

Overview of Irish Adoption Law

In Ireland, legal adoption is a relatively new institution. The first Irish statutory provisions permitting adoption did not come into force until January 1, 1953. Since then, the Adoption Act has been amended several times, most recently in 1998. Although the Act's provisions are not by any measure a model of clarity,¹ Ireland today has a modern adoption law that fully recognises legal adoption.

As in other developed jurisdictions, in Ireland an adoption order results in the adopter(s) and the adopted child assuming the same legal relationship as if the child had been born to the adopter(s) within marriage. The responsibility for making adoption orders is vested in the Irish Adoption Board, *An Bord Uchtála*. Before a final adoption order is made, the child usually is placed with the future adopter(s) by one of Ireland's Registered Adoption Societies. This temporary "placement for adoption" does not have the legal effect of a final adoption order.

With regard to intercountry adoption, Ireland has seen an increasing interest in the adoption of children from abroad over the last two decades. The procedure relating to intercountry adoption is addressed by the Adoption Acts of 1991 and 1998, and by the European Convention on the Adoption of Children, which Ireland ratified in 1968. Among other provisions, persons resident in Ireland wishing to adopt abroad must establish their eligibility and suitability before they travel abroad, if their adoption order is to be recognised under Irish law.

I. General Acts and Regulations Governing the Adoption Process in the Republic of Ireland

Domestically, the following acts and regulations govern adoption in Ireland:

- Adoption Act, 1952 (No. 25 of 1952);
- Adoption Act, 1964 (No. 2 of 1964);
- Adoption Act, 1974 (No. 24 of 1974);
- Adoption Act, 1976 (No. 29 of 1976) Sixth Amendment of the Constitution;
- Adoption Act, 1979 (No. 10 of 1979) Justice (Transfer of Departmental Administration and Ministerial Functions) Order, 1982 (S.I. No. 327 of 1982);
- Adoption Act, 1988 (No. 30 of 1988);
- Adoption Act, 1991 (No. 14 of 1991); and
- Adoption Act, 1998 (No. 10 of 1998).

Further statutory instruments include four sets of Adoption Rules: No. 304 of 1988; No. 170 of 1990; (S.I. No. 223 of 1996); and (S.I. No. 315 of 1999), as well as one set of Adoption

¹ The Irish adoption law was described as a "complex and almost incomprehensible jig-saw of disparate statutory provisions." See A.J. Shatter, *Family Law*, 4th ed. (1997), p. 516. One factor contributing to this complexity is that when the Irish legislature amends the Adoption Act, the Amendment does not replace the previous Acts in total, but only in respect of the particular subjects amended. Consequently, to access the entire Adoption Act, one must consult each of the Acts and amendments from 1952 to date.

This memorandum is for general informational purposes only and does not represent our legal advice as to any particular set of facts, nor does this memorandum represent any undertaking to keep recipients advised as to all relevant legal developments.

Regulations (S.I No. 254 of 1993). Copies of these instruments may be purchased from the Government Publications Sale Office; Sun Alliance House; Molesworth Street; and Dublin 2 (telephone (+3531) 6710309). They are also available on the Internet at <http://www.irishstatutebook.ie/>.

From an international perspective, Ireland ratified the European Convention on the Adoption of Children in 1968. Ireland has not yet ratified the Hague Convention of 29 May 1993 on Protection and Co-operation in Respect of Intercountry Adoption (the “Hague Convention”); however, the Irish Department of Health and Children has recently introduced a legislative proposal to ratify the Hague Convention. In so doing, Ireland would incorporate procedures for the recognition of “simple adoptions” into the existing acts. Unlike ordinary adoptions, simple adoptions do not have the effect of terminating a pre-existing legal parent-child relationship. The proposed legislation would also ensure that intercountry adoption would take place only where; (a) the same safeguards have been applied as for Irish domestic adoptions; (b) the adopters have completed the proper assessment and approval procedures; and (c) the adoption is in the child’s best interest.² As of the date of this memorandum, the Department of Health and Children’s legislative proposals were still under consideration.

