or she agrees to the provision to the applicant of the information to which the application relates, or that he or she does not wish to avail of his or her entitlement under paragraph (b), or

b) request the Agency to refer the application to the Authority for a determination under section 34##.

(5) The Agency shall provide the applicant with a statement in accordance with section 40(2) where—

a) having complied with subsection (2)(a), it—

i) is satisfied that the relevant guardian is deceased, or

ii) has obtained an authorisation under section 43(4)(a)### in respect of the application,

b) it has sent the relevant guardian a notification under subsection (2), and the relevant guardian—

i) has provided the Agency with a confirmation referred to in subsection (4)(a), or

ii) has not, within the timeframe specified in subsection (4), responded to the notification,

or

c) the Authority has made a determination under section 34(6)(a)##### or the Circuit Court has made an order under section 34(11)(a)##### and—

i) such determination or order has not been appealed within the period specified in section 34(10)##### or (12)#####, as the case may be, or such an appeal has been abandoned or withdrawn, or

ii) the High Court has dismissed an appeal brought under section 34(12)##### against such an order.

(6) The Agency shall notify the applicant of its refusal to provide him or her with the information concerned where the Authority has made a determination under section 34(11)(b)##### or the Circuit Court has made an order under section 34(11)(b)##### and—

a) such determination or order has not been appealed within the period specified in section 34(10)##### or (11)#####, as the case may be, or such an appeal has been abandoned or withdrawn, or

b) the High Court has dismissed an appeal brought under section 34(12)#####
[SECTION 27]

against such an order.”.

[This is a reference to a subsection proposed to be inserted by amendment No. 69.]
[##This is a reference to the paragraph proposed to be inserted by amendment No. 143.]
[###These are references to subsections proposed to be inserted by amendment No. 100.]
[####These are references to paragraphs proposed to be inserted by amendment No. 100.]
[Acceptance of this amendment involves the deletion of section 27 of the Bill.]
[SECTION 28]

90. In page 27, lines 15 to 18, to delete all words from and including “may—” in line 15 down to and including line 18 and substitute the following:

“may allow or dismiss the appeal having satisfied itself that there are or are not compelling reasons to provide the information or order concerned.”.

—Senator Alice-Mary Higgins.

91. In page 28, to delete lines 15 to 17.

—Senator Alice-Mary Higgins.

Section opposed.

—Senators Fintan Warfield, Rose Conway-Walsh, Mairé Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane.

SECTION 29

*92. In page 28, between lines 30 and 31, to insert the following:

“Person the subject of further adoption may apply for items and information

29. (1) A person who has attained the age of 18 years and who is, or who reasonably believes himself or herself to be, the subject of a further adoption may, in such manner as may be specified by the Agency, apply to the Agency for the provision by the Agency to him or her of one or more than one of the following:

(a) previous adoptive relative information;
(b) previous adoptive parent information;
(c) provided items;
(d) the forename and surname of his or her previous adoptive parent;
(e) a copy of the adoption order made in respect of him or her in favour of his or her previous adoptive parent.

(2) A person to whom subsection (1) applies may, in such manner as may be specified by the Agency, apply to the Agency for the provision by the Agency to him or her of any information, not referred to in paragraphs (a) to (e) of that subsection, that relates to—

(a) him or her,
(b) his or her previous adoptive parents,
(c) his or her previous adoptive relatives, or
(d) the circumstances in which he or she became the subject of a further adoption.”.

[Acceptance of this amendment involves the deletion of section 29 of the Bill.]

Section opposed.

—Senators Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane.
SECTION 30

*93. In page 29, between lines 6 and 7, to insert the following:

“Agency to provide certain items and information on application under section 29(1)"

30. (1) Where an application made in accordance with section 29(1) is for the provision to the applicant of information referred to in paragraphs (a) or (b) of that subsection, the Agency shall, as soon as practicable, provide the applicant with a statement in accordance with section 40(1).

(2) Where an application made in accordance with subsection (1) of section 29 is for the provision to the applicant of provided items, the Agency shall, as soon as practicable, provide the applicant with such items as are held by it or the Authority.”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 92.]  
[Acceptance of this amendment involves the deletion of section 30 of the Bill.]  
Section opposed.

