



DÁIL ÉIREANN

**AN BILLE UCHTÁLA (LEASÚ), 2016
ADOPTION (AMENDMENT) BILL 2016**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE UCHTÁLA (LEASÚ), 2016 —ROGHCHOISTE

ADOPTION (AMENDMENT) BILL 2016 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 3

1. In page 6, between lines 18 and 19, to insert the following:

“(e) a birth grandparent, siblings, or other blood relative, who has played a formative, active and beneficial role in the life of that child, as may be determined by the Authority;”.

—Donnchadh Ó Laoghaire.

SECTION 7

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

“(3) Where Túsla does not consult with any of the relevant non guardians, it shall provide a written reason why it did not.”.

—Donnchadh Ó Laoghaire.

SECTION 8

3. In page 9, to delete line 23 and substitute “a person referred to in paragraph (b), (c), (d) or (e)*, of the definition of”.

—Donnchadh Ó Laoghaire.

[*This is a reference to the paragraph proposed to be inserted by amendment No. 1.]

SECTION 9

4. In page 11, line 4, to delete “In so far as practicable,”.

—Donnchadh Ó Laoghaire.

5. In page 11, between lines 8 and 9, to insert the following:

“(3) Where a child is believed capable of forming a view, they shall be entitled to a Guardian *Ad Litem* in order to assist them in expressing such a view, and this shall be provided at the expense of the Adoption Authority.”.

—Donnchadh Ó Laoghaire.

[SECTION.0]

SECTION 12

6. In page 11, lines 27 to 31, to delete all words from and including “the” in line 27 down to and including line 31 and substitute the following:

“the child resides in the State, and”.

—Donnchadh Ó Laoghaire.

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

“(3) This section shall not generally apply to persons who, at the date of the adoption order, were more than 18 years of age, however, the Adoption Authority may waive this requirement if they believe it is in the best interests of the person for whom an adoption is being sought. The adoption authority shall also consult the prospective adoptive family in deciding whether to waive the requirement to be less than 18 years of age.”.

—Donnchadh Ó Laoghaire.

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

“(3) The Minister shall provide by way of regulation for the circumstances under which this will apply.”.

—Donnchadh Ó Laoghaire.

SECTION 13

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

“Insertion of new section 22A into Principal Act

13. The Principal Act is amended by the insertion of the following new section:

“Contribution by HSE to costs of Adoption for Parents in Domestic Adoptions

- 22A. (1) The Adoption Authority shall establish, and administer a fund, which shall have as its purpose to provide financial supports for families on low incomes, as determined by means testing, in completing an application for adoption, where it has been already been established that such an adoption would be in the best interests of the Child.
- (2) This may meet in full, or in part, the costs of the application, in a manner to be provided for by Ministerial Regulation.
- (3) This section shall not apply to costs incurred in connection with Intercountry Adoption, as defined in the Adoption Act 2010, and shall apply only to adoptions which take place in Ireland.
- (4) Such payment of costs may be backdated to the date of application, in a manner to be provided for in Ministerial Regulation.”.

—Donnchadh Ó Laoghaire.

[SECTION.0]

10. In page 12, to delete lines 16 and 17.

—An tAire Leanaí agus Gnóthaí Óige.

11. In page 12, to delete line 26 and substitute “a person referred to in paragraph (b), (c), (d) or (e)* of the definition of”.

—Donnchadh Ó Laoghaire.

[*This is a reference to the paragraph proposed to be inserted by amendment No. 1.]

SECTION 14

12. In page 14, line 25, to delete “in so far as is practicable,”.

—Donnchadh Ó Laoghaire.

13. In page 14, between lines 30 and 31, to insert the following:

“(5) Where a child is believed capable of forming a view, they shall be entitled to a Guardian *Ad Litem* in order to assist them in expressing such a view, and this shall be provided at the expense of the Adoption Authority.”.

—Donnchadh Ó Laoghaire.

SECTION 18

14. In page 17, between lines 9 and 10, to insert the following:

“(7) The Minister shall provide by way of regulation for the circumstances under which this will apply.”.

—Donnchadh Ó Laoghaire.

