

ADOPTION

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**QUESTIONNAIRE ON THE PRACTICAL OPERATION  
OF THE 1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION**

*drawn up by the Permanent Bureau*

*Preliminary Document No 2 of October 2014 for the attention of the  
Special Commission of June 2015 on the practical operation of the  
Hague Convention of 29 May 1993 on Protection of Children and  
Co-operation in Respect of Intercountry Adoption*

*Document préliminaire No 2 de octobre 2014 à l'intention de la  
Commission spéciale de juin 2015 sur le fonctionnement pratique de la  
Convention de La Haye du 29 mai 1993 sur la protection des enfants et  
la coopération en matière d'adoption internationale*

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## INTRODUCTION

This Questionnaire is the second and last to be prepared for the purposes of the upcoming meeting of the Special Commission on the practical operation of the 1993 Hague Convention.<sup>1</sup> The first Questionnaire (Prel. Doc. No 1 of July 2014) requested information from Contracting States concerning the impact which implementation of the 1993 Convention has had on laws and practices relating to intercountry adoption and child protection systems more generally over the past 20 years. That information was sought in order to inform the first day of the Special Commission meeting which will be dedicated to "20 years of the 1993 Convention". This second Questionnaire is the more usual questionnaire on the practical operation of the 1993 Convention. It seeks to elicit information from States concerning their current practices and any problems and / or challenges they may have faced in relation to the implementation and operation of the Convention.

This Questionnaire is addressed to Contracting States to the 1993 Convention. As a result, non-Contracting States (whether Members of the Hague Conference on Private International Law or not) should not feel bound to respond but may provide a response or any comment should they so wish. In addition, please note that questions are addressed to both States of origin and receiving States, save where a heading expressly provides otherwise.

Please send your response to this Questionnaire to [secretariat@hcch.net](mailto:secretariat@hcch.net), for the attention of Laura Martínez-Mora (Principal Legal Officer) and Hannah Baker (Senior Legal Officer) **by no later than 22 December 2014**. The Permanent Bureau will place all replies to this Questionnaire on the Hague Conference website < [www.hcch.net](http://www.hcch.net) > unless expressly asked not to do so.

Please note: if information provided by your State in response to the first Questionnaire (Prel. Doc. No 1) or your State's Country Profile for the 1993 Hague Convention assists with your answer to any question herein, please cross-refer to these other responses. There is no need to repeat information.

Thank you for your kind co-operation as the Permanent Bureau prepares for the next Special Commission meeting in June 2015.

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<sup>1</sup> This Fourth Meeting of the Special Commission will take place in June 2015. Full title: *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (hereinafter, "1993 Hague Intercountry Adoption Convention", "1993 Hague Convention", "1993 Convention" or simply "the Convention").

<b>Name of State:</b>	- IRELAND
<b>Date of entry into force of 1993</b>	- 1.11.2010
<b>Hague Convention in your State:</b>	
<b><u>Information for follow-up purposes</u></b>	
Name and title of contact person:	- Please insert text here -
Name of Authority / Office:	-Adoption Authority of Ireland
Telephone number:	- Please insert text here -
E-mail address:	-Please insert text here -

## I. ADOPTABLE CHILDREN, ADOPTees AND PROSPECTIVE ADOPTIVE PARENTS<sup>2</sup>

### A. Adoptable children and adoptees

#### *The profile of children in need of intercountry adoption*

##### States of origin only

1. Please explain any *challenges* your State has encountered, and any *good practices*<sup>3</sup> it has developed, in relation to the compilation and provision of information to receiving States regarding the:

- (a) characteristics and needs of adoptable children in your State;<sup>4</sup> and
- (b) approximate number of children in need of intercountry adoption in your State.

- Please insert text here -

##### Receiving States only

2. Please explain any challenges your State has encountered in ensuring that:
  - (a) the *nature* and *number* of applications for intercountry adoption which your State sends to States of origin appropriately match the profile of children in need of intercountry adoption in those States;<sup>5</sup> and
  - (b) the information provided by States of origin concerning the characteristics, needs and number of adoptable children is adequately taken into account in the counselling and preparation of prospective adoptive parents ("PAPs").<sup>6</sup>

<sup>2</sup> Part I of this Questionnaire has been prepared in light of Conclusion and Recommendation No 10 from the 2010 Special Commission meeting which states: "The Special Commission recommended that the Permanent Bureau, in consultation with Contracting States and non-governmental organisations, collect information on the selection, counselling and preparation of prospective adoptive parents, with a view to the possible development of the Guide to Good Practice No 3. This may include a discussion on good practices in dealing with failed adoptions and the period of validity of the 'home study' report." Please note: hereinafter, Conclusions and Recommendations from past Special Commission meetings are referred to as "SC 20XX C&R No X". All Conclusions and Recommendations are available on the Hague Conference website < [www.hcch.net](http://www.hcch.net) > under "Intercountry Adoption Section" then "Special Commissions".

<sup>3</sup> In this Questionnaire, "good practices" should be given a broad meaning and should be taken to include any legislative reform, procedures or practices which your State might have implemented regarding the particular topic.

<sup>4</sup> See SC 2005 C&R No 12 which states: "[t]he Special Commission recognises the importance of States of origin sending information to receiving States on the needs of children to better identify prospective adoptive parents". Please note that the Country Profile for States of origin requests that States of origin provide information concerning the profile of adoptable children (at question 9) and thus it may be that your State has encountered challenges in responding to this question which you wish to describe here.

<sup>5</sup> See para. 553 of *Guide to Good Practice No 2 "Accreditation and Adoption Accredited Bodies: General Principles and Guide to Good Practice"* ("GGP No 2") which states that receiving States should respect "the requirements of States of origin regarding the profile and number of adoptable children, as well as the desired profile of prospective adoptive parents".

<sup>6</sup> See SC 2005 C&R No 13: "[t]he Special Commission recognises that as a matter of good practice, authorities in receiving States should co-operate with authorities in States of origin in order to better understand the needs of children in States of origin", and SC 2010 C&R No 8: "States of origin may assist receiving States in establishing their criteria for the selection of prospective adoptive parents by providing information about the

Please also share any good practices your State has developed in this regard.

