

Information Pack
Adoption & Fostering

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Adoption

What is Adoption?

Adoption is a legal process whereby a child becomes a permanent member of a new family. It means the child has the same family name and the same legal rights as if they had been born into the adoptive family.

If a person or family wishes to adopt a child whether in Ireland or abroad they must first contact a Registered Adoption Society or their nearest Health Services Executive Area. They will then be assessed to see if they meet the criteria necessary to adopt a child. After they have been accepted by an adoption agency and after a child has been successfully placed an application for an Adoption Order must then be made to the Adoption Board. The Adoption Board is an independent statutory body and will make an adoption order in due course.

An adoption order can only be made by the Adoption Board and it has the same effect as a court order.

Consent of either the parent or guardian of the child is a legal requirement before adoption. The Adoption Board usually has a consent form showing that the birth mother agrees to the making of an adoption order. When the child is born outside of marriage and the father has no guardianship rights, only the mother's consent is required. However under the Adoption Act 1998 birth fathers are now being consulted if possible about the adoption of their children.

The adoption order legally secures the position of the child in the adoptive family and legal adoption is permanent. When an Adoption Order is made, a new birth certificate can be obtained for the child. It holds the status of an actual birth certificate for legal purposes.

The process of adoption is thorough and complex and takes at least a year to complete and for inter-country adoption the process may even take longer in many cases.

Who is eligible to Adopt?

In order to be eligible to adopt in Ireland one must be at least twenty one years of age and be a resident of the state. The law does not lay down upper age limits for adopting parents. However, age is a significant factor when assessing a couple's suitability to adopt and most adoption agencies apply their own upper age limits. The following are also eligible:

- A married couple residing together. (In this case where either one of the parties is a mother, father or relative of the child then the 21 age rule need only apply to one of the parties.)
- A married person alone (The other spouse must be in agreement unless they are separated under a court agreement or they have just cause to be living apart from their spouse.)
- A Mother, Father or relative of the child.
- A widow or widower
- A sole applicant where the adoption board is satisfied that it is desirable given the circumstances of the case.

Note: It is not possible for an unmarried couple to adopt a child jointly. This rule prohibits any unmarried couple from jointly adopting a child even in the case that one of the parties is the biological or legal parent of the child.

Adoptive Leave

Under the Adoptive Leave Act 1995 adoptive mothers or fathers (in the case where a male is a sole adopter) are entitled to sixteen weeks leave after the adoption takes place. Additional adoptive leave of up to a further eight weeks can also be taken but this period is not covered by adoptive benefit nor is your employer obligated by law to make any payment unless otherwise agreed. One's employer must be notified in writing of the person's intention to avail of adoptive leave and the date in which you intend to commence adoptive leave should be clearly stated. The employee has the same rights to return to work as with maternity leave, and must also give four weeks notice of the intention to return.

Adoptive Benefit

Adoptive Benefit is a payment to an adopting mother or a single man who has adopted a child. Certain PRSI contributions need to have been met in order to qualify. After this criteria has been met adoptive benefit is payable for a continuous period of sixteen weeks from the date of placement. One needs to have applied for adoptive benefit five weeks before you intend to go on adoptive leave. This can be done through your local social welfare office.

Inter-country Adoption

Those who wish to adopt children from overseas are required to have their eligibility and suitability assessed and established before they travel abroad in order for their adoption order to be recognized under Irish law. It is critical to check with the Adoption Board whether the adoption law of the country you are hoping to adopt in complies with Irish adoption law. A full list of recognized countries is available on the Adoption Board's website. When one has decided on the country of origin one needs to ask for a referral to an adoption agency or foundation in that country. It is necessary to check that the relevant adoption agency is reputable and that any fees required are fully transparent and can be accounted for. The agency in that country then should be asked for all relevant information with regard to the child for example medical information or if the child is currently in an institution. When the decision to adopt has been made and sanctioned immigration clearance for that child to enter the state must be obtained from the Department of Justice, Equality and Law Reform. This will only be granted after an assessment procedure has been completed and a declaration is made in favour of the people wishing to adopt by the Adoption Board.