SECTION 23

15. In page 19, line 11, to delete “in so far as is practicable,”.

—Donnchadh Ó Laoghaire.

16. In page 19, between lines 16 and 17, to insert the following:

“(4) where a child is believed capable of forming a view, they shall be entitled to a Guardian *Ad Litem* in order to assist them in expressing such a view, and this shall be provided at the expense of the Adoption Authority.”.

—Donnchadh Ó Laoghaire.

SECTION 26

17. In page 20, between lines 18 and 19, to insert the following:

“Insertion of new section 58A into Principal Act

26. The Principal Act is amended by the insertion of the following new section:

“58A. A Child who has been adopted under the provisions of the Adoption Acts shall continue to be entitled to have access to his previous parents or guardians, or relevant non-guardians, prior to the adoption, should the

[SECTION.0]

child so wish, and provided that this is in the best interests of the child.””.

—Donnchadh Ó Laoghaire.

SECTION 36

18. In page 22, between lines 27 and 28, to insert the following:

“Insertion of new section 89A into Principal Act

36. The Principal Act is amended by the insertion of the following:

“Adoption Information and Tracing Scheme

89A.(1) The Minister shall make a scheme (to be known as the Adoption Information and Tracing Scheme and in this section referred to as the ‘Scheme’) providing procedures for—

- (a) the custody and preservation of adoption records,
 - (b) the creation of a Registry of Adoption Records,
 - (c) access to the Registry of Adoption Records by persons to whom the records relate, and
 - (d) the provision of an information and tracing service to facilitate information sharing and contact between adopted persons and their birth parents, and other persons.
- (2) The Scheme may prescribe different rules and procedures, concerning information sharing and contact, in relation to—
- (a) information provided to adopted persons where the adoption order was made before or after the commencement of this section,
 - (b) information provided to birth parents or adoptive parents in respect of adopted persons over or under 18 years of age, and
 - (c) information provided to relatives or to other persons.
- (3) The Scheme shall respect the privacy of a person to whom an obligation of confidentiality, whether under an enactment or otherwise, is owed and shall require that information capable of leading to the identification of any such person is not disclosed without the consent of the person to whom it relates.
- (4) The Scheme shall include provision and procedures relating to—
- (a) informal adoptions,
 - (b) cases where false information was registered in relation to a birth, and
 - (c) intercountry adoptions.
- (5) The Scheme may provide for offences relating to—

[SECTION.0]

- (a) the falsification, alteration or destruction of adoption records,
- (b) false statements made for the purpose of obtaining adoption records, or in connection with the making of any application under the Scheme,
- (c) the misuse of the adoption records of other persons, and
- (d) the obstruction or impeding of the performance of functions, or the failure to comply with requirements lawfully imposed, under the Scheme,

and

may provide that a person who is guilty of any such offence is liable on summary conviction to a Class A fine, or to imprisonment for a term not exceeding 12 months, or to both.

- (6) Without prejudice to the generality of the foregoing provisions of this section, the Scheme may include such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the Scheme.
- (7) A Scheme made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the Scheme is passed by either such House within the next 21 days on which that House has sat after the Scheme is laid before it, the Scheme shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.”.”.

—Jan O’Sullivan.

SECTION 41

19. In page 24, between lines 5 and 6, to insert the following:

“Insertion of new section 39A of Child Care Act 1991

41. The Child Care Act 1991 is amended by the insertion of the following new section:

- “39A.(1)A health board shall pay foster parents in respect of any child placed with them in accordance with these Regulations an allowance of not less than such amount as may from time to time be specified by the Minister.
- (2) A health board may, in addition to the allowance referred to in sub-article (1) of this article and subject to any general directions given by the Minister, provide such financial or other assistance as the board considers necessary to enable foster parents to take care of children placed with them by the board.
- (3) Persons who cease to be Foster Parents upon formally adopting a child under the Adoption Acts shall receive the full amount given to Foster Parents for six months after that adoption taking legal effect, and shall

[SECTION.0]

continue to receive half the amount given to Foster Parents for an additional six months after that.””.

—Donnchadh Ó Laoghaire.