—Senators Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane.

SECTION 31

*94. In page 29, between lines 17 and 18, to insert the following:

“Application under section 29(1) for certain information where applicant became subject of further adoption after commencement of section

31. (1) This section applies to an application made—

(a) in accordance with section 29(1), and
(b) by an applicant who is the subject of a further adoption where the further adoption was effected on or after the date on which this section comes into operation.

(2) The Agency shall, as soon as practicable after it receives an application to which this section applies—

(a) in the case of an application for information referred to in section 29(1)(d), provide the applicant with a statement in accordance with section 40(2), and
(b) in the case of an application for information referred to in section 29(1)(e), provide the applicant with the document concerned.”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 92.]  
[##This is are references to paragraphs proposed to be inserted by amendment No. 92.]  
[Acceptance of this amendment involves the deletion of section 31 of the Bill.]  

95. In page 31, line 4, after “guardian” to insert “or applicant”.

—Senator Alice-Mary Higgins.
96. In page 31, lines 7 to 10, to delete all words from and including “shall—” in line 7 down to and including line 10 and substitute the following:

“shall allow or dismiss the appeal having satisfied itself that there are or are not compelling reasons to provide the information or order concerned.”

—Senator Alice-Mary Higgins.

97. In page 32, to delete lines 6 to 8.

—Senator Alice-Mary Higgins.

Section opposed.

—Senators Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane.

SECTION 32

*98. In page 32, between lines 16 and 17, to insert the following:

“Application under section 29(1)# for forename and surname of previous adoptive parent where further adoption occurred before commencement of section

32. (1) This section applies to an application made in accordance with subsection (1)# of section 29 for information or order referred to in paragraph (d) or (e) of that subsection by an applicant who is the subject of a further adoption where the further adoption was effected before the date on which this section comes into operation.

(2) The Agency, on receipt of an application to which this section applies, shall—

(a) take all reasonable steps, in accordance with any guidelines under section 19, to locate for the purposes of this section the previous adoptive parent concerned, and

(b) where it succeeds in locating the previous adoptive parent, and within 2 weeks of the date on which it so succeeds, send him or her, by post in a prepaid registered letter to the address at which he or she has been located, a notification under subsection (3).

(3) A notification under this subsection shall inform the previous adoptive parent concerned of—

(a) the making of the application, and the information or order to which the application relates,

(b) the effect of this section, including, in particular—

(i) his or her entitlement under subsection (4)(b) to request the Agency to refer the application to the Authority under section 34##,

(ii) that, in the event that he or she does not respond to the notification within the timeframe specified in subsection (4), the information or order concerned shall, subject to this section, be provided to the applicant, and
(iii) that, if he or she informs the Agency that he or she provides the Agency with
a confirmation referred to in subsection (4)(a), the information or order
concerned shall, subject to this section, be provided to the applicant, and may
be so provided before the expiry of the period referred to in that subsection,
and
(c) his or her entitlement, and that of the applicant, under section 45 to support and
guidance.

(4) A previous adoptive parent to whom a notification under subsection (3) is sent may, within 10 weeks of the date of the notification—
(a) confirm to the Agency that he or she agrees to the provision to the applicant of
the information, order or certificate to which the application relates, or that he or
she does not wish to avail of his or her entitlement under paragraph (b), or
(b) request the Agency to refer the application to the Authority for a determination
under section 34##.

(5) The Agency shall comply with subsection (6), where—
(a) having complied with subsection (2)(a), it—
   (i) is satisfied that the previous adoptive parent is deceased, or
   (ii) has obtained an authorisation under section 43(4)(a)### in respect of the
   application,
(b) it has sent the previous adoptive parent a notification under subsection (2), and
the previous adoptive parent—
   (i) has provided the Agency with a confirmation referred to in subsection (4)(a),
or
   (ii) has not, within the timeframe specified in subsection (4), responded to the
notification,
or
(c) the Authority has made a determination under section 34(6)(a)##### or the Circuit
Court has made an order under section 34(11)(a)#####, and—
   (i) such determination or order has not been appealed within the period
specified in section 34(10)##### or (12)#####, as the case may be, or such
an appeal has been abandoned or withdrawn, or
   (ii) the High Court has dismissed an appeal brought under section 34(12)#####
against such an order.