II. Substantive Conditions for the Making of an Adoption Order

A. Who may be adopted?

An adoption order can be made in respect of orphans and children born outside marriage,³ including children whose biological parents subsequently marry each other without re-registering the birth of their child under Ireland’s Legitimacy Act 1931.⁴ In addition, since 1988 the adoption of any child, whether or not it was born to married parents, has been permitted in specifically defined circumstances where it was first established in court proceedings that the parents of the child had, “for physical or moral reasons (...) failed in their duty towards the child.”⁵ A child born to a married woman whose husband is not the biological father is eligible for adoption provided the facts of the child’s paternity can be proven to the satisfaction of the Adoption Board. In practice, however, the vast majority of adoption orders are made in respect of children born outside marriage.

Under the Adoption Act 1952, a “child” for the purposes of adoption was any person under 21 years of age.⁶ Today, no one over the age of 18 can be adopted.⁷ At the other end of the range, an adoption agency cannot place a child for adoption until the child has attained the age of four weeks,⁸ and, in cases in which consent is required, the legally-relevant adoption order

² See also the Response of the Irish Adoption Board to the Minister’s Discussion Document on Adoption Legislation, at <http://www.adoptionboard.ie/comments.doc> (last visited on 6 January 2004).

³ Adoption Act 1952, at Section 10(c).

⁴ Adoption Act 1964, at Section 2.

⁵ Adoption Act 1988, at Sections 2 and 3. See A.J. Shatter, *supra* note 1, p. 448.

⁶ Adoption Act 1952, at Section 3; Age of Majority Act 1985, at Section 2. See A.J. Shatter, *supra* note 1, p. 448.

⁷ Adoption Act 1988, at Section 6 (“‘child’ means (save where the context otherwise requires) any person who is under the age of 18 years.”). Other jurisdictions allow for the adoption of adults. See, e.g., Sections 1767 et seq. of the German Civil Code.

⁸ Adoption Act 1998, at Section 7B.

cannot be made until the child is at least six weeks old.⁹ Irish law does not require that the child be born in Ireland or have Irish citizenship; however, the child must reside within Ireland.¹⁰

B. Who may adopt?

With regard to the conditions concerning the adopting persons, the relevant Irish acts set forth requirements regarding, among other things, the civil status of the applicants, their age and other characteristics.

1. Civil status requirements

While, in practice, the vast majority of adoption orders are made in favour of married couples,¹¹ Section 10 of the Adoption Act 1991 provides that an adoption order can be made in favour of the following applicants:

- (a) Married couples living together. This is the only circumstance in which the law permits the joint adoption of a child by two people.¹² As a result, the Irish adoption acts do not permit adoption by homosexual couples, since homosexual couples cannot marry under Irish law.
- (b) Married persons alone. In this circumstance, the spouse's consent to adopt must be obtained, unless (i) the couple is living apart and is legally separated; (ii) the spouse has deserted the prospective adopter; or (iii) conduct on the part of the spouse results in the prospective adopter, with just cause, leaving the spouse and living apart.
- (c) The mother, father or other relative of the child.¹³
- (d) A widow or widower.
- (e) Sole applicant. A sole applicant, regardless of whether they fall within any of the above classes, may also adopt so long as the Adoption Board "is satisfied that, in the particular circumstances of the case, it is desirable."¹⁴

2. Age requirements

As a general rule, an adopting couple or an individual adopter must be at least 21 years of age.¹⁵ However, where a married couple is adopting the child and one of them is the mother, father or other relative of the child, only one of them is required to have reached the age of 21

⁹ Adoption Act 1974, at Section 15 (1) ("A consent shall not be valid unless it is given after the child has attained the age of six weeks and not earlier than three months before the application for adoption.").

¹⁰ Adoption Act 1952, at Section 10(a).

¹¹ See A.J. Shatter, *supra* note 1, at p. 449.

¹² See Adoption Act 1991, at Section 10(4) & (6). In such circumstances, both adopting spouses must be a party to the adoption process. See (1957) Ir Jur Rep 35 (SC).

¹³ Adoption Act 1991, at Section 10(1)(b). A "relative" for the purpose of this provision means a grandparent, brother, sister, uncle, or aunt of the child and/or the spouse of any such person.

¹⁴ Adoption Act 1991, at Section 10(2).

¹⁵ Adoption Act 1991, at Section 10(5)(a).

years.¹⁶ Adoption orders may not be made in favour of sole applicants under the age of 21 years even if they are related to the child.