(a) In Ireland the law does not limit the numbers of people applying to adopt, and the assessment service is State funded and carried out by professionally qualified social workers. The assessment report is compiled on a standard template and gives a comprehensive account of prospective adoptive parents (Paps) views and plans in relation to known medical and social issues associated with intercountry adoption. Paps choose the country from where they hope to adopt, and the Adoption Authority of Ireland (AAI) or the accredited body forwards the information to the relevant authority in the State of origin. Should the assessment report not contain the information required by the State of origin, the AAI will not grant a Declaration of Eligibility and Suitability until the Paps provide the necessary data to their assessing social worker. In cases of changing requirements, the accredited body contacts the AAI and the State service provider to collate the required information.

(b) The AAI authorises all Article 17 referrals and collates the information along with relevant data from visits with States of origin and contact with other Central Authorities. The information is disseminated through seminars for all interested parties, training days for medical and social work professionals, website, preparation groups for Paps, and support groups. The accredited bodies have extensive knowledge of the challenges faced by children available for adoption in their respective countries. The accredited bodies also inform Paps about the children's needs and characteristics, on an ongoing basis.

## ***Adoptability***

### Both States of origin and receiving States

3. (a) Please briefly describe any difficulties your State has encountered in relation to the decision regarding a child's adoptability, including the transparency of any such decision and the independence of the body taking this decision.<sup>7</sup>

- In cases of children with special needs, from the States of origin working with Ireland since the Adoption Act 2010 which gave full legal status to the Hague Convention HC-93, no difficulties are known in this regard currently. The difficulties encountered relate to the fact that sometimes there is insufficient or no information on the child's birth family, birth circumstances, reasons for relinquishment and details required for future origins search.

In some instances, countries have different laws and practices relating to subsidiarity which can impact on the decision to declare a child available for intercountry adoption. This is respected by the AAI, where it is usual in the State of origin.

(b) Has your State encountered any particular difficulties with adoptability decisions in the context of *intra-family* intercountry adoptions? If so, please explain.

- There has been some difficulties securing information showing the intra-family relationship and also to prove the child's need for intercountry adoption, for example when cared for by other extended family in the State of origin.

## ***Reports on children***

### Both States of origin and receiving States

4. Please explain any challenges your State has encountered in preparing (States of origin) or obtaining (receiving States) full, accurate and up-to-date reports, including

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characteristics and needs of adoptable children. This information will also contribute to the development of preparation materials on intercountry adoption directed to prospective adoptive parents, and to the management of their expectations."

<sup>7</sup> See SC 2010 C&R No 1 b).

medical reports, on adoptable children in accordance with Article 16(1) a).<sup>8</sup> Please specify any particular difficulties encountered in the case of children with "special needs".<sup>9</sup>

- The difficulties encountered relate to the fact that sometimes there is insufficient or no information on the child's birth family, birth circumstances, reasons for relinquishment and details required for future origins search. In the case of children with special needs the initial medical information is good but there are difficulties in getting updated information or for example obtaining blood or vaccination results already carried out. Contact is made with Central Authority staff in these cases directly or through the accredited body. However this contact does not guarantee that the information will be forthcoming. In the past, this has led to delays in authorising the Article 17.

#### Receiving States only

5. (a) If reports on children appear deficient or incomplete, what measures, if any, does your State take to remedy or ameliorate the situation?

- When delegations from Central Authorities visit Ireland or the AAI conducts a field trip, the documentation is discussed with specific reference to information required by Ireland. Email, letter and phone contact also can assist the provision of the information.

(b) Please specify how, in your State's view, reports on children provided in accordance with Article 16(1) a) could be improved in general.

Include in all reports, information on the birth family and circumstances and state whether there is contact between the child and extended family. Also provide details of the subsidiarity attempts; and details of the child's views and how the child is being prepared for intercountry adoption.

#### **Matching**

##### Both States of origin and receiving States

6. Has your State had any experience of cases in which PAPs are declared eligible and suited to adopt a particular profile of child(ren) but are subsequently matched with a child or children with different needs? (*E.g.*, PAPs are declared eligible and suited to adopt a child under the age of 5 but are subsequently matched with siblings aged 7 and 9.) If so, please explain, in your State's experience, the reasons for this and how your State has dealt with such cases.

- Yes, the reasons for this are not known to the AAI. The AAI deals with these cases by returning those that are very clearly unsuitably matched, for example where the assessment report states that the Paps do not want to be matched with a child with global delay or Foetal Alcohol Syndrome and the referral includes this need; or the Paps have a Declaration of Eligibility and Suitability to adopt a child up to age 24 months and a child of 50 months is referred for the Paps. The AAI has also returned the documentation to the State of origin when Paps have refused the referral following their consideration of the specific needs of the child.

#### **Preparation and counselling of children**

##### Both States of origin and receiving States

7. Please share (a) any *challenges* encountered in your State or in other Contracting States, and (b) any *good practices* implemented in your State or in other

<sup>8</sup> *E.g.*, concerning children's physical and psychological health, identity or social situation.

<sup>9</sup> You may wish to cross-refer to your State's Country Profile at question 13 (States of origin) and question 11 (receiving States) concerning your State's definition of children with "special needs".

Contracting States, regarding the preparation of children for intercountry adoption, including counselling and informing children and ensuring that, having regard to their age and degree of maturity, their wishes and opinions have been adequately heard and taken into account.

- Some care centres and institutions in different countries of origin have shown the child videos and photos of Paps and their communities, have taught the child some phrases in English, and have facilitated familiarisation meetings when the child is in foster care. There have been very few children over 5 years old adopted into Ireland and where this has happened, the child's view has been recorded briefly in the accompanying Article 16 reports -

## **B. Prospective adoptive parents (“PAPs”)**

### ***Selection of PAPs: eligibility and suitability to adopt intercountry***

#### Both States of origin and receiving States

8. Please explain any challenges your State has encountered, and any good practices it has developed, in relation to preparing (receiving States) or obtaining (States of origin) full, accurate and up-to-date reports on PAPs, as required by Article 15, including eligibility and suitability assessments of PAPs.

