



ÚDARÁS UCHTÁLA na hÉIREANN THE ADOPTION AUTHORITY of IRELAND

Adoption (Amendment) Act 2017 FAQ

Do I have to be married to my partner in order for us to adopt a child?

No. Under the new amendment, any couple living together in a civil partnership, or co-habiting together in a relationship for a minimum of 3 years can now apply to adopt a child.

Does this amendment apply to same-sex couples?

Yes. Because of the Marriage Act 2015, same-sex couples have already been able to marry and so apply for an adoption. But now, in addition to this, same-sex couples living together in a civil partnership, or co-habiting together in a relationship for a minimum of 3 years, can also apply to adopt a child.

What has changed about step parent adoptions?

Previously, for a person to adopt their partner's child, that partner would also have to apply and they would adopt that child as a couple. This is because adoption transfers all parental rights and responsibilities from the original parents to the adoptive parents, and the existing parent would lose these rights and responsibilities if they did not also adopt.

Now it is possible for a person to apply to adopt their partner's child and that partner to consent to the adoption but still keep their parental rights and responsibilities, sharing them with their partner after the adoption order is made. The child must have lived with their parent and prospective step parent together for a minimum of 2 years.

Also in the past that couple needed to be married for a step parent adoption to take place, but now that can also be living together in a civil partnership or co-habiting together and apply.

Does a birth father still have a right to be consulted about the adoption of his child?

Yes. Under Section 30 of the Adoption Act 2010, all efforts must be made to notify and consult with a birth father about the proposed adoption of his child, unless permission is given by the High Court in very specific situations.

The amendment has expanded this to also give this right to what are termed as 'relevant non-guardians'. In basic terms a relevant non-guardian is any parent of a child who is not a guardian of that child, or someone who is a guardian but does not have the right to consent to an adoption. This term and its provisions are designed allow for the expanding nature of families in modern society and ensure that everyone's rights are respected.

What has changed about the status of children who can be adopted?

Previously, children born to married parents were not eligible for adoption unless both parents were deceased. Also children could not be adopted again if they had been adopted previously. Now all children are considered equally in terms of their eligibility for adoption and the marital status of their parents has no direct influence on this.

I or my partner conceived a child through a surrogate or other assisted means, how can we both be recognised as the parent of the child?

Assisted reproduction is not fully legislated for in Ireland, you may wish to seek independent legal advice from a family law solicitor. It is open to you to submit an adoption application for consideration.

Can adults now be adopted?

No. For a person to be adopted they must be under 18 years of age on the date of the adoption order being made. Families thinking about adoption need to apply well in advance of the child's eighteenth birthday, as adoption can be a long and complicated process.

Has this amendment introduced any new rights for adopted people looking to access their adoption records?

No. There is separate legislation before the houses of the Oireachtas which is proposed to deal with matters of information and tracing.

How do I apply for an adoption?

You will need to get in touch with the local adoption office of Tusla, Child and Family Agency. They can give you information and advice on the adoption process and they carry out the assessment to establish Eligibility and Suitability to adopt.

The contact details for the local offices can be found here: <http://www.tusla.ie/services/alternative-care/adoption-services/adoption/adoption-offices>

I am divorced and married again, can I adopt my spouse's children?

Yes. You can apply through your local Tusla adoption service to adopt your spouse's children.

You will need to get in touch with the local adoption office of Tusla, Child and Family Agency. They can give you information and advice on the adoption process and they carry out the assessment to establish Eligibility and Suitability to adopt. The views of the children, and all parents and guardians of the children, will be considered by the Adoption Authority in considering an adoption application.

The contact details for the local offices can be found here: <http://www.tusla.ie/services/alternative-care/adoption-services/adoption/adoption-offices>

I am a foster parent, is it now easier for me to adopt the child I have been fostering?

Yes. You can apply through your local Tusla adoption service to adopt the child you have been fostering, if you have been caring full-time for the child for more than 18 months and the child has not been in the care of his or her parents for a period of at least three years.

You will need to get in touch with the local adoption office of Tusla, Child and Family Agency. They can give you information and advice on the adoption process and they carry out the assessment to establish Eligibility and Suitability to adopt. The views of the child, and all parents and guardians of the child, will be considered by the Adoption Authority in considering an adoption application.

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