The law does not set forth upper age limits for adopters. In practice, however, the age of the applicant(s) is a very significant factor when assessing a couple's or an individual adopter's suitability to adopt.¹⁷

3. Religious / racial / other requirements

Under Section 12(2) of the 1952 Act, no adoption order could be made unless the applicant(s) were of the same religion as the child and his or her biological parent(s).¹⁸ Today, there is no general legal impediment to the adoption of a child of a different religion. However, where the adopting parents, the child and the biological parent(s) are not all of the same religion, an adoption order cannot be made unless every person whose consent is required knows the religion (if any) of each of the applicants when that person gives his or her consent.¹⁹

While the Irish acts do not require that the applicants have Irish nationality or an Irish domicile, the applicants must be ordinarily resident in Ireland or have been resident there during the year ending on the date of the order.²⁰ The Irish acts on adoption do not set forth any racial restrictions on adoption.

The Adoption Board cannot make an adoption order unless it is satisfied that each of the adopting parents is of good moral character, has sufficient means to support the child and is a suitable person to be granted parental rights and duties.²¹

C. Adoption authorities

The adoption process in Ireland is regulated by the Adoption Board -- the *An Bord Uchtála* -- which consists of a Chairman and eight members.²² The Adoption Board is an independent, quasi-judicial statutory body appointed by the Irish Government. It has the sole right to grant or refuse to grant adoption orders.²³ The Board is also responsible for granting declarations of eligibility and suitability to prospective adopters in advance of their adopting abroad and for maintaining the Register of Foreign Adoptions in which details of intercountry adoptions are entered.

¹⁶ Adoption Act 1991, at Section 10(5)(b).

¹⁷ This is in spite of the fact that, according to the non-statutory guidelines, the applicants' age "should not be viewed as in any way placing an embargo on or preventing persons over 40 years from availing their entitlement to an assessment." See A.J. Shatter, *supra* note 1, at p. 452.

¹⁸ Adoption Act 1952, at Section 12(2) ("The applicant or applicants shall be of the same religion as the child and his parents or, if the child is illegitimate, his mother."). Apart from the exceptions contained in Section 12(3) of the Adoption Act 1952, not only were Protestant parents prevented from adopting Roman Catholic children and vice versa, but also mixed or interfaith partnerships were totally prohibited from adopting a child. In 1974, Section 12(2) of the Adoption Act 1952 was declared unconstitutional. See A.J. Shatter, *supra* note 1, at pp. 452-3.

¹⁹ Adoption Act 1974, at Section 4.

²⁰ Adoption Act 1991, at Section 10(6).

²¹ Adoption Act 1952, at Section 13(1).

²² Adoption Act 1952, at Section 8.

²³ Adoption Act 1952, at Section 9.

The Adoption Board is also in charge of registering and supervising the Registered Adoption Societies and for maintaining the Adoption Societies Register.²⁴ The role of these non-governmental adoption societies is to accept children for adoption and place them with prospective adopters before the final adoption order is made. In order to obtain and maintain registration, organizations must satisfy the Adoption Board that they exist for the purposes of promoting charitable, benevolent or philanthropic reasons and that they are controlled and managed by fit and proper individuals.²⁵

D. Standard applied before making an adoption order

In any matter before the Adoption Board or before a court relating to the making of an adoption order, the welfare of the child shall be the “first and paramount consideration.”²⁶ In the event that these considerations conflict with the biological mother’s interests, Irish courts have held that once a biological mother has agreed to an adoption placement, any constitutional rights she possesses as a mother cease to be a determining factor in the court’s decision-making process.²⁷ Additionally, the Adoption Board must take into consideration the wishes of a child who is more than seven years old as of the date of an application for an adoption order.²⁸

III. Adoption Procedure

A. Who makes the adoption order?

While the non-governmental Registered Adoption Societies accept children for adoption and place them with prospective adopters, the Adoption Board makes actual adoption orders.²⁹ The Board cannot make a final adoption order unless it is satisfied as to the suitability of the adopting parents.³⁰ On receipt of an application for an adoption order, the Adoption Board assigns one of its social workers to the application, to visit the homes of applicants and report to the Board on their suitability.

Once an application to adopt is made, the prospective parents undergo detailed assessment by the relevant adoption society. If the adopting parents are found suitable, a child will be placed with them for the period prior to the adoption order being made. In general, only a Registered Adoption Society or a health board can make arrangements to place a child for adoption with prospective adopters. Only if the prospective adopting parent is a relative can the child be placed for adoption by the biological parent without an adoption society’s involvement.³¹

²⁴ Adoption Act 1952, at Section 35(1).