- The assessment of prospective parents has changed significantly particularly due to the strong emphasis on the child's needs and rights that is evident in the Hague Convention. More preparation time is allocated to educating people on the particular needs of older and institutionalised children, medical and behavioural needs, attachment issues, sibling groups and the ongoing individual care that can be required by children with additional needs.

During assessment, account is taken of the Paps health, age and financial stability, including health insurance. All assessment reports are now written on standardised templates that highlight in comprehensive detail the prospective parents capacities and care plan in relation to potential additional/special needs of children.

#### States of origin only

9. (a) If reports on PAPs appear deficient or incomplete, what measures if any does your State take to remedy or ameliorate the situation?
- Please insert text here -
- (b) Please specify how, in your State's view, reports on PAPs provided by receiving States in accordance with Article 15 could be improved in general.
- Please insert text here -

### ***Counselling and preparation of PAPs***

#### States of origin only

10. (a) Has your State encountered any difficulties resulting from inadequate counselling and preparation of PAPs by receiving States? If so, please provide examples and explain what measures your State takes to remedy or ameliorate the situation in these cases.
- Please insert text here -
- (b) In your State's experience, what could be done to improve the counselling and preparation of PAPs in general?
- Please insert text here -

### Receiving States only

11. What are the main challenges your State encounters when counselling and preparing PAPs for an intercountry adoption?<sup>10</sup> Please share any good practices your State has developed to address these challenges.

- Paps hope to adopt young and healthy babies, with most assessment reports carried out for children under 24 months old (43% in 2014) and many under 36 months old (24% in 2014).

Assessment tools have been developed to allow prospective parents to reflect on the potential needs of children that they have the capacities to parent, and also to assist them to research the local services available for children's medical and social needs.

12. The Special Commission has previously emphasised "the need for country specific preparation and for prospective adoptive parents to have some knowledge of the culture of the child and his or her language in order to communicate with the child from the matching stage".<sup>11</sup> How does your State ensure that this recommendation is complied with? Does your State have any good practices to recommend in this regard?

- AAI has travelled to States of origin and collated the information given by States on the needs of adoptable children and it gathers together the information on all Article 17 referrals coming into Ireland. This information is given to Paps during preparation courses and to professionals during training events.

The assessment process includes a project carried out by Paps on the country they hope to adopt a child from. All assessment reports are written on standardised templates that highlight in comprehensive detail the prospective parents capacities and care plan in relation to potential additional/special needs of children. State adoption services encourage Paps during assessment to learn the language of their chosen country and some accredited bodies assist with tools on how to learn helpful phrases and sentences.

13. How does your State deal with the waiting time between:

(a) the eligibility and suitability assessment of PAPs and the transmission of their application to the State of origin?

- Paps are encouraged to spend this time maintaining contact with other intercountry adopters, learning the language of their chosen country and keeping up-to-date on country specific issues. There are strong support groups in Ireland for intercountry adopters, and the accredited bodies also run support/training events.

and

(b) the transmission of the PAPs' application to the State of origin and the receipt of the proposed match from the State of origin?<sup>12</sup> (*E.g.*, does your State routinely update the reports on PAPs in this period?<sup>13</sup> Does your State, or the relevant adoption accredited body, engage in regular communication with the

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<sup>10</sup> You may wish to refer to your State's response to the Country Profile at question 15. *E.g.*, managing their expectations concerning the profile of adoptable children or waiting times, ensuring preparation materials / courses adequately prepare PAPs for the specific needs of an adoptable child.

<sup>11</sup> See SC 2010 C&R No 9.

<sup>12</sup> Your State may engage in a "reversal of the flow of files" with States of origin or other procedures such that waiting times are minimised: see further *Guide to Good Practice No 1 "The Implementation and Operation of the 1993 Intercountry Adoption Convention"* ("GGP No 1") at Chapter 7.3.3, para. 394.

<sup>13</sup> You may wish to refer to your State's response to the Country Profile at question 17 d).

State of origin on this issue?)

- Accredited bodies keep the flow of information between countries and Paps in most instances. The AAI uses it's website to give updated information on country situations to Paps -

### **C. Intercountry adoptions involving children with special needs<sup>14</sup>**

#### Both States of origin and receiving States

14. (a) In your State's experience, what are the most common "special needs" of children adopted intercountry?

- Exposure to drugs and other harmful substances before birth; institutionalisation; malnutrition, anaemia; growth delay; developmental delay; prematurity; valvular/heart disease; age over 5 years; hernia

(b) If possible, please specify approximately what percentage of children adopted intercountry from or to your State<sup>15</sup> have "special needs" (as defined by your State)?

- 80%

(c) What measures, if any, has your State taken to adapt intercountry adoption procedures in light of the needs of these children?

- Improved preparation of Paps; raised awareness of the needs of older children adopted intercountry from institutional living -

(d) What are the main challenges which your State encounters in relation to the intercountry adoption of children with special needs? How does your State address those challenges?

- The provision of post adoption services and specialist services (for issues such as developmental delay, speech and language, sensory therapy, attachment disorders) is recognised as a challenge in light of scarce State resources.

The provision of medical services for the main medical challenges encountered by adoptable children is satisfactory -

#### Receiving States only

15. In relation to the intercountry adoption of children with special needs, how does your State ensure that:

(a) the parenting abilities of PAPS and their ability to cope with the particular special needs are appropriately assessed?

- All assessments are carried out by State professionally qualified assessing social workers. The reports are written on standardised templates following defined preparation and information sessions of up to 20 hours. This is followed by individual assessment that gathers information on family background and relationship stability, motivation for adoption, police and health checks, care plan, country specific project, and interviews with referees or proposed guardians.