(6) The Agency shall comply with this subsection—
(a) where the application is for the provision to the applicant of the forename and
surname of his or her previous adoptive parent, by providing the applicant with a
statement in accordance with section 40(2), and
(b) where the application is for the provision to the applicant of a copy of the adoption order, relating to the further adoption, made in respect of him or her, by providing the applicant with the document concerned.

(7) The Agency shall notify the applicant of its refusal to provide him or her with the information concerned where the Authority has made a determination under section 34(10)(b) or the Circuit Court has made an order under section 34(6)(b), and—

(a) such determination or order has not been appealed within the period specified in section 34(10) or (12), as the case may be, or such an appeal has been abandoned or withdrawn, or

(b) the High Court has dismissed an appeal brought under section 34(12) against such an order.”.

*99. In page 32, between lines 16 and 17, to insert the following:

“Application under section 29(2)"

33. (1) Where an application is made in accordance with section 29(2), the Agency shall take all reasonable steps in accordance with any guidelines under section 19 to locate, for the purposes of this section, the person to whom the information relates.

(2) The Agency shall provide an applicant referred to in subsection (1) with a statement in accordance with section 40(2) where—

(a) having taken the steps referred to in subsection (1), it is satisfied that the person to whom the information relates is deceased, or

(b) the Agency has, under section 43(4)(a), authorised the provision to the applicant of the information concerned.

(3) The Agency shall provide an applicant under subsection (1) with a statement in accordance with section 40(3) where the person to whom the information relates has consented in accordance with section 42 to the provision of the information to the applicant.”.
“Referral under section 25#, 26##, 27### or 32#### of application to Authority

34. (1) The Agency shall, within 2 weeks of the date on which it receives a request under subsection (6) of application to Authority from a person (in this section referred to as the “requester”) refer the application to the Authority for its determination under subsection (6).

(2) The Authority shall, within 2 weeks of the date on which it receives a referral under subsection (1), notify the applicant concerned and the requester in writing—

(a) of the making of the referral,

(b) that the Authority shall make its determination in accordance with this section, and

(c) of the right of the applicant and requester under subsection (3) to make representations to the Authority for the purpose of its determination.

(3) The—

(a) applicant, and

(b) requester,

may, within 8 weeks of the date of the notification under subsection (2), make representations to the Authority on any matter that he or she considers relevant to its determination under subsection (6).

(4) Subject to subsection (5), the Authority shall make its determination under subsection (6) within 12 weeks of the date on which the representations referred to in subsection (3) are required, under that section, to be made.

(5) (a) The Authority may, where it considers it necessary for the purpose of making its determination under subsection (6), request the applicant or requester to make further representations providing information on such matters, and within such period, as the Authority may specify.

(b) Where the Authority makes a request under paragraph (a), the period, specified in subsection (4), within which the Authority is required to make its determination under subsection (6) shall be extended by a further period of 4 weeks.

(6) The determination of the Authority under this subsection shall be that—

(a) the applicant should be provided with the information to which his or her application relates, or

(b) the applicant should not be provided with the information to which his or her application relates.

(7) The Authority shall make a determination referred to in subsection (6)(a) unless, having considered the representations and matters specified in subsection (8), it is of the view that, having regard to the likely effect on the applicant and requester, the
considerations in favour of not providing the applicant with the information concerned outweigh those in favour of providing the applicant with the information.

