

DÁIL ÉIREANN

AN BILLE UCHTÁLA 2009 —ROGHCHOISTE

ADOPTION BILL 2009 —SELECT COMMITTEE

*Leasuithe
Amendments*

SECTION 2

In page 13, after line 37, to insert the following subsection:

“(3) Nothing contained in this Act shall prevent any person or married couple who applied to the HSE to be assessed for an intercountry adoption prior to the 1st January 2009 and subsequently obtain a declaration of suitability to adopt from effecting such adoption and having such adoption recognised under the law applicable prior to the coming into operation of this Act.”.

—Alan Shatter.

SECTION 3

In page 15, subsection (1), line 12, after “years” to insert the following:

“and over 18 years who was in the care of a person or persons other than his or her biological parent or parents for a period of three years or more prior to attaining the age of 18 years”.

—Alan Shatter.

In page 15, subsection (1), line 32, after “was” to insert “ordinarily or”.

—Alan Shatter.

In page 16, subsection (1), between lines 1 and 2, to insert the following:

“(iii) is appointed to be a guardian of the child in accordance with the provisions of this Act.”.

—Alan Shatter.

In page 17, subsection (1), between lines 18 and 19, to insert the following:

“ “welfare” means the physical, emotional, social, intellectual, moral and religious welfare of the child.”.

—Alan Shatter.

SECTION 4

In page 18, between lines 16 and 17, to insert the following subsection:

“(2) Nothing contained in this Act shall result in the furnishing of legal advice, assistance or representation about adoption or any adoption matter to any person being regarded as the making of arrangements for adoption.”.

—Alan Shatter.

[SECTION 5]

SECTION 5

In page 19, between lines 2 and 3, to insert the following subsection:

“(2) Nothing contained in this Act shall result in any provider of travel services as being held to make arrangements for the adoption of a child.”.

—Alan Shatter.

SECTION 14

In page 20, between lines 30 and 31, to insert the following subsection:

“(2) Twelve months after the placement by an accredited body of a child for adoption with an adopter or adopters the agreement of the mother or guardian of the child to such placement shall be irrevocable.”.

—Alan Shatter.

SECTION 18

In page 23, subsection (4)(i), lines 1 and 2, to delete all words from and including “, after” in line 1 down to and including “Court,” in line 2.

—Alan Shatter.

In page 23, subsection (6)(b)(i), lines 31 and 32, to delete all words from and including “, after” in line 31 down to and including “Court,” in line 32.

—Alan Shatter.

In page 23, subsection (7)(a), lines 40 and 41, to delete all words from and including “, after” in line 40 down to and including “Court,” in line 41.

—Alan Shatter.

SECTION 20

In page 24, between lines 25 and 26, to insert the following subsection:

“(4) On the application of the spouse of a biological parent desiring to adopt a child to acquire the same rights and responsibilities with regard to the child as the biological parent.

- (a) The adoption order shall confer the same rights and responsibilities on the spouse as vest in the biological parent.
- (b) Shall not affect the rights and responsibilities of the biological parent.
- (c) Where the biological parent with whom the child does not permanently reside continues to have regular contact with the child, the Authority may make an order concerning guardianship rights and responsibilities on the applicant to so act jointly with the child's existing guardians or guardian instead of making an adoption order.”.

—Alan Shatter.

SECTION 21

In page 25, subsection (1), line 5, after “Executive” to insert “or other accredited body”.

—Alan Shatter.

[SECTION 21]

In page 25, subsection (2), line 9, after “Executive” to insert “or other accredited body”.

—Alan Shatter.

SECTION 23

In page 25, subsection (1), lines 20 and 21, to delete paragraph (b).

—Alan Shatter.

SECTION 24

In page 25, lines 30 to 33, to delete subsection (1).

—Alan Shatter.

In page 25, subsection (2), line 36, to delete “understanding” and substitute “maturity”.

—Alan Shatter.

SECTION 25

In page 25, line 38, after “order” to insert “or guardianship order made by it”.

—Alan Shatter.