The assessment process for children with special needs takes account of applicants (1) specific capacity through experience, training and research of the extra needs of a child who is older or younger and the effects of developmental delay; institutionalisation; and health, emotional, behavioural, ethnic and cultural challenges that will be encountered on a daily basis by the applicants. (2) experience and knowledge of general child development of children within the suggested new age range (3) knowledge of normal child development within the country of their choice. The applicants' care plan has to address applicant's

<sup>14</sup> See note 9 above regarding your State's definition of "special needs".

<sup>15</sup> Depending upon whether your State is a State of origin or a receiving State.

capacities to (4) communicate with child in child's language (5) take at least one year off work to care for the child on a one-to-one basis and promote attachment (6) take further time and have individual childcare planned if the child is to be cared for outside the family and extended family home (7) knowledge of specialised services and how they could be accessed on behalf of a child (8) daily structured plan (9) proof of applicant's continued health and fitness, and (10) evidence of financial capacity to access services on behalf of an older child -

- (b) any PAPs selected are suitably prepared for such adoptions and for the specific needs of each child?

Assessment tools have been developed to allow prospective parents to reflect on the potential needs of children that they have the capacities to parent, and also to assist them to research the local services available for children's medical and social needs.

- (c) adoptive families are provided with appropriate post-adoption support in light of the child's special needs?

- Post adoption services are not provided for legally and are not standardised. Existence of State post adoption services and support is dependent on resources in each area, and there are some national services run by accredited bodies.

#### **D. Post-adoption services for adoptees and adoptive parents**

##### Both States of origin and receiving States

16. How, if at all, has your State implemented the recommendation of the 2010 Special Commission meeting that States should "provide different forms of assistance and counselling for different stages of the child's development to adulthood, including preparation for origin searches and reunions of the adoptees with members of their biological families"?<sup>16</sup>

State and accredited adoption services are available to all families seeking assistance during childhood and adolescence. Counselling, mediation and tracing services are provided nationally for adult adopted people. Theoretically there should be an amount of information available to children who are adopted from abroad, but due to abandonment of some children, sparse information from some countries, and cultural attitudes of secrecy and birth mother confidentiality, this is not always the case. There is a challenge in the fact that people do not have a legal right in Ireland to identifying information about their past and their birth families. This is currently being looked at in depth by the legislature.

##### Receiving States only

17. Please specify any challenges your State has encountered in ensuring that adequate support is in place for adoptive parents and adoptees following an intercountry adoption, including where parents have adopted a child with special needs.<sup>17</sup> Please also share any good practices your State has developed to overcome these challenges.

- Each child adopted into Ireland is entitled to the same State support services as all Irish citizens. There is increased awareness of the issues that accompany children post-institutionalisation, multiple caregivers, medical issues and the need to resource therapies and medical assistance in this regard. The AAI has begun a research project that aims to assess the level of medical and other post-adoption services required by children adopted from abroad. The research is being carried out in response to the perceived need as seen through the trends internationally, and because of anecdotal evidence of difficulties encountered in accessing necessary services on behalf of children adopted

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<sup>16</sup> SC 2010 C&R No 29.

<sup>17</sup> *E.g.*, difficulties coping with an increased demand for post-adoption services or with a need for more specialised services, or difficulties in determining how services should be funded. You may wish to cross-refer to your State's response to the Country Profile at Part IX concerning the services and support which your State provides.

intercountry, and the possibility that certain services may not exist in Ireland. The report on the initial stages of the research will be published in Sept 2015.

## **E. Breakdown of intercountry adoptions**

### Both States of origin and receiving States

18. If your State has had experience of intercountry adoptions which have broken down subsequent to the adoption (sometimes referred to as "failed" or "disrupted" adoptions), please explain, in general terms:

- (a) what have been the main causes of the breakdowns in these cases (e.g., deficient reports on the child, including failure to identify specific physical or psychological health needs in the report, inadequate preparation of the child or PAPS, inadequate post-adoption support).

Ireland does not have official statistics on disrupted adoptions. Where this happens, the families are included in statistics relating to all children in need of State welfare services, care, and child and adolescent mental health services

All of the above reasons have been cited and also some cases of issues arising post-adoption that were unknown to the State of origin

Prior to the Adoption Act 2010, issues such as mis-matching, and Paps put under pressure to take children whose needs could not be met by the specific Paps, led to unsuitably prepared Paps and children also

- (b) how your State has *addressed* these situations. Does your State have any good practices to share in this regard?

- Implementation of the Adoption Act 2010 giving legal effect to HC-93 in Ireland and supporting adoptions from other countries using Hague compliant standards.

State services care for the children through CAMHS and child welfare services -

- (c) what steps, if any, your State has taken to try to *prevent* these situations occurring in future.

- During the assessment process - preparation of Paps for the needs of adoptable children, and children with special needs; encouragement of Paps throughout the assessment process, to seek professional support following adoption; encouragement of openness to support; evidence of extended family and community support network. Also the current research project will ascertain levels of need, waiting lists and service availability in this area.

## **F. Open adoption**

### Both States of origin and receiving States

19. Does the term "open adoption" (or similar) exist in your State's domestic legislation or rules? If so, please explain how it is defined. If not, please explain what is understood in your State by the term "open adoption" or "openness in adoption".

-In Ireland, current legislation allows solely for closed adoption. No conditions of contact or access can be attached to a legal adoption order. There is also no agreed policy definition of 'open adoption'. However, in practice in Ireland 'open adoption' generally means that birth relatives, usually the birth mother, maintain a degree of contact with the child after the adoption order is made. Semi-open adoption is often used to describe a level of contact that includes exchange of letters, birthday presents and photos arranged through the adoption agency.

20. Please specify what type of openness in intercountry adoption is: (a) permitted according to your State's domestic *legislation or rules*; and (b) promoted *in practice* in your State.<sup>18</sup>

- As a receiving country, different levels of openness and contact arrangements are practiced by families, sometimes through Homeland tours and often through letters, emails and photographs to the institution where the child lived or to the Authority that granted the adoption. Professional practice in open adoption focuses on helping people find the most appropriate level of contact for their particular child and circumstance, and the assessment process for prospective adopters in Ireland places strong emphasis on openness in family communication patterns.