(8) In arriving at its determination under subsection (6), the Authority shall consider all the representations made by the applicant in his or her application, and by the applicant and requester in accordance with subsection (3) and, where applicable, subsection (5) and have regard to the following matters and to such additional matters as it considers appropriate:

(a) the circumstances giving rise to the requester relinquishing charge or custody of the applicant;

(b) the present circumstances of the requester and the likely effect upon him or her of the provision to the applicant of the information concerned;

(c) the views of the requester on the provision to the applicant of the information concerned, and the reasons for these;

(d) the respective ages of the requester and the applicant;

(e) the reason for the applicant’s wish to have the information concerned provided to him or her and, where applicable, to contact the requester;

(f) where applicable, the likelihood of the applicant, whether upon provision to him or her of the information concerned or at any point in the future, seeking to contact the requester in circumstances where the applicant has been informed that the requester does not wish to be so contacted;

(g) the present circumstances of the applicant and the likely effect upon him or her of a refusal to provide the information concerned to him or her;

(h) current knowledge relating to the effect of provision or non-provision of information of such nature to persons seeking the information, on those persons and on persons who are the subject of the information.

(9) The Authority, within 2 weeks of making its determination under subsection (6), shall notify the applicant and the requester concerned of—

(a) the determination, and

(b) his or her right under subsection (10) to appeal the determination.

(10) The applicant or requester may, within 28 days of the date of the notification under subsection (9), and on notice to the Authority, appeal to the Circuit Court against the determination of the Authority under subsection (6).

(11) The Circuit Court, on hearing an appeal under subsection (10), shall consider the representations and have regard to all the matters referred to in subsection (8) and affirm the determination or allow the appeal and, accordingly, shall order that—

(a) the applicant be provided with the information to which his or her application relates, or

(b) the applicant not be provided with the information to which his or her application relates.
[SECTION 32]

(12) The—

(a) Authority, or

(b) requester or applicant, on notice to the Authority,

may, within 28 days of the decision of the Circuit Court under subsection (11),

appeal the decision to the High Court on a point of law and the decision of the

High Court in respect of the point of law shall be final and conclusive.

(13) An appeal under subsection (10) or (12) shall be heard in private.

(14) The Authority shall, without delay, inform the Agency of the following:

(a) the making by it of its determination under subsection (6);

(b) the making by it of an appeal under subsection (12);

(c) the receipt by it of a notification of an appeal under subsection (10) or (12).

(15) In this section, a reference to information to which an application relates includes a

reference to any document to which an application under paragraph (j) or (k) of

section 22(1)#########, or paragraph (e) of section 29(1)########## relates.”.

[This is a reference to the section proposed to be inserted by amendment No. 76.]
[This is a reference to the section proposed to be inserted by amendment No. 79.]
[This is a reference to the section proposed to be inserted by amendment No. 86.]
[This is a reference to the section proposed to be inserted by amendment No. 98.]
[This is a reference to a paragraph proposed to be inserted by amendment No. 76.]
[This is a reference to a paragraph proposed to be inserted by amendment No. 79.]
[This is a reference to a paragraph proposed to be inserted by amendment No. 86.]
[This is a reference to a paragraph proposed to be inserted by amendment No. 98.]
[This are references to a subsection proposed to be inserted by amendment No. 69.]
[This are references to a subsection proposed to be inserted by amendment No. 92.]

101. In page 32, line 21, after “that” to insert the following:

“is maternity information relating to themselves or is otherwise information that
relates to themselves, or is information that”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan,
Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.

*102. In page 32, to delete lines 29 and 30 and substitute the following:

“(b) the Agency has, under section 43(4)(a)#, authorised the provision to the applicant
of the information concerned.”.

[This is a reference to a paragraph proposed to be inserted by amendment No. 143.]
103. In page 32, between lines 30 and 31, to insert the following:

“(c) the adopted person has registered a preference for contact in either the Register of Adoption Enquiries or the National Adoption Contact Preference Register.”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

104. In page 32, between lines 35 and 36, to insert the following:

“(6) Where a birth parent of an adopted person, or a person who is a relevant guardian in relation to an adopted person, applies to the Agency for maternity information relating to themselves or other information that relates to themselves, that information shall be provided in its original form without redaction.”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.

SECTION 33

105. In page 33, line 4, to delete “request that the adoptive parent provide the Agency with” and substitute “receive from the adoptive parent”.

—Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

106. In page 33, line 4, to delete “parent” and substitute “parent(s) shall, not later than one month after the date of receipt of the letter from the Agency.”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell.

107. In page 33, line 7, to delete “Where” and substitute “When”.

—Senator Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

*108. In page 33, to delete lines 25 and 26 and substitute the following:

“(7) In this section, a reference to a birth parent of an adopted child includes a reference to—

(a) a person who is a relevant guardian in relation to the adopted child, and

(b) a previous adoptive parent of the adopted child.”.

SECTION 34

*109. In page 34, lines 18, to delete “the Minister has, under section 43” and substitute “the Agency has, under section 43(4)(a)”. 

[#This is a reference to a paragraph proposed to be inserted by amendment No. 143.]

Section opposed.

—Senators Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane.
SECTION 35

*110.* In page 34, lines 24 to 26, to delete all words from and including “(1) An” in line 24 down to and including line 26 and substitute the following:

“(1) An—

(a) adoptive parent, or

(b) adopted child, with the consent of his or her adoptive parent,

may, subject to subsection (7), apply to the Agency for the provision to the adoptive parent by the Agency of information or items referred to in subsection (6) relating to the adopted child.”.

111. In page 34, line 28, to delete “take such action as is reasonable in the circumstances” and substitute “make every effort”.

—Senator Marie-Louise O'Donnell.

112. In page 34, line 33, to delete “Where” and substitute “When”.

—Senator Marie-Louise O'Donnell.

*113.* In page 35, to delete lines 12 and 13 and substitute the following:

“(7) The Agency may, for the purposes of subsection (1), section 36(1)#, section 37(1)## or section 38(1)###, specify the manner in which—

(a) an application under the subsection concerned shall be made, and

(b) the consent of the adopted parent referred to in the subsection concerned is to be given.

(8) In this section, a reference to a birth parent of an adopted child includes a reference to—

(a) a person who is a relevant guardian in relation to the adopted child, and

(b) a previous adoptive parent of the adopted child.”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 114]

[##This is a reference to a subsection proposed to be inserted by amendment No. 117.]

[###This is a reference to a subsection proposed to be inserted by amendment No. 123.]

SECTION 36

*114.* In page 35, lines 15 to 24, to delete all words from and including “(1) An” in line 15 down to and including line 24 and substitute the following:

“(1) An—

(a) adoptive parent, or

(b) an adopted child, with the consent of his or her adoptive parent,

may, subject to section 35(7)#, apply to the Agency for the provision by the Agency to the adoptive parent of any or all of the following that is or are held by the Authority or the Agency and that relates or relate to the adopted child:
[SECTION 36]

(i) birth relative information;
(ii) birth parent information;
(iii) early life information;
(iv) medical information;
(v) medical information relating to a birth relative;
(vi) previous adoptive relative information;
(vii) previous adoptive parent information;
(viii) provided items.”.
[#This is a reference to a subsection proposed to be inserted by amendment No. 113.]

*115. In page 35, line 26, to delete “paragraph (a), (b), (c), (d) or (e)” and substitute “subparagraph (i)#, (ii)#, (iii)#, (iv)#, (v)#, (vi)# or (vii)#”.
[#These are references to subparagraphs proposed to be inserted by amendment No. 114.]

*116. In page 35, line 29, to delete “subsection (1)” and substitute “subsection (1)(viii)#”.
[#This is a reference to a subparagraph proposed to be inserted by amendment No. 114.]

SECTION 37

*117. In page 35, lines 34 to 36, to delete all words from and including “(1) An” in line 34 down to and including line 36 and substitute the following:

“(1) An adoptive parent, or an adoptive child, with the consent of his or her adoptive parent may, subject to section 35(7)#, apply to the Agency, for the provision by the Agency to the adoptive parent of any or all of the following that relates or relate to the adopted child:”.
[#This is a reference to a subsection proposed to be inserted by amendment No. 113.]

*118. In page 36, line 1, to delete “child.” and substitute the following:

“child;

(c) where the adopted child is the subject of a further adoption—

(i) the forename and surname of the adopted child’s previous adoptive parent, or
(ii) a copy of the adoption order made in respect of him or her in favour of his or her previous adoptive parent.”.