Inter-country adoptive parent support groups:

A number of parent support groups have been set up for parents who are interested in overseas adoption. Details of these groups can be found in the Adoption Handbook published by the Adoptive Parents Association of Ireland which can be purchased through any bookseller or directly from the Secretary of the Adoptive Parents Association of Ireland, Glendalough Post Office, Co. Wicklow, (Taken from Adoptionboard.ie 2001)

Historical background to Adoption in Ireland

Legal Adoption was not introduced to Ireland until 1952. In the 1920's and 30's when other countries were framing adoption laws, Ireland, as an emerging nation, was preoccupied with establishing infrastructure.

Ireland has a written Constitution, which, whilst it gives rights, can also have a limiting effect particularly in Family and Adoption Laws.

In the 1920's and 30's there was an emerging problem of Irish women arriving in England already pregnant or becoming pregnant after their arrival. Records relate to the financial burden some of these women and their children placed on diocesan funds. A number of voluntary organisations already working with destitute women in Ireland began to become more active in the area of single pregnant women.

During the war years, the problems associated with the movements of large numbers of people and the break up of families resulted in an increased number of births outside marriage. Emigration controls were introduced; a formal repatriation scheme established and Irish health officials began to pay for mothers in Mother and Baby homes set up in the 20's and 30's. Because of these changes the 1940's saw an increase in the number of single mothers remaining in Ireland and this was a factor in the introduction of Adoption here. However in the post war years, the 50's and 60's, many Irish women still continued to place children for adoption "across the water" and many social workers in the U.K are working with these adoptees that are now searching for birth mothers who may have returned to Ireland.

The most effective catalyst for adoption was the emergence in 1948 of a multi-denominational group called the Legal Adoption Society. Among its members were many long-term foster parents anxious to have their position as parents legally secured.

The Government, which was a Conservative coalition, was reluctant to introduce legal adoption in Ireland. Whyte in his book "The Church and State in Modern Ireland" suggests that this was due to;

- An instinctive sub conscious objection to adoption because property should go to someone of one's own blood. There was a tradition of childless couples leaving land to a member of the extended family. One rural deputy was quoted as saying "Adoption would be like interfering with the stud book".
- It was felt too that foster parents were not necessarily that insecure under the then existing law.
- It was believed that to ask a mother to surrender her child totally was both un-Christian and unjust.
- There was also a fear that adoption would be anti- family and anti-constitutional.

In the end, the Legal Adoption Society proved they very able in the political area. They obtained the consent of the Hierarchy in principle to Adoption with safeguards in Ireland, there was a change of government and legal adoption was introduced.

(Taken from **A paper presented by Patricia White & Norah Gibbons Barnardos, 1992**)

Children placed for Adoption

There are many reasons why children are placed for adoption.

- The social stigma that was attached to birth parents and to children born outside of marriage – this was particularly true until the end of the 1970's.
- Lack of financial support to lone parents and their children. The first social welfare payment to lone parents was made in 1973.
- The desire of lone parents to have their children reared in two parent families, particularly in the past.
- The crisis created by a pregnancy may be so painful, that birth parents see difficulties in raising the child themselves.

How were Children placed for Adoption?

- Through registered adoption agencies (societies) and health boards. Agencies are registered by the Adoption Board for the purpose of placing children for adoption. Most children are placed for adoption by registered agencies.
- Family adoption, where the child is placed for adoption with another family member, e.g. birth parent's sister or aunt.
- Third party placements, where a third party e.g. a doctor, solicitor, nurses or members of the clergy, placed children with an adoptive family.
- Privately, where the birth family knows the adoptive family.

(Taken from **Search & Reunion 1: The Journey First Steps** by Barnardos Adoption Advice Service)

Principle Adoption Legislation in Ireland

The following are a list of legal documents ratified in Ireland in relation to adoption.