²⁵ Adoption Act 1952, at Sections 36-37.

²⁶ Adoption Act 1974, at Section 2.

²⁷ Irish High Court, *TH & NH v An Bord Uchtála*, Judgment of November 1981, unrep. (cited by A.J. Shatter, *supra* note 1, at p. 473).

²⁸ Adoption Act 1964, at Section 3(2).

²⁹ Adoption Act 1952, at Section 9(1).

³⁰ Adoption Act 1952, at Section 13.

³¹ Adoption Act 1998, at Section 7.

The Adoption Board usually will not finalize an adoption until the adopting parents have had the child in their care for at least 6 months (or more in certain circumstances).³² When the Adoption Board is satisfied that an adoption is ready to be finalized, it will hold a hearing on the application. At the oral hearing, the applicants are asked certain questions under oath in order to establish their eligibility and suitability to adopt.³³ The child is also invited to attend. Only if the Board is satisfied as to the applicants' eligibility and suitability to adopt will it then proceed to make an adoption order in their favour.³⁴

B. Consents required for making of adoption order

1. Consent requirements

As a general rule, an adoption order may not be made without the consent of the child's mother or guardian, as well as the consent of every other person "having charge of or control over the child."³⁵ However, as most children placed for adoption are born outside marriage to mothers who are not living with the child's biological father, only the consent of the mother is required under normal circumstances.

The consent of the biological father is required where he lives with the child's mother or where the child lives with the father only. In these circumstances, the father is regarded as "having charge or control over the child" for the purposes of Section 14 of the Adoption Act 1952. Further, the consent of the biological father is required where he marries the mother after the birth of the child, where he is appointed a guardian of the child, or where he is granted custody of the child pursuant to a court order or otherwise.³⁶ Finally, since the judgment of the European Court of Human Rights in *Keegan v. Ireland* of 26 May 1994, the Adoption Board has offered the biological father an opportunity to appear before the Board before determining any adoption application made to it.³⁷ This procedure was formalized in Section 7D of the Adoption Act 1998.³⁸ Among other things, it provides that, if the father objects to the adoption, the process is deferred for not less than 21 days, for the purpose of affording the father an opportunity to make an application to court under the Guardianship of Infants Act 1964.³⁹ In

³² Adoption Act 1974, at Section 4.

³³ Adoption Act 1952, First Schedule.

³⁴ Adoption Act 1952, at Section 13.

³⁵ Adoption Act 1952, at Section 14(1). *See also* Adoption Act 1952, at Section 39. Section 14(5) of the Adoption Act 1952 requires that consent be given in writing in a prescribed form.

³⁶ *See* A.J. Shatter, *supra* note 1, at pp. 453-4.

³⁷ ECHR, Judgment of 26 May 1994, [1994] 18 EHRR 342. In this case, the Court held that the father's rights under Articles 6 and 8 of the *European Convention on Human Rights and Fundamental Freedoms* had been violated by the fact that "Irish law permitted the secret placement of the child for adoption without the applicant's knowledge or consent, leading to the bonding of the child with the proposed adopters and to the subsequent making of an adoption order."

³⁸ Adoption Act 1952 (as amended by Section 4 of the Adoption Act 1998), at Section 7D ("(1) The father of a child may, by notice to the Board, advise the Board of his wish to be consulted in relation to (a) a proposal by an adoption agency to place the child for adoption, or (b) an application by the mother or a relative of the child for an adoption order relating to the child."). *See also* Adoption Act 1952 (as amended by Section 6 of the Adoption Act 1998), at Section 19A(2).

³⁹ Guardianship of Infant Act 1964, at Section 11(4) ("In the case of an illegitimate infant the right to make an application under this section regarding the custody of the infant and the right of access thereto of his father or mother shall extend to the natural father of the infant and for this purpose references in this section to the father or

exceptional circumstances, the Adoption Board may still authorise the preliminary placement or application to proceed without such consultation provided that the father is not the guardian of the child.⁴⁰

Where a Registered Adoption Society is arranging the child's adoption, the mother and/or guardian must give an initial consent or agreement to the placing of the child for adoption by the society.⁴¹ Consent may not be given until the child is at least six weeks old and the application for the adoption order must be made within three months of the date of consent.⁴²