*119. In page 36, line 4, after “mother” to insert “or previous adoptive parent, as the case may be,.”.

*120. In page 36, line 10, after “mother” to insert “or previous adoptive parent, as the case may be,”.

*121. In page 36, line 11, to delete “the Minister has, under section 43” and substitute “the Agency has, under section 43(4)(a)#”.
[#This is a reference to a paragraph proposed to be inserted by amendment No. 143.]
*122. In page 36, line 15, after “mother” to insert “or previous adoptive parent, as the case may be,”.

SECTION 38

*123. In page 36, lines 19 to 21, to delete all words from and including “(1) An” in line 19 down to and including line 21 and substitute the following:

“(1) An—
   (a) adoptive parent, or
   (b) an adoptive child, with the consent of his or her adoptive parent,

may, subject to section 35(7)#, apply to the Agency for the provision by the Agency to
the adoptive parent of the forename and surname of the birth father of the adopted
child.”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 113.]

*124. In page 36, line 29, to delete “the Minister has, under section 43” and substitute “the Agency
has, under section 43(4)(a)#”.

[#This is a reference to a paragraph proposed to be inserted by amendment No. 143.]

SECTION 39

*125. In page 36, line 37, after “parent” to insert “or previous adoptive parent, as the case may be,”.

*126. In page 37, line 11, to delete “the Minister has, under section 43” and substitute “the Agency
has, under section 43(4)(a)#”.

[#This is a reference to a paragraph proposed to be inserted by amendment No. 143.]

SECTION 40

*127. In page 37, line 17, to delete “section 24(1)” and substitute “section 23(1)#, 30(1)##”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 70.]

[##This is a reference to a subsection proposed to be inserted by amendment No. 93.]

*128. In page 37, line 25, to delete “25(2), 26(15), 27, 28(15), 29(2), 30(2), 31(14),” and substitute
“23(2)#, 24(2)#, 25(6)###, 26(5)#####, 27(5)########, 28(2)#########, 31(2)############, 33(2)################,”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 70.]

[###This is a reference to a subsection proposed to be inserted by amendment No. 74.]

[####This is a reference to a subsection proposed to be inserted by amendment No. 76.]

[#####This is a reference to a subsection proposed to be inserted by amendment No. 79.]

[######This is a reference to a subsection proposed to be inserted by amendment No. 86.]

[#######This is a reference to a subsection proposed to be inserted by amendment No. 88.]

[########This is a reference to a subsection proposed to be inserted by amendment No. 94.]

[#########This is a reference to a subsection proposed to be inserted by amendment No. 99.]
129. In page 37, lines 25 and 26, to delete “26(15), 27, 28(15), 29(2), 30(2), 31(14), 32(3), 34(5)” and substitute “32(3)”.

—Senator Marie-Louise O'Donnell.

*130. In page 37, line 32, to delete “section 29(3),” and substitute “section 28(3)#,”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 88.]

131. In page 37, line 32, to delete “section 29(3), 32(4), 34(6)”, and substitute “section 32(4)”.

—Senator Marie-Louise O'Donnell.

132. In page 38, to delete lines 3 to 16.

—Senators Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

*133. In page 38, line 13, to delete “or an accredited body”.

134. In page 38, to delete lines 17 to 23.

—Senator Alice-Mary Higgins.

*135. In page 38, lines 18 and 19, to delete “or an accredited body”.

136. In page 38, between lines 23 and 24 to insert the following:

“(d) early life information, or

(e) information relating to the making of the adoption.”.

—Senators Fintan Warfield, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

*137. In page 38, line 24, to delete “section 24(1), 29(2),” and substitute “23(1)#, 28(3)##, 30(1)###.”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 70.]

[##This is a reference to a subsection proposed to be inserted by amendment No. 88.]

[###This is a reference to a subsection proposed to be inserted by amendment No. 93.]

138. In page 38, line 24, to delete “29(2), 32(3), 34(5)” and substitute “32(3),”.

—Senator Marie-Louise O'Donnell.