1952 Adoption Act	1987 Status of Children Act
1964 Adoption Act	1988 Adoption Act
1974 Adoption Act	1991 Adoption Act
1976 Adoption Act	1996 Adoption Bill
1979 Amendment to Constitution	1998 Adoption Act

The Department of Health & Children in June 2003 started a consultation process with regard to adoption legislation in Ireland. A discussion paper was drafted outlining a number of issues in order to help draft a more appropriate framework for adoption in Ireland and the public were asked to make submissions with regard to the proposed changes to the law.

Legislation was subsequently drafted in 2004 in order to:

1. Ratify the Hague Convention on the Protection of Children
2. Provide for the creation of the Adoption Authority as the Central Authority required under the terms of the convention to oversee the implementation in effecting inter country adoptions.
3. Deal with miscellaneous issues regarding domestic adoption and the creation of a new special form of guardianship.

This legislation, called the Adoption (Hague Convention, Adoption Authority and Miscellaneous) Bill has not yet been enacted.

Who Arranges Adoptions?

Only Registered Adoption Societies and the Health Boards are legally entitled to place children for adoption. Health Boards adoption services are provided through the community care service of the Boards. A number of the Societies are operated by, or in association with the local Health Board.

The Adoption Board

All applications for adoption orders are made to the Adoption Board, an independent statutory body. The Board consists of a chairman and eight ordinary members appointed by the Government. The primary function of the Board is to grant or refuse applications for adoption orders in relation to Irish adoptions; to register and supervise the Registered Adoption Societies; to grant declarations of eligibility and suitability in relation to inter-country adoptions; and to keep the Register of Foreign Adoptions.

Children Eligible for Adoption

The law permits the adoption of:

- (a) orphans, and
- (b) children born outside marriage, including in certain circumstances, children whose natural parents subsequently marry each other.

In addition, in exceptional cases, the High Court may make orders under section 3 of the Adoption Act, 1988, authorising the adoption of children whose parents have failed in their duty of care towards them. Children born within marriage may be adopted under this provision. A child born outside marriage who is legitimated by the subsequent marriage of the natural parents is eligible for adoption provided his/her birth has not been re-registered. A child born to a married woman but whose husband is not the father, is eligible for adoption provided the facts of the child's paternity can be proven to the satisfaction of the Adoption Board. The child must reside in the State, be at least six weeks old and under 18 years of age. The child need not have been born in this country. An agency cannot place a child for adoption until the child is at least four weeks old.

The Welfare of the Child

Adoption is for the benefit of children. The child is the most important person in the whole process. This principle is embodied in the law, which requires the Adoption Board or any Court, when dealing with any matter relating to an adoption, to regard the welfare of the child as the first and paramount consideration.

The Child's Wishes

The Adoption Board must take into account the wishes of a child who is more than seven years of age at the date of an application for an adoption order.

Religion

Where the adopting parents, the child and the parent(s) are not all of the same religion, the parent(s) must know the religion (if any) of each of the adopting parents when giving consent to the child's adoption.

(Taken from www.adoptionboard.ie 2001)

Fostering

What is Foster Care?

Fostering is caring for someone else's child in your home. Sometimes for one reason or another, a child cannot live with his/her parents, either on a short or long-term basis. This could be due to illness, unemployment, the death of a parent, child abuse or neglect, which can lead to a child being placed in a foster home. Ideally the child will return to its own family as soon as it is possible. Currently it is estimated that approximately 4,500 children are in foster care in Ireland.

Each Health Service Executive Area in Ireland assesses, recruits and trains foster families according to the needs of the area. The HSE area is then responsible for each child which is placed with a foster family. The HSE area provides training for the carer or family and a basic maintenance allowance is also payable to the foster family. Each foster child is appointed his/her own social worker who monitors the child's progress and ensures that actions taken are in the best interests of the child. Each foster family also has his/her own social worker, who may have helped assess the suitability of the family to foster and who will continue to support the family throughout the foster term.

Children can be placed in foster care either voluntarily or by court order. Voluntary foster care occurs when a parent or family asks the HSE area for help. If a foster placement occurs after a court order then this is where the judge decides that it is in the best interests of the child to be placed in the care of the HSE (Health Services Executive) Area.