Before an adoption agency can accept a child for adoption, the person proposing to give the child up must be furnished with a statement explaining the effect of the adoption order upon his or her rights and the provisions of the adoption acts relating to consents. An agreement to place the child with the prospective adopters must be signed prior to the signing of consent. The agreement to place must have been made freely, with full knowledge of the consequences, and under circumstances where neither the advice of persons engaged in the transaction nor the surrounding circumstances deprived the mother of the capacity to make a fully informed free decision.⁴³ In particular, an agreement to place is "not valid if motivated by fear, stress or anxiety or dictated by parents or deprivations."⁴⁴

A mother's consent to place is not invalidated by an adoption society's failure to comply with a condition stipulated by a mother as to the placement of her child.⁴⁵ Nor is the agreement to place invalidated by the death of the mother after signing of the agreement. In the latter case, the adopters with whom the child has been placed are the persons who may consent to the final adoption order.⁴⁶

Finally, the Adoption Board must satisfy itself that every person who has given consent to the making of an adoption order understands the nature and effect of the consent and of the adoption order and of certain legal rights.

2. Circumstances in which consent is not required

Under certain circumstances, the consent normally required for making the final adoption order can be dispensed with. First, under Section 14(2) of the Adoption Act 1952, the Adoption Board may dispense with the required consent if it is satisfied that the person whose consent is required is incapable by reason of mental infirmity of giving consent, or cannot be found.

parent of an infant shall be construed as including him; but no order shall, on such application, be made under paragraph (b) of subsection (2).").

⁴⁰ Adoption Act 1952 (as amended by Section 4 of the Adoption Act 1998), at Section 7F.

⁴¹ Adoption Act 1952, at Section 39.

⁴² Adoption Act 1952, at Section 15.

⁴³ Irish High Court, *S v EHB*, Judgment of February 1979, unrep. (cited by A.J. Shatter, *supra* note 1, at p. 463).

⁴⁴ Irish High Court, *McF v G & G, The Sacred Adoption Society & Anor*, (1983) 3 ILRM 228 (HC).

⁴⁵ Irish High Court, (1984) 4 ILRM 237 (HC). In this case, the mother had stipulated that the child be placed with a family living in a different country to that in which the mother resided. Contrary to the mother's condition, the Western Health Board had placed the child with a family who lived only five miles away from her and who knew the mother's identity. Notwithstanding this, the Court upheld the validity of the mother's consent. On this decision see A.J. Shatter, *supra* note 1, at p. 473.

⁴⁶ Irish High Court, *TH & NH v An Bord Uchtála*, Judgment of November 1981, unrep. (cited by A.J. Shatter, *supra* note 1, at p. 473).

Second, the consent of persons who do not fall within Section 14(2) of the Adoption Act 1952 can also be dispensed with under certain circumstances. As mentioned above, the mother or the guardian must give her or his consent both to the interim placement of a child for adoption and to the entry of a definitive adoption order. Where a person who has initially agreed to the placement of the child for adoption fails, neglects or refuses to consent to the final adoption order, or withdraws consent already given, the adopting parents, if they have applied for an adoption order for the child, may apply to the High Court for an order under Section 3 of the Adoption Act 1974. The High Court, if satisfied that it is in the best interest of the child to do so, may make an order under that section which (a) gives custody of the child to the adopting parents for a specified period, and (b) authorises the Adoption Board to dispense with the consent requirement during that period.⁴⁷

Third, no consent is required for the adoption of a child in respect of whom the High Court has made an order under Section 3 of the Adoption Act 1988. According to this provision, the adoption of any child, whether or not it was born to married parents, is permitted in specifically defined circumstances in which it is first established in court proceedings that the parents of the child have “for physical or moral reasons ... failed in their duty towards the child.”⁴⁸

Finally, consent may be withdrawn at any time before entry of the final adoption order.⁴⁹ However, as discussed above, if the mother withdraws her consent, the consent requirement can be dispensed with by a High Court order pursuant Section 3 of the Adoption Act 1974, if the Court is convinced that it is in the best interests of the child to do so.

