

## **‘Identified Child’ and the Hague Convention – AAI Website**

The Adoption Authority of Ireland (AAI) is responsible for regulating and supervising domestic and intercountry adoptions.

The AAI is both the Competent Authority and Central Authority in Ireland in relation to adoption matters. In other words, the AAI has power under the law to approve or deny adoptions, and is the only agency in Ireland that can do so.

For international adoptions, please note that people hoping to adopt cannot ‘identify’ a child to adopt in advance of their application – that is, **they cannot specify a particular child that they want to adopt when they apply.**

The Hague Convention aims to protect children and prevent abuses such as child abduction, sale of children and child trafficking. Ireland is a signatory country to The Hague Convention. This Convention is now part of Irish law and aims to safeguard children by establishing a system of co-operation between contracting states (other countries that have signed up to the Convention).

The Adoption Authority must, therefore, ensure the principles agreed under the Hague Convention and applicable under Irish law are followed.

Under Irish law, adoptions will only be allowed from countries that are signed up to the Hague Convention or countries that Ireland has a ‘bilateral’ agreement with. A bilateral agreement is an agreement between countries to follow certain practices and conditions.

In general terms under the Hague Convention, before a child can be adopted, there must be agreement between the two contracting states – that is, the home country of the child being placed for adoption and the country the child will come to when they’re adopted.

Under Article 17 of the Hague Convention, the state of origin (home country) can only entrust a child to parents if the Central Authorities of both countries have agreed that the adoption may proceed.

Adoption of identified children is not best practice, and could leave children open to vulnerabilities the Convention seeks to prevent.

While the Hague Convention does not specifically prohibit the adoption of identified children, the adoption process tries to avoid children being identified before or during the parental assessment. The reason for this is that the best interest of the child is the most important consideration.

When preparing a report determining that the child is adoptable, the Central Authority of the state of origin can take it into account if a child has already been identified, and this could influence their decision.

Each contracting state has a right to check if any practice is against the objectives of the Hague Convention. The AAI, as the Central Authority in Ireland, can decide in a case where a child identified before or during the adoption process is against the objectives, or could be in the future.

Article 8 obliges the AAI to take appropriate measures in such situations. In particular, the AAI must ensure that child protection safeguards are respected by member states to prevent the possible abduction, sale, or trafficking of children.