Different Types of Fostering

In Day Foster Care

This is where specially selected and trained foster parents/cares provide care for a child on a daily basis in their own home. The child returns to her home each night. This gives the child's family an opportunity to deal more effectively with whatever difficulties they may have. In time the child will return full time to its own home.

In Short Term Foster Care

This is where a child is cared for by a foster family for anything from a week to a number of months when hopefully the child can move back to her own family. Sometimes when circumstances don't improve in her own family the child may move to a long-term foster family.

Long Term Foster Care

This means caring for a child in your home for a number of years and may continue until the child becomes an adult.

Relative Foster Care

This is when another family member becomes a foster parent of the child example a grandparent, aunt, uncle or any other relative.

The Child's Family

The best place for any child is with its own parents and family. When a child is in foster care she retains her own name and identity. It is important that she sees her own family as often as possible. The child's own parents are involved as much as possible in decisions to do with the child's life and are fully informed as to how she is currently getting on.

Foster Carers:

Any individual or family unit can apply to their local HSE area in order to have their suitability assessed. Unmarried and same-sex couples are also eligible to apply. A social worker will be appointed to make the assessment. This will involve meeting all family members, particularly the parent(s), over a number of months. It will include medical examinations of parent(s), garda clearance and references. Every effort is made to ensure that accepted foster families have the skill required to care for the children placed within their care.

What is a foster family like?

Foster Families are ordinary families who have been assessed and trained to offer a child a home where they will be supported, comforted and loved through a vital time in their lives. This requires patience, tolerance, a sense of humour, love of children and flexibility. As one foster parent puts it: "Being a foster family is rewarding and fulfilling, tiring, but never boring."

What's it like to be a foster child?

Just as every child is different so each foster child has their own individual way of coping with their particular life-situation. Young people up to the age of eighteen can be fostered. A big part of every foster-child's life is living separately from their own family. Foster parents/cares and social workers will try in many ways to see that each child copes with this as well as possible. This is how one child aged 10 puts it "My foster family are lovely - they mind me very well - but I'm always sad when I have to leave my own mam and gran after I visit them."

(Taken from **Fostering Facts** Irish FosterCare Association 2001)

What is the difference between Fostering & Adoption?

When a child is adopted she becomes a member of a new family and in most cases there are no further links with the family of origin. A foster child always remains a member of her own family. Strong links are maintained and encouraged and where possible the child will return in time to her own family.

Irish Foster Care Association:

This is a voluntary association working with all the Health Service Executive Areas around Ireland. This organization provides advice information and support for all foster carers. An information pack is also available to those interested in fostering and is available from the association.

National Standards for Foster Care

These standards were produced by the Department of Health and Children in 2003 following consultation with representatives from the former health boards, the SSI, the Irish Foster Care Association and other professionals involved in the provision of foster care. They are based on the relevant legislation, regulation and guidance, and best practice. They were influenced by inspection experience in residential child care, feedback from foster carers and young people in care and by the National Standards for Children's Residential Centres.

These Standards apply to services provided under the Child Care (Placement of Children in Foster Care) Regulations, 1995 and the Child Care (Placement of Children with Relatives) Regulations, 1995. A children's version of the standards was published called the Children's book about Foster Care (2003).

There are a total of 25 standards are divided into three sections focusing on

1. Children and young people
2. The foster carers
3. The former Health Boards (now the Health Service Executive)

The Social Services Inspectorate, which is part of the Health Information and Quality Authority (HIQA) is responsible for inspecting foster care services managed by the Health Service Executive.

Websites, Contact Details and Resources for further information:

Barnardos' Training and Resource Service:
Christchurch Square, Dublin 8.
Tel: 01 4549699
Fax: 01 4530300
Email: resources@barnardos.ie

<http://www.barnardos.ie/>

Barnardos' Training and Resource Service library database can be searched through the library section of the Barnardos website.