C. Interim orders

The Adoption Board may adjourn an application for an adoption order and make an interim order giving the applicant custody of the child for a probationary period of not more than two years. The order can be revoked by the Board under its own initiative or at the request of the custodian, mother, or guardian of the child. Interim orders may contain conditions relating to the maintenance, education and supervision of the welfare of the child.⁵⁰

D. Secrecy and anonymity of adoption procedure; possibility of origin tracing

No specific provision in any of the Adoption Acts requires complete secrecy in the adoption process.⁵¹ However, the majority of adoptions are arranged through adoption societies and health boards which, as a matter of practice, seek to preserve the anonymity of the parties involved. The status of applications under the Acts varies according to the Act and the application in question, but generally all proceedings before the Adoption Board are held in private, and the High Court is empowered to hear its proceedings *in camera*.

⁴⁷ Adoption Act 1974, at Section 3(2).

⁴⁸ See *supra* at Section II.A.

⁴⁹ Adoption Act 1952, at Section 14(6).

⁵⁰ Adoption Act 1952, at Section 17.

⁵¹ See A.J. Shatter, *supra* note 1, at pp. 505 *et seq.*

With regard to origin tracing, the Adopted Children Register contains the particulars of each child in respect of whom an adoption order is made. These particulars include the date and country of birth of the adopted child, the child's first name and sex, the name, address and occupation of the adopter(s), and the date of the adoption order. Any person can apply to the High Court for access to information from the Register; however, such information will not be released unless the court is satisfied that doing so is in the best interests of the child. The interests of the biological parents are not to be taken into consideration in deciding whether the information sought is given to the applicant. In past practice, however, the Adoption Board seems to have taken the biological parents' interests into consideration and generally was not willing to reveal to an adopted person the identity of his or her biological parents.⁵² In 1998, this changed. The Irish High Court held that the Irish Constitution entitles an adopted child to know the identity of his or her biological parents. The case also established that biological mothers do not have an absolute right to anonymity, but that they should be given an opportunity to assert a claim of privilege and any other claim to privacy under the Irish Constitution or laws, before having their identities disclosed.⁵³

IV. Legal Effect of an Adoption

An adoption order is permanent and results in the adoptive parent(s) and the child assuming the same relationship as if the child was born to the adoptive parent(s) within marriage. Upon the entry of the adoption order, the mother or guardian loses all parental rights over the child and is freed from all duties. These rights and duties are transferred to the adoptive parents.⁵⁴

As the child is deemed to have been born to the adoptive parents, to the extent that one or other of these parents is an Irish citizen, the child will automatically gain Irish citizenship if s/he does not already have such.⁵⁵

In the case of unlawful adoption orders, declarations of invalidity may be obtained at any time. Generally speaking, a court may declare the adoption order invalid if the facts of the case show that there was a lack of compliance with the laws governing adoption. Until such a declaratory judgment, the order shall be deemed to be, and at all times since its making to have been, a valid order for all purposes.⁵⁶ However, such a declaration of invalidity can be problematic if, at the time the given judgment is delivered, the "adopted" child has already been in the custody of its adoptive parents over a protracted period of time. Under these circumstances, entitling the biological parents to custody of the child can conflict with the best interests of the child.

⁵² See A.J. Shatter, *supra* note 1, at p. 509.

⁵³ Irish High Court, Judgment of 3 April 1998. The full text of the decision can be found at <http://www.adoptionrightswatch.com> (last visited on 1 March 2004).

⁵⁴ Adoption Act 1952, at Section 24.

⁵⁵ Adoption Act 1952, at Section 25. Irish Nationality and Citizenship Act 1956, at Section 11.

⁵⁶ Adoption Act 1976, at Section 5(2).

In response to a case in which an adoption order was held invalid even though the adopted child had been in custody of the adoptive parents for almost six years,⁵⁷ the Irish legislature enacted Section 5 of the Adoption Act 1976. This provision states that an adoption order shall not be declared invalid if the Court is satisfied that (a) it would not be in the best interests of the child concerned to make such a declaration and (b) that it would be proper, with regard to those interests and to the rights under the Constitution of all persons concerned, not to make such a declaration.⁵⁸

V. Recognition of Foreign Adoptions

The Adoption Acts 1991 and 1998 address the issue of intercountry adoption, a procedure that has become increasingly popular in Ireland in recent years. Among other things, these acts provide that, in order for an adoption order made in another country to be recognized in Ireland, prospective adopters resident in Ireland are required to have their suitability and eligibility established by the Adoption Board before they travel abroad to adopt.⁵⁹ The Board will provide them with documents that will in turn be produced to the foreign adoption agency as evidence that the Irish Adoption Board has approved them for intercountry adoption.