21. If possible, please specify approximately what percentage of intercountry adoptions involving your State include some element of openness. Has this number increased in recent years and, if so, what, in your State's view, are the reasons for this? What challenges have arisen as a result and how has your State sought to address these challenges?

- Not possible to quantify at present

## **G. Discussion at the upcoming Special Commission meeting**

### Both States of origin and receiving States

22. Which topics / issues does your State consider are the most important to discuss at the Special Commission in relation to the counselling and preparation of children and the selection,<sup>19</sup> counselling and preparation of PAPs for intercountry adoption?

- Methods and tools to assist Paps in decisions about their capacities to parent a child with special needs.

23. Does your State consider that there is any merit in developing a Guide to Good Practice on the selection, counselling and preparation of PAPs for intercountry adoption, as recommended by the last meeting of the Special Commission in 2010, and on the preparation and counselling of children?<sup>20</sup> If so, which particular issues would your State wish to see addressed in such a Guide?

- Yes. The current Guides are regularly referred to by the AAI. Standardised international practice is helpful in regulating services and defining minimum standards in adoption.

Outline country specific levels of information that are reasonable for receiving States to seek from States of origin, in relation to family background information and about the preparation and counselling of children pre-adoption.

## **II. SOME SPECIFIC ISSUES ARISING IN THE INTERCOUNTRY ADOPTION PROCEDURE**

### **A. Article 17 agreements**

<sup>18</sup> *E.g.*, disclosure of identities of biological and adoptive families, post-adoption contact.

<sup>19</sup> The "selection" of PAPs in this context is taken to mean the assessment of the PAPs' eligibility and suitability to adopt intercountry.

<sup>20</sup> See SC 2010 C&R No 10 (*op. cit.* note 2).

Both States of origin and receiving States

24. Please indicate any operational difficulties which your State has experienced, either in your State or in other Contracting States, in relation to obtaining the agreements required in Article 17 and, in particular, Article 17 c).<sup>21</sup>

Pipeline cases (i.e. intercountry adoption cases commenced prior to Ireland ratifying the HC-93) where local Courts granted 'Adoption Orders' 'in accordance with the HC-93' but where the local Court was not the Competent Authority to issue an Article 23 Certificate.

**B. Recognition of adoptions made in accordance with the Convention (Chapter V)<sup>22</sup>**

Both States of origin and receiving States

25. (a) Previous Special Commission meetings<sup>23</sup> have repeatedly emphasised the importance of:
- clearly designating the authorities competent to issue Article 23 certificates and keeping this information updated;
  - promptly issuing such certificates without delay following an adoption decision made in accordance with the Convention;
  - providing parents with a copy of the Article 23 certificate before they come to take the child;
  - providing a copy of the certificate to the Central Authority in the receiving State;
  - using the "Model Form for the Certificate of Conformity of Intercountry Adoption"<sup>24</sup> to promote consistent practice; and
  - where an Article 23 certificate is incomplete or defective, co-operating to regularise the situation.

Despite the above recommendations, has your State continued to experience difficulties with the issuance or receipt of certificates of conformity under Article 23?<sup>25</sup> If so, please explain the difficulties encountered, including how your State has sought to remedy or ameliorate the situation.

Initial difficulties have been ironed out.

- (b) Taking into account the previous recommendations made on this topic, does your State have any novel suggestions concerning how to improve practices regarding Article 23 certificates?<sup>26</sup>

No

**C. Delays in intercountry adoption procedures**

<sup>21</sup> *E.g.*, lack of clarity concerning the body which should provide the Art. 17 c) agreement, breakdown of State-to-State communications concerning the agreement, lack of clarity concerning which State should provide its agreement first.

<sup>22</sup> When answering this section, you may wish to cross-refer to your State's response to question 13 of Questionnaire No 1.

<sup>23</sup> *E.g.*, see SC 2000 C&Rs Nos 17 to 19, SC 2005 C&R No 3 and SC 2010 C&Rs Nos 15 to 17.

<sup>24</sup> See GGP No 1, Annex 7.

<sup>25</sup> *E.g.*, deficient or no certificates issued, delays in sending certificates, confusion concerning which authorities should issue the certificate, confusion concerning to whom the certificates should be sent.

<sup>26</sup> *E.g.*, how to better promote the use of the Recommended Form, ensure designations under Art. 23.

Both States of origin and receiving States

26. Does your State have any comments on the speed with which Convention adoptions are processed?<sup>27</sup> If your State has experienced any unnecessary delays, what has caused these delays and are they at a particular stage of the intercountry adoption procedure?

- Within some other countries, delays have been attributed to the necessity of more paperwork and documentation to prove the child's adoptability and satisfy the principle of subsidiarity. Within one other country this has been dealt with by their States legally allowing intercountry adoption to take place directly from birth. Within Ireland there have been no extra delays caused specifically by the Hague Convention, although delays are caused by the necessity of the use of the (Irish) High Court in certain cases since enactment of the Adoption Act 2010..

27. Does your State have any good practices to share or recommendations as to how delays in the intercountry adoption procedure might be minimised, whilst still ensuring that the safeguards of the Convention are respected?

Quicker replies to email enquiries to the Central Authority in the country of origin.

**D. Co-operation issues**Both States of origin and receiving States

28. In your State's experience, is the day-to-day co-operation with other Contracting States working well (*e.g.*, sending and receiving documents,<sup>28</sup> prompt responses to enquiries and questions, openness to discussing problems and finding solutions)? Please specify any difficulties and concerns.

It is reasonable. Communications could be better.

29. At the meeting of the Special Commission in 2000, "[t]he need for adequate resources and appropriately trained staff in Central Authorities was accepted, as well as the importance of ensuring a reasonable level of continuity in their operations."<sup>29</sup> Has your State continued to encounter difficulties in this regard, whether in your State or in other Contracting States?

Not in this regard

30. Has your State made or received from other Central Authorities any "general evaluation reports" about experiences with intercountry adoption as specified in Article 9 d)?