*139. In page 38, lines 29 and 30, to delete “Minister under section 43” and substitute “Agency under section 43(4)(a)#”.

[#This is a reference to a paragraph proposed to be inserted by amendment No. 143.]

140. In page 38, between lines 38 and 39, to insert the following:

“(8) The Agency shall make an emergency telephone number available for adopted persons in life-threatening situations where medical information may be required immediately.”.

—Senators Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.
SECTION 41

* Section proposed to be deleted.

—Senators Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

SECTION 42

141. In page 39, line 23, to delete “section 29(3),” and substitute “section 28(3)##,”.

[#This is a reference to a subsection proposed to be inserted by amendment No. 88.]

142. In page 39, line 23, to delete “29(3), 32(4), 34(6) or”.

—Senator Marie-Louise O'Donnell.

SECTION 43

143. In page 40, between lines 3 and 4, to insert the following:

“Procedure where person cannot be located for purpose of Part 5

43. (1) This section applies where the Agency attempts to locate a person for the purposes of section 25(2)#, 26(2)##, 27(2)###, 28(1)####, 32(2)#####, 33(1)######, 32(2), 34(4) (b), 37(2), 38(2) or 39(3), and, despite having made reasonable efforts, in accordance with any guidelines under section 19, to do so, it—

(a) has not succeeded in locating the person, and forms the view that further efforts to locate the person are not likely to be successful, or

(b) by the expiry of the period of 6 months following the date on which the application concerned was received by it, has not succeeded in locating the person.

(2) Where this section applies, the officer of the Agency (“requesting officer”) who attempted to locate the person shall request an officer of the Agency (being an officer of senior grade to the requesting officer, and in this section referred to as the “senior officer”) to issue an authorisation or direction under subsection (4).

(3) A request under subsection (2) shall be accompanied by a declaration by the requesting officer—

(a) outlining the steps that have been taken, in accordance with Part 4, to locate the person concerned, and

(b) stating whether, in the opinion of the officer making the request, further efforts to locate the person are likely to be successful.

(4) The senior officer, on receipt of a request under subsection (2) shall consider the request and declaration referred to in subsection (3) and—

(a) where he or she is satisfied that—

(i) all reasonable steps have been taken, in accordance with Part 4, to locate the person concerned, and

(ii) further efforts to locate the person are not likely to be successful, authorise the provision to the applicant concerned of the information to which the
application concerned relates, and
(b) where he or she is not so satisfied, and subject to subsection (5), direct that
efforts to locate the person be continued for a further period of 3 months.

(5) Where a direction under subsection (4)(b) is given, a further direction under that
paragraph may be given once only in respect of the same application.”.

144. In page 40, line 6, to delete “section 28(2), 29(1), 32(2), 34(4)(b)” and substitute “section
32(2)”.

—Senator Marie-Louise O'Donnell.

SECTION 44
*145. In page 40, line 20, after “Agency” to insert “or Authority”.

SECTION 45
146. In page 40, line 26, after “shall” to insert “, in consultation with the Adoption Advisory
Group,.”.

—Senator Marie-Louise O’Donnell.

147. In page 40, line 26, after “shall” to insert “, in consultation with the Stakeholder Advisory
Group,.”.

—Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.

148. In page 40, line 34, after “Minister” to insert “and in consultation with the Adoption Advisory
Group”.

—Senator Marie-Louise O'Donnell.

149. In page 40, line 34, after “Minister” to insert “and in consultation with the Stakeholder
Advisory Group”.

—Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.
SECTION 46

150. In page 40, after line 35, to insert the following:

“Adoption Advisory Group

46. (1) The Minister shall convene a permanent Adoption Advisory Group to inform the operation of this Act.

(2) The group shall be comprised of:

(a) representatives of groups advocating on behalf of adopted people;
(b) representatives of groups advocating on behalf of birth parents;
(c) a representative from the Authority;
(d) a representative from the Agency;
(e) a representative from the Department of Children and Youth Affairs.