Post Adoption Service, Barnardos, Hyde Square, 654 S.C.R. Dublin 8

Helpline - Tel: 01 4546388 Tues 2.00p.m. to 5.00p.m. Tues 2.00p.m. to 5.00p.m.
Tel. 014530355
Fax: 01 4530300
E-mail: adoption@barnardos.ie

Barnardos Post Adoption Service offers professional post adoption support to parents who have adopted from abroad and in Ireland. Support is also offered to birth mothers and adopted adults. Services include individual, telephone and group counseling and information on post-adoption services in Ireland and the UK.

Barnardos Search & Reunion Series

- 1 The Journey First Steps
- 2 The Journey Search Phases & Who Should I Tell?
- 3 The Journey Issues & Feelings
- 4 The Journey Some Possible Outcomes
- 5 The Journey After Reunion

These are free of charge by supplying a SAE stating clearly which numbers are required .Barnardos 'Children's Books for Special Needs – Adoption and Fostering' 2001A list of books for children and young people dealing with many aspects of adoption and fostering. Available free of charge by supplying a SAE.

Other Relevant Contacts	
<p>Adopted Peoples Association The Adopted Peoples Association, Ltd. 14 Exchequer Street Dublin 2, Tel: 01 4624430 Fax: 01 8674033 E-mail: info@adoptionireland.com Website: www.adoptionireland.com</p>	<p>International Adoption Association 80 Tower Road, Clondalkin, Dublin 22. Tel: 01 4992206 E-mail: info@iaaireland.com Website: www.iaaireland.com</p>
<p>Adopted and Fostered Peoples Association of Ireland (AFP AI) 42 Redwood Close, Kilnamanagh, Dublin 24 Tel: 01 4510425/01 8463270 Fax: 01 8556957</p>	<p>Adoptive Parents' Association of Ireland APAI, Roundwood, Bray, Co Wicklow Tel: 0404 45184/ 01 6790011 Fax: 0404 45700 E-mail: apai@eircom.net Secretary: Helen Gilmartin or A.P.A.I. P.R.O. Helen Scott 40 Fairyhouse Lodge, Ratoath, Co Meath Tel: 01 825 6961</p>
<p>Adoption Board Shelbourne House, Shelbourne Road, Dublin 4 Tel: 01 6671392 / 01-2309300 Fax: 01 6671438 E-mail: adoptioninfo@health.irl.gov Website: www.adoptionboard.ie</p>	<p>Barnardos Post Adoption Service Barnardos, Christchurch Square, Dublin 8. Tel: 01 4530055 Helpline - Tel: 01 4546388 Tues 2.00p.m. to 5.00p.m. Thurs 10.00a.m. to 2.00p.m. Fax: 01 4530300 E-mail: adoption@barnardos.ie</p>
<p>International Orphan Aid Unit 6B, Killinarden Business Park, Tallaght, Dublin 24 Tel: 01 4664106 Fax: 01 4664160 E-Mail: info@internationalorphanaid.ie Website: www.internationalorphanaid.ie</p>	<p>Adoptive Benefit Section, Social Welfare Services Office Government Buildings Ballinalee Road Longford Tel : 043 45211 or 01 8748444</p>
<p>Adoption Loss/Natural Parents Network of Ireland PO Box 6714 Dublin 4 Tel: 086 8530140 (Sundays 2.00p.m. to 4.00p.m.) E-mail: info@adoptionloss.ie Website: www.adoptionloss.ie</p>	<p>PACT 15 Belgrave Road, Rathmines, Dublin 6. Lo-call: 1850 67 33 33 Tel: (01) 497 67 88 Fax: (01) 496 65 65 E-mail: info@pact.ie</p>
<p>Irish Foster Care Association The Pharmacy Corner, Mayfield Terrace, Ballinteer Road, Dublin 16 Tel: 01 2961083 Fax: 01 2961078 Website http://www.ifca.ie/ E-mail: info@ifca.ie</p>	<p>Parents of Romanian Adopted Children (PARC) 53 Castlelands, Balbriggan Co Dublin Tel: 01 841 1530 parcireland@eircom.net</p>

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