If so, have these reports proved useful? Please explain to what use they have been put and the follow up undertaken.

If not, does your State consider that the preparation of such reports should be encouraged as helpful in promoting the regular review of practices and co-operation between States?

None received

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<sup>27</sup> See SC 2005 C&R No 14: "[t]he Special Commission reminds States Parties to the Convention of their obligations under Article 35 to act expeditiously in the process of adoption, and notes in particular the need to avoid unnecessary delay in finding a permanent family for the child".

<sup>28</sup> *E.g.*, has your State encountered any difficulties due to other Contracting States requesting documents / information which your State is not permitted to provide according to your domestic legislation, or due to your State requesting documents / information from other Contracting States which they are not permitted to provide (such as identities of biological parents, statements of consent, judgments regarding the withdrawal of parental rights, medical reports on PAPs)?

<sup>29</sup> See SC 2000 C&R No 3.

### III. SPECIFIC TOPICS FOR CONSIDERATION

#### A. The subsidiarity principle (Art. 4 b))

##### Both States of origin and receiving States

31. Please describe the laws, procedures and practices in your State which seek to ensure that an appropriate balance is struck between providing sufficient support to biological families to enable the family to be preserved or reunified where possible, while at the same time preventing excessive delay in declaring a child adoptable and finding a suitable alternative permanent family for the child if necessary.

- Please insert text here -

##### States of origin only

32. What are the main challenges in implementing and applying the subsidiarity principle in intercountry adoption cases in your State?

- Please insert text here -

33. In your State, is the subsidiarity principle applied in the same manner to:

- (i) *intra-family* intercountry adoptions; and
- (ii) intercountry adoptions concerning children with *special needs*?

If not, please describe any different procedures used and explain the reasons for the different procedures.

- Please insert text here -

##### Receiving States only

34. (a) In accordance with the principle of co-responsibility,<sup>30</sup> what information, if any, does your State routinely request *in each intercountry adoption case* to ensure that the subsidiarity principle has been respected in the State of origin?

That the laws of the country of origin regarding the principle of subsidiarity have been complied with.

- (b) Is it possible and / or common in your State for a proposed matching of child and PAPs to be rejected on the basis that the relevant competent authority / body is not satisfied that the subsidiarity principle has been respected in the particular case?

Yes, where such evidence has not be presented

35. In some States of origin, the child protection infrastructure necessary to implement the subsidiarity principle does not exist or is severely deficient, making proper implementation of the Convention in this respect challenging. Does your State undertake any programmes to assist States of origin with the development of their child protection systems<sup>31</sup> in order for them to better implement the subsidiarity principle either:

<sup>30</sup> See, e.g., Chapter 12 of GGP No 2.

<sup>31</sup> See SC 2000 C&R No 10, which stated that “[r]eceiving countries are encouraged to support efforts in countries of origin to improve national child protection services... However, this support should not be offered or sought in a manner which compromises the integrity of the intercountry adoption process”, as well as SC 2010 C&R No 6. See also para. 553 of GGP No 2 which states that receiving States have “an additional

- (a) at State level (e.g., in the form of development aid or technical assistance)?  
None, to date

and / or

- (b) through other bodies such as non-governmental organisations (which are not adoption accredited bodies)?  
None, to date

If so, please specify how it is ensured that any such programmes do not compromise the integrity of intercountry adoption procedures and / or result in a dependence upon these forms of assistance:

Not applicable

## B. Mobility and globalisation

### Both States of origin and receiving States

36. How, if at all, does your State define “habitual residence” for the purposes of the Convention? What factors are considered when determining where persons are habitually resident for Convention purposes?

- The term “habitual residence” is not defined in the Adoption Act 2010. Habitual residence ought to be adopted on a voluntary basis and for settled purposes as part of the normal element of a person’s life. It is a factual concept that is based on residence for a reasonable period of time.

The Adoption Authority of Ireland will consider the following factors in determining whether habitual residence has been established:

1. Duration (for example, physical presence in the State for a reasonable period of time);
2. Regularity;
3. Conditions and reasons for the stay in the territory of the State in respect of which habitual residence is claimed;
4. The social connections with that Member State (for example, a dwelling within the territory of the State in respect of which habitual residence is claimed); and
5. The circumstances of fact specific to each individual case.

37. What are the most common scenarios in which your State has encountered difficulties in determining the “habitual residence” of PAPs and / or a child?

Foreign national residing in Ireland effecting 'domestic' adoptions in their country of origin.

38. Please describe any restriction that your State places on individuals’ ability to adopt intercountry based on their:

- (a) nationality; and / or
- (b) immigration status (i.e., permission to reside in your State).

Prospective adoptive parents must be habitually resident in Ireland in order to be eligible to adopt. Nationality is not relevant.

39. How does your State deal with situations in which PAPs, habitually resident in one State, move to another Contracting State after initiating intercountry adoption proceedings (in accordance with Art. 14) but *while the adoption process is ongoing*? Does your State’s response vary if the move is instead to a non-Contracting State?

No experience of this to date.

40. How does your State deal with situations in which PAPs are either non-nationals living in your State, or nationals of your State living in another State, and:

- (a) your State does not consider the PAPs to be habitually resident in your State and the other State also does not consider them to be habitually resident in their State (*i.e.*, the PAPs are in a situation where they cannot make an application to adopt intercountry)?

Foreign nationals residing in Ireland and adopting in their country of origin will experience difficulties in getting the child into Ireland unless they effect the adoption in accordance with the terms and conditions of the HC-93.

or

- (b) both your State and the other State consider the PAPs to be habitually resident in their State?

No experience of this

*Example: PAPs are nationals of State A but, due to the nature of their work, have to move regularly to live in other countries for varying periods. Recently, they moved to State B for a one-year work contract. They now wish to adopt a child from State C.*

- (a) State A says these PAPs are not habitually resident in State A as they are not currently living there. State B also determines that they are not habitually resident in State B since they will leave the State at the end of one year.

