



Press Release

Landmark legislation welcomed by Dr Geoffrey Shannon, Chairman of the Adoption Authority of Ireland

17 October 2017

The Adoption (Amendment) Act 2017 will come into effect on 19 October 2017 following the signing earlier today of the Commencement Order by Minister Katherine Zappone. This legislation changes various parts of the Adoption Act 2010, which govern how all adoptions in Ireland are carried out.

A basic summary of the main changes in the Amendment Act is enclosed.

- All children can now be considered equally in terms of their eligibility for adoption. The fact that they were adopted previously or born to married parents is no longer an automatic restriction.
- The best interests of the child are recognised as the most important consideration in any adoption application. There is a detailed list of considerations in the amendment to be applied when judging the best interests of the child. These focus on how an adoption will likely affect the child and it also makes it clear that the child's own opinion is very important.
- A distinction about a child being over or under 7 years of age when being adopted has been removed. Now the only legal distinction about a child's age is that he/she still must be under 18 years of age.
- Any couple living together in a Civil Partnership or Co-Habiting together for at least 3 years can now apply to adopt a child. Previously only married couples or individual applicants could apply to adopt.
- Step-parents can now apply to adopt their partner's child without that partner (who is already the parent of the child) also applying to adopt the child.
- 'Relevant non-guardians' are now recognised in the Act. The definition of relevant non-guardian is broad but in basic terms is a person who is recognised as the parent of a child but is not a guardian, or is a type of guardian who doesn't have the right to consent to an adoption. They have a right to be consulted about the adoption of the child, similar to what fathers (without guardianship rights) already had under the previous version of the Act.
- Cases which need to be decided by the High Court, when the parents of the child cannot or will not consent to an adoption, now require more consideration to the attempts of those parents to raise the child. For example, the child must be out of their care for a longer period of time.

In welcoming the commencement of the legislation, Dr Shannon reiterated the Authority's commitment to hearing the voice of the child in all adoption matters and acknowledged that a greater number of children from the foster care system can now be adopted under this important legislation.

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