Foreign adoptions must comply fully with the definition of a foreign adoption specified in the Adoption Acts. As a result, it cannot be presumed that the initial making of a declaration of eligibility and suitability of the Irish Adoption Board will automatically lead to the recognition of the foreign adoption in Ireland.⁶⁰

As far as international conventions are concerned, to date, Ireland has ratified only the European Convention on the Adoption of Children, which does not deal with the recognition of foreign adoptions.

VI. Resources

For further information contact: The Adoption Board; Shelbourne House; Shelbourne Road; Dublin 4; Ireland (tel: (+3531) 6671392/ fax: (+3531) 6671438), <http://www.adoptionboard.ie/>.

For a comprehensive study of the Irish Adoption Law, please see A.J. Shatter, *Family Law*, 4th ed. (1997).

For a list of national adoption agencies in Ireland, please see Annex 1 to this memorandum.

⁵⁷ *McL v An Board Uchtála & AG*, High Court, unrep. October 1974; [1977] IR 287 (SC). See A.J. Shatter, *supra* note 1, at pp. 498, 502.

⁵⁸ Adoption Act 1976, at Section 5. See A.J. Shatter, *supra* note 1, at pp. 502-3.

⁵⁹ See Adoption Act 1991, at Section 5(iii)(II).

⁶⁰ See A.J. Shatter, *supra* note 1, at pp. 510 *et seq.* For further information on intercountry adoption contact the Adoption Board, Shelbourne House, Shelbourne Road, Dublin 4.

Registered Adoption Societies and Health Board Adoption Services in Ireland**Dublin**

- Cunamh, CPRSI House, 30 South Anne Street, Dublin 2. Telephone: (+3531) 6779664
- Jewish Agency for Adoption and Fostering in Ireland (JAFA), PACT (Protestant Adoption Society) Support and Counseling Service for Single Parents, 15 Belgrave Road, Rathmines, Dublin 6. Telephone: (+3531) 4976788
- R.G.A.S. (Rotunda Girls Aid Society), 1A Cathedral Street, Dublin 1 (no longer placing children). Telephone: (+3531) 8744262
- St Louise Adoption Society, 1st Floor, Park House, North Circular Road, Dublin 7. Telephone: (+3531) 8387122
- St Patrick's Guild, 82 Haddington Road, Dublin 4 (no longer placing children). Telephone: (+3531) 6681908

Cork and Other Areas

- Southern Health Board, Adoption Department, St Finbarr's Hospital, Douglas Road, Cork. Telephone: (+35321) 923123
- Sacred Heart Adoption Society, Blackrock, Cork. (no longer placing children), Telephone: (+35321) 357730
- St Anne's Adoption Society, Cork & Ross Family Centre, 34 Paul Street, Cork, Telephone: (+35321) 273213
- Midland Health Board, Fostering and Adoption, Health Centre, Arden Road, Tullamore, Co Offaly, Telephone: (+353506) 41301
- Mid-Western Health Board, Fostering and Adoption Centre, Glenbevan House, Upper Mayorstone, Limerick. Telephone: (+35361) 483788
- St Catherine's Adoption Society Clarecare, Harmony Row, Ennis, Co Clare. Telephone: (+35365) 6828178
- North Eastern Health Board, Adoption Service, St Mary's Hospital, Dublin Road, Drogheda, Co Louth. Telephone: (+35341) 9832963
- North Western Health Board, Markievicz House, Barrack Street, Sligo. Telephone: (+35371) 55100
- North Western Health Board, Child Care Services, The Garden Centre Complex, St Conal's Hospital, Letterkenny, Co Donegal. Telephone: (+35374) 22322
- St Attracta's Adoption Society, St Mary's, Sligo (no longer placing children). Telephone (+35371) 43058
- St Mura's Adoption Society Pastoral Centre, Monastery Avenue, Letterkenny, Co Donegal (no longer placing children). Telephone: (+35374) 21853
- SEEK, Regional Adoption Service of the South-Eastern Health Board, Community Care Centre, Cork Road, Waterford. Telephone: (+35351) 842800
- Southern Health Board, Kerry Adoption and Fostering Team, 6 Denny Street, Tralee, Co Kerry, (+35366) 20300
- CLANN - Western Regional Adoption Committee Child Care Unit, Merlin Park Regional Hospital, Galway. Telephone: (+35391) 751131.