OR

- (b) State A says the PAPs are habitually resident in State A as they are abroad for a limited, finite period and State A is the only country in which they have the intention to reside long-term. State B also determines that these PAPs are habitually resident in State B as they are currently living in State B.

- Please insert text here -

41. How does your State deal with situations in which PAPs are nationals of your State, are habitually resident in another State and wish to adopt a child from a third State? What role, if any, does your State play in the intercountry adoption in this scenario (*e.g.*, is your State involved in securing the nationality of your State for the child, any other role)?

Irish nationals residing in another State and adopting from an third State can have that adoption recognised if the country of origin and their country of habitual residence are HC-93 compliant (*i.e.* if an Article 23 Certificate can be produced).

### **C. Use of modern technologies<sup>32</sup> in intercountry adoption<sup>33</sup>**

#### ***In general***

##### Both States of origin and receiving States

42. Please briefly describe any laws, regulations or policy guidelines which exist in your State concerning the use of modern technologies in the field of adoption.<sup>34</sup> Where possible, please provide a hyperlink to these laws, regulations or guidelines or provide a copy, with a translation into English or French.

Not applicable

<sup>32</sup> In this document "modern technologies" is taken to mean the Internet and modern communication methods, such as e-mail, video-conferencing and social media.

<sup>33</sup> If your State responded to the 2013 ISS/IRC Questionnaire on new technologies and adoption (ISS/IRC Circular No 118), you may wish to refer to this response in your answers to this section.

<sup>34</sup> *E.g.*, legislation might concern data protection and rules concerning the online storage of data in adoption cases, the use of photo-listings, the use of the Internet in searching for origins or the use of DNA testing in adoption cases.

43. Does your State regularly use modern technologies in the field of intercountry adoption, both generally, as well as in individual intercountry adoption cases?<sup>35</sup>

If so, please describe which technologies are used, at what stage(s) of the intercountry adoption procedure and how the use of these technologies affects your daily work.

If not, please explain the reasons for this (*e.g.*, no access to modern technologies due to resource constraints, infrastructure problems or an absence of training).

Email is used regularly between national central authorities and accredited bodies.

44. In your State's experience, what (a) benefits<sup>36</sup> and (b) risks have modern technologies brought to the field of intercountry adoption? Please describe how your State attempts to manage any perceived risks.

Faster communications

45. Please briefly explain any specific courses, training or information which is / are provided on the use of modern technologies in the adoption process to:

- (a) the authorities and bodies involved in intercountry adoption in your State.<sup>37</sup>  
Email training

and / or

- (b) PAPs, biological families and adoptable children (or adoptees, if the information is provided subsequent to the adoption)<sup>38</sup> – *e.g.*, are the risks of the use of these technologies part of the programmes of counselling and preparation of PAPs, adoptable children or biological families and is any post-adoption support provided in relation to these issues?<sup>39</sup>

- Please insert text here -

In either case, where possible, please provide hyperlinks to or copies of any information or training material provided (*e.g.*, publications, leaflets, websites), along with a translation into English or French.

46. Does your State use and / or accept from other States scanned documents in intercountry adoption cases (*e.g.*, scanned and e-mailed Art. 17 c) agreements, Art. 23 certificates)?

Yes, scanned documents are accepted

If so:

- (a) Please specify which documents are sent or accepted in scanned format:

Article 16 Child Report and Article 17 Placement Agreement Notices

- (b) Are these scanned versions used or accepted *instead of* the original documents or *in addition to* the original versions (*i.e.*, the original documents follow later by post)?

No, scanned documents are followed by original documents

<sup>35</sup> *E.g.*, Internet and websites, e-mail, video-conferencing facilities such as Skype, online posting of informational videos, social media, etc.

<sup>36</sup> *E.g.*, websites for provision of information, fast sending of applications and reports, facilitation of contact between accredited bodies and PAPs during their stay abroad, facilitation of contact with representatives of accredited bodies, video-conferences to provide information concerning the health of children.

<sup>37</sup> *E.g.*, in relation to its use by adoptees or families to search for origins, or in relation to the use of online databases of adoptable children.

<sup>38</sup> Depending upon whether your State is a receiving State or a State of origin (or both).

<sup>39</sup> *E.g.*, concerning making contact via the Internet, posting confidential information on social media websites or using social media to search for origins.

- (c) Is any authentication of the scanned document required (e.g., legalisation or apostillisation)?<sup>40</sup>

No, original documents follow scanned documents

- (d) How are scanned documents stored and how is the security of the information guaranteed?

Scanned documents are printed down and filed on paper files. Emails and scanned documents are subject to stringent security procedures as per the norm for any Government agency.

If not, please explain the reasons for this:

- Please insert text here -

### ***Using modern technologies to assist with finding a suitable family for a child***

#### Both States of origin and receiving States

47. Does your State use, or permit others to create and use, online "photo-listings"<sup>41</sup> of adoptable children?

Ireland is a Receiving Country only

If so, please explain:

- (a) whether these listings include profiles of *all* adoptable children in your State or only certain categories of children (e.g., children with special needs):

- Please insert text here -

- (b) which authorities or bodies create / operate these online listings in your State (i.e., is this under State control or the control of other adoption actors?):

- Please insert text here -

- (c) who is permitted to access the listings:

- Please insert text here -

- (d) what safeguards have been implemented to protect the privacy of the children concerned (e.g. restricted access for Central Authorities and accredited bodies only):

- Please insert text here -

- (e) how it is ensured that the use of such listings is in conformity with the matching process set forth in the Convention (i.e., matching by the competent authority in the State of origin after the suitability and eligibility of the PAPs has been determined):

- Please insert text here -

### ***Using modern technologies to search for origins***

#### Both States of origin and receiving States

48. Do the relevant competent authorities in your State use social media (e.g., Facebook, Twitter) to help adoptees search for their origins? If so, are there any guidelines or good practices regarding the use of social media by authorities / bodies for this purpose?

- Yes. The AAI and some accredited bodies have provided some training in social media for

<sup>40</sup> See the *Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents* (the "Apostille Convention", concluded 5 October 1961).