SECTION 26

In page 26, lines 25 and 26, to delete subsection (4) and substitute the following:

“(4) A consent may be withdrawn within 3 months of being given and shall be irrevocable thereafter.”.

—Alan Shatter.

SECTION 27

In page 26, subsection (1)(a), to delete lines 31 and 32 and substitute the following:

“(i) that the consent may be withdrawn within 3 months of being given and is irrevocable thereafter,”.

—Alan Shatter.

SECTION 30

In page 27, lines 39 and 40, to delete subsection (1).

—Alan Shatter.

In page 28, subsection (4), lines 12 and 13, to delete “, after first obtaining the approval of the High Court,”.

—Alan Shatter.

In page 28, subsection (6), line 27, to delete “, after first obtaining the approval of the High Court,”.

—Alan Shatter.

SECTION 33

In page 29, subsection (1), between lines 38 and 39, to insert the following:

[SECTION 33]

“(b) the applicant is a spouse of the mother or father of the child.”.

—Alan Shatter.

SECTION 36

In page 31, after line 40, to insert the following subsections:

“(4) The membership of an adoption committee shall not exceed 5 persons.

(5) Each adoption committee shall be comprised of at least one member who is:

(a) a senior social worker;

(b) a child psychologist;

(c) a child psychiatrist; and

(d) a person who has adopted a child at least three years before their participation in the activities of an adoption committee.”.

—Alan Shatter.

SECTION 37

In page 32, subsection (3), between lines 42 and 43, to insert the following:

“(d) submitting the assessment report prepared in accordance with *paragraph (c)* to the applicants for correction and/or clarification, which may be submitted by the applicants to the Health Service Executive within 6 weeks of the receipt of the assessment report.”.

—Alan Shatter.

In page 33, between lines 2 and 3, to insert the following subsection:

“(5) In referring the assessment report to an adoption committee in accordance with *subsection (4)*, the Health Service Executive shall send the original assessment report referred to in *subsection (3)(c)(ii)* of this section together with any corrections and/or clarification that have been submitted to the Health Service Executive in accordance with *subsection (3)(d)* of this section.”.

—Alan Shatter.

SECTION 39

In page 33, between lines 22 and 23, to insert the following subsection:

“(4) The applicants are entitled to have a personal or legal representative be in attendance at any meeting or other proceedings convened by the adoption committee, or any other authority, in carrying out its function in accordance with *subsection (1)* of this section.”.

—Alan Shatter.

SECTION 42

In page 35, before section 42, to insert the following new section:

[SECTION 42]

“42.—In the event that a recommendation by the Health Service Executive under *section 37* of this Act declines to recommend the issue of a declaration of eligibility and suitability in favour of the applicants and, the Authority, having considered that recommendation in accordance with *section 40(2)* of this Act, issues a declaration of eligibility and suitability, the Authority shall instruct the Health Service Executive to amend the recommendation issued under *section 37* to reflect the final decision of the Authority under *section 40*.”

—Alan Shatter.

SECTION 58

In page 46, before section 58, to insert the following new section:

“58.—Where prospective adopters agree to an open adoption and know or are introduced to the father and/or mother of the child the Adoption Authority may make an access order in respect of that child in favour of the mother or father of the child to take effect immediately after the making of an adoption order.”

—Alan Shatter.

SECTION 103

In page 69, before section 103, but in Chapter 1, to insert the following new section:

“Disclosure of birth records of adopted children.

103.—(1) The Authority shall, on an application made in the prescribed manner by an adopted person who was placed for adoption subsequent to the coming into operation of the Act, a record of whose birth is kept by the Authority and who has attained the age of 18 years, supply to that person on payment of the prescribed fee (if any) such information as is necessary to enable that person to obtain a certified copy of the record of his birth.

(2) The Authority shall provide counselling for adopted persons who apply for information under *paragraph (1)* and for the biological parents of such persons.”

—Alan Shatter.

SECTION 162

In page 98, before section 162, to insert the following new section:

“162.—Section 11B(1) of the Guardianship of Infants Act 1964 is amended by the insertion of the following:

“(c) is a spouse of a parent of the child,”.”

—Alan Shatter.