



SEANAD ÉIREANN

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

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UCHTÁLA (LEASÚ), 2016 —AN COISTE

ADOPTION (AMENDMENT) BILL 2016 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 3

1. In page 6, between lines 16 and 17, 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;”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

SECTION 7

2. In page 8, between lines 4 and 5, 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.”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

3. In page 8, after line 40, to insert the following:

“(7)(a) Where practical, provision should be made for an ongoing contact plan post adoption, subject to the agreement of all relevant parties. If the establishment of such a contact plan is not possible at the time of adoption, it may nonetheless be established at a later point or following a change in circumstance, at the request of either relevant party and subject to the agreement of all.

(b) Where necessary, access to designated professional resources and supports should be facilitated in order to support the implementation of mutually agreed contact plans.

(c) Appropriate and ongoing provision must also be made to support the child's ongoing contact and relationship with other members of their birth family, including siblings and grandparents.”.

—*Senator Alice-Mary Higgins.*

[SECTION 8]

SECTION 8

4. In page 9, to delete line 21 and substitute “a person referred to in paragraph (b), (c), (d) or (e)#, of the definition of”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

[#This is a reference to the paragraph proposed to be inserted by amendment 1.]

5. In page 10, between lines 29 and 30, to insert the following:

“(8) In circumstances where practicable and possible and where the parties agree, provision for an open adoption should be considered.”.

—*Senator Alice-Mary Higgins.*

SECTION 9

6. In page 11, line 14, to delete “In so far as practicable,”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

7. In page 11, between lines 18 and 19, 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.”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

SECTION 12

8. In page 13, to delete lines 15 to 19 and substitute the following:

“(a) the child resides in the State, and”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

9. In page 13, between lines 35 and 36, to insert the following:

“(3) The Minister shall provide by way of regulation for the circumstances under which the particular circumstances referred to in section 23(2) will apply.”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

SECTION 13

10. In page 13, between lines 35 and 36, to insert the following:

“13. Section 23 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.

[SECTION 13]

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.”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

11. In page 13, between lines 35 and 36, to insert the following:

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

13. (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 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 by Ministerial Regulation.”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

SECTION 13

12. In page 14, to delete line 11 and substitute “a person referred to in paragraph (b), (c), (d) or (e)# of the definition of”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

[#This is a reference to the paragraph proposed to be inserted by amendment 1.]

SECTION 14

13. In page 16, line 11, to delete “in so far as is practicable,”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

14. In page 16, between lines 16 and 17, 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.”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

[SECTION 18]

SECTION 18

15. In page 18, between lines 34 and 35, to insert the following:

“(7) The Minister shall provide by way of regulation for the circumstances under which the particular circumstances referred to in section 37(6) will apply.”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

SECTION 24

16. In page 20, between lines 6 and 7, to insert the following:

“(a) by the insertion of the following paragraph in subsection (1):

“(a) if the Child and Family Agency is satisfied that every reasonable effort has been made to support the parents of the child to whom the declaration under section 53(1) relates,”.

—*Senators Lynn Ruane, Frances Black.*

17. In page 21, line 10, to delete “in so far as is practicable,”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

18. In page 21, between lines 15 and 16, 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.”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

SECTION 27

19. In page 22, between lines 18 and 19, to insert the following:

“Amendment of section 58 of Principal Act

27. The Principal Act is amended by inserting the following new section:

“58B. 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 child so wish, and provided that this is in the best interests of the child.”.

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*

[SECTION 37]

SECTION 37

20. In page 24, between lines 27 and 28, to insert the following:

“Adoption Information and Tracing Scheme

37. 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—
- (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

[SECTION 37]

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.”.”.

—*Senators Ivana Bacik, Kevin Humphreys.*

SECTION 42

21. In page 26, between lines 5 and 6, to insert the following:

Amendment of Child Care Act 1991

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

“Amendment of Child Care Act 1991

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

—*Senators Fintan Warfield, Rose Conway-Walsh, Paul Gavan, Máire Devine, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile.*