(3) The Minister, in consultation with the Adoption Advisory Group, may issue guidelines for the purpose of providing practical guidance to the Agency in respect of the performance by it of its functions under this Act.

(4) Guidelines under this section may include:

(a) the procedures to be followed for the purpose of locating a person under section 20; and
(b) the records, whether publicly available or otherwise, that are likely to be relevant for the purpose of section 2(1).”.

—Senator Marie-Louise O'Donnell.

SECTION 47

*151. In page 41, between lines 18 and 19, to insert the following:

“Amendment of National Archives Act 1986

47. The Schedule to the National Archives Act 1986 is amended by the addition of “Adoption Authority of Ireland”.”.

152. In page 41, between lines 18 and 19, to insert the following:

“Amendment of Status of Children Act 1987

47. The Status of Children Act 1987 is amended in section 35(1)—

(a) in paragraph (a) by the deletion of “(other than an adopted person)”, and
(b) in paragraph (b) by the deletion of “(other than an adopted person)”.

—Senator Marie-Louise O'Donnell, Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.
SECTION 48

*153. In page 41, line 29, after “him” to insert “or her”.

SECTION 49

*154. In page 41, line 34, to delete “subsection (1)” and substitute “subsection (3)(a)”.

SECTION 50

155. In page 41, after line 36, to insert the following:

“Amendment of section 89 of Act of 2010

50. Section 89 of the Act of 2010 is amended by the deletion of subsection (2).”.

—Senator Marie-Louise O'Donnell.

SECTION 51

156. In page 42, between lines 7 and 8, to insert the following:

“Amendment of section 98 of Act of 2010

51. Section 98 of the Act of 2010 is amended in subsection (3) by the insertion of the following:

“(f) a person who has been the subject of a domestic adoption who shall be over 21 years at the time of their appointment to the Authority,

(g) a person who has been the subject of an inter-country adoption who shall be over 21 years at the time of their appointment to the Authority;

(h) a birth mother who has relinquished a child for adoption.”.

—Senator Marie-Louise O'Donnell.

157. In page 42, between lines 7 and 8, to insert the following:

“Amendment of section 126 of Act of 2010

51. Section 126 of the Act of 2010 is amended by the insertion of the following new subsection after subsection (4):

“(5) The Child and Family Agency shall be registered as an accredited body and thus regulated by the Authority.”.

—Senator Marie-Louise O'Donnell.

SECTION 52

Section opposed.

—Senators Marie-Louise O'Donnell.

PREAMBLE

158. In page 5, between lines 13 and 14, to insert the following:

“WHEREAS this Act marks the beginning of Ireland’s Transitional Justice process and
is modelled on Transitional Justice’s four central tenets: justice, reparation, truth-telling, and guarantees of non-recurrence. In enacting this Act, the State acknowledges that the statutory right to access information for adopted people is a key element of the State’s efforts to address the harm caused by Ireland’s closed, secret, forced adoption system and related historic abuses.”.

—Senator Marie-Louise O'Donnell.

TITLE

159. In page 5, to delete lines 5 to 13 and substitute the following:

“An Act to provide the automatic right of adopted persons over the age of 18 years to their birth certificates and adoption records; to provide for the acquisition and maintenance by an independent repository of records relating to the adoption, illegal adoption or placement in informal care arrangements of children; to provide for the establishment and maintenance of a register to be known as the Register of Adoption Enquiries; to safeguard the register known as the National Adoption Contact Preference Register and provide for a link between it and the Register of Adoption Enquiries; to provide for the making available by the Child and Family Agency of a service for the tracing of certain persons, their birth relatives and other persons, and of a service for the provision of information to and facilitation of contact between such persons; to amend the Status of Children Act 1987; to amend the Adoption Act 2010; to amend the Child and Family Agency Act 2013; and to provide for related matters.”.

—Senator Marie-Louise O'Donnell.

*160. In page 5, line 8, to delete “Contact”.

161. In page 5, line 11, after “person;” to insert “to amend the Status of Children Act 1987;”.

—Senators Colette Kelleher, Lynn Ruane, Alice-Mary Higgins.