



**SEANAD ÉIREANN**

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

**LEASUITHE TUARASCÁLA  
REPORT AMENDMENTS**

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# SEANAD ÉIREANN

## AN BILLE UCHTÁLA (LEASÚ), 2016 —AN TUARASCÁIL

### ADOPTION (AMENDMENT) BILL 2016 —REPORT

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

1. 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.*

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

“(7) (a) The Child and Family Agency shall publish guidelines in relation to best practices around post-adoption voluntary contact plans.

(b) The guidelines should include information on relevant services and supports including those relevant to maintaining post-adoption voluntary contact plans.”

—*Senators Alice-Mary Higgins, Lynn Ruane.*

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

“(7) The Authority shall ensure that those considering adoption are provided with—

(a) information on options and best practices regarding post-adoption voluntary contact plans, and

(b) information on relevant post-adoption services and supports.”

—*Senators Alice-Mary Higgins, Lynn Ruane.*

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

“(h) the existence of, or proposals for, any contact plan, and”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

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

“(h) the existence of, or proposals for, any voluntary contact plan, and”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

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

—*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.*

- \*8. In page 11, lines 21 to 23, to delete all words from and including “shall,” in line 21 down to and including “child” in line 23 and substitute “shall determine how best to ascertain the views of the child, in so far as practicable,”.
- \*9. In page 11, line 27, to delete “in person or in writing” and substitute “in person or in writing or by other means (including by electronic means)”.
- \*10. In page 11, line 31, to delete “orally or in writing” and substitute “orally or in writing or by other means (including by electronic means)”.
- \*11. In page 12, line 29, to delete “the regulations.” and substitute “the regulations.”.”.
- \*12. In page 12, to delete lines 30 to 34.
13. In page 12, between lines 34 and 35, to insert the following:

**“Information on post-adoption supports**

10. The Principal Act is amended by the insertion of the following after section 19:

**“Information on post-adoption supports**

19A.(1) The Child and Family Agency shall publish guidelines in relation to best practices around post-adoption voluntary contact plans.

(2) The guidelines should include information on relevant services and supports including those relevant to maintaining post-adoption voluntary contact plans.”.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

14. In page 12, between lines 34 and 35, to insert the following:

**“Information on post-adoption supports**

10. The Principal Act is amended by the insertion of the following after section 19:

**“Information on post-adoption supports**

19A. The Child and Family Agency shall publish information on relevant post-adoption supports and services.”.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

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

- “13. (1) *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.
- (2) 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.*

16. 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.*

17. In page 16, line 14, after “child,” to insert “including the existence of, or proposals for, any contact plan,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

18. In page 16, line 14, after “child,” to insert “including the existence of, or proposals for, any voluntary contact plan,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

19. 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.*

\*20. In page 20, to delete paragraph (a) inserted by Seanad Committee amendment 16#.

[# *For the information of Senators, the text proposed to be deleted above was inserted by amendment No. 1 on the list of Committee Stage amendments made by the Seanad.*]

21. 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.*

22. 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.*

23. 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.*

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

**“Amendment of section 96 of Principal Act**

37. Section 96 of the Principal Act is amended, in subsection (1), by the insertion of the following paragraph:

- “(i) (i) the publication of guidelines in relation to best practices around post-adoption voluntary contact plans for those considering adoption,
- (ii) information on relevant post-adoption services and supports for those considering adoption.”.”

—*Senators Alice-Mary Higgins, Lynn Ruane.*

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

**“Amendment of section 39 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 section 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) The Government shall ensure that there is no disincentive, financial or

otherwise, for adoption by foster parents.”.”.

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

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

“42. Not later than 10 months after the passing of this Act, the Minister shall initiate a review and consultation in respect of the potential introduction of open or semi-open adoption in Ireland. Such a review shall include public consultation and legal and policy analysis. A report on the findings of this review and consultation shall be laid before the Houses of the Oireachtas not later than 8 months after its initiation.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

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

“42. (1) Not later than 12 months after the passing of this Act, the Minister shall initiate a review and consultation in respect of the potential introduction of open or semi-open adoption in Ireland including potential changes to the current model of adoption orders under the Adoption Act 2010. Such a review shall include public consultation and legal and policy analysis with due consideration given to recent changes in the legislative context including:

- (a) Article 42A of the Irish Constitution;
- (b) the Irish Child and Family Relationships Act 2015 (Part 11); and
- (c) relevant Acts passed in 2016.

(2) A report on the findings of this review and consultation and an outline of potential actions shall be laid before the Houses of the Oireachtas not later than 8 months after its initiation.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*