<sup>41</sup> In this document, "photo-listings" means databases which include photographs and descriptions of the background and characteristics of adoptable children. They often have limited, protected access (e.g., for Central Authorities and accredited bodies only) and may be used to search for families for children who are hard to place.

personnel and Paps involved in adoption-

49. Has your State had any cases in which PAPs / adoptees and birth families have contacted each other via social media or other modern methods of communication after an adoption and without the involvement of professionals? If so, please specify the situations which have arisen, the challenges faced and how these challenges have been overcome.

- There is some anecdotal evidence that social media has created situations of unsupervised contact between adolescents and birth relatives, that may not be beneficial to the young person.

#### **D. Illicit practices<sup>42</sup>**

##### ***In general***

###### Both States of origin and receiving States

50. Please describe the practices relating to the abduction, sale of or traffic in children or other illicit practices which your State has experienced most frequently in the context of intercountry adoption since the last Special Commission meeting (2010), regardless of whether these practices have taken place in your State or in another Contracting State.

Pipeline cases (where the process was commenced prior to Ireland ratification of the HC-93) involving private independent adoptions being effected in Mexico in 2012.

51. Please provide details of any specific examples in which your State has worked either alone or in co-operation with other Contracting States in order to prevent and / or address practices relating to the abduction, sale of or traffic in children or other illicit practices in the context of intercountry adoption. Was Article 33 ever relied upon in such cases? If so, please describe what measures were taken and the outcome.

Pipeline cases (where the process was commenced prior to Ireland ratification of the HC-93) involving private independent adoptions being effected in Mexico in 2012. Twelve Irish couples had children removed from the care where it was found that the birth mothers had not consented to the children being placed for adoption. Representatives of the Adoption Authority travelled to Mexico City in December 2011 to assist the Mexican National Central Authority deal with irregular adoptions.

52. Has your State ever suspended or restricted its intercountry adoption programme (e.g., introducing a moratorium, refusing to work with a particular Contracting State) because of concerns about the risk of abduction, sale of or traffic in children or other illicit practices? If so, did the suspension or restriction assist with efforts to combat these practices? What challenges did your State encounter in seeking to resume intercountry adoptions or lift any restrictions once practices had been improved?

No restriction applied

#### **E. Other international placements of children which result in adoption**

##### ***Kafala resulting in adoption***

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<sup>42</sup> In this Questionnaire, the term "illicit practices" is used in the same sense as in the "Discussion Paper Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases" (October 2012), available on the specialised "Intercountry Adoption Section" of the Hague Conference website: *i.e.*, it "refers to situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)."

Receiving States only

53. Are persons, habitually resident in your State who have a child placed into their care under kafala in another State, permitted to subsequently adopt the child in your State?<sup>43</sup>

*Example: a child, habitually resident in State A, is placed into the care of a couple under the regime of kafala by the court in State A. The couple habitually resides in State B (your State) and the understanding is that they will return immediately to State B to live with the child. Under your State's laws, are the couple permitted to subsequently adopt the child in your State, State B?*

No experience of this since HC-93 was ratified.

If so, please explain:

- (a) the reasons for this:  
- Please insert text here -
- (b) the procedure, including any involvement of the State of origin:  
- Please insert text here -  
and
- (c) whether this would be a "simple" or a "full" adoption:  
- Please insert text here -

***Respite care abroad resulting in adoption***<sup>44</sup>Both States of origin and receiving States

54. If your State is involved in respite care programmes<sup>45</sup> for children, please explain:
- (a) whether such programmes specifically aim to be a precursor to adoption for some children (e.g., for children with special needs):  
Not applicable
- (b) whether such programmes have, in fact, resulted in the adoption of children and, if so, approximately what percentage of children involved in the programmes are adopted:  
Not applicable  
and
- (c) where a child is adopted following such a programme, how it is ensured that the safeguards of the Convention have been respected (bearing in mind that it is likely that the child remains "habitually resident" in his / her State of origin and thus the adoption falls within the scope of the Convention according to Art. 2):<sup>46</sup>  
Not applicable-

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<sup>43</sup> **N.B. the provision of care by kafala falls within the scope of the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (the "1996 Convention") (Art. 3 e) of the 1996 Convention) and thus kafala placements benefit from its unified rules on jurisdiction, applicable law and the recognition and enforcement of measures between Contracting States. In addition, the 1996 Convention contains mandatory co-operation provisions with which Contracting States must comply when a cross-border kafala placement is contemplated between them (Art. 33 of the 1996 Convention). For further information concerning kafala and the 1996 Convention, see the [Practical Handbook on the 1996 Convention](http://www.hcch.net) available on the Hague Conference website < [www.hcch.net](http://www.hcch.net) >.**

<sup>44</sup> See GGP No 1 at paras 561 to 563.

<sup>45</sup> I.e., programmes in which children from certain States of origin, often children living in institutional or other non-family based alternative care, are hosted temporarily by families in other States for "holidays" to improve the child's mental and physical well-being.

<sup>46</sup> E.g., how it is ensured that: the child is legally and psycho-socially adoptable; the subsidiarity principle is respected; the eligibility and suitability of the PAPs is appropriately assessed; the Convention requirements concerning professional "matching" are met; and the child and parents are appropriately prepared, informed and counselled for the adoption.

**Foster care resulting in adoption**Both States of origin and receiving States

55. Is your State aware of cases in which a domestic foster care placement has been used in order to circumvent Convention intercountry adoption procedures? If so, please provide details, including the challenges which these cases have presented and any good practices your State has developed to deal with such cases.

*Example: a couple, usually resident in State A, travels to State B and applies to foster a child. They intend to apply to adopt this child in State B and to return shortly thereafter to live in State A.*

No experience of this (i.e. fostering used to circumvent the Convention)

**F. Triangular adoptions<sup>47</sup>**Both States of origin and receiving States

56. Does your State allow PAPs wishing to adopt intercountry to use an accredited body located in a *third* State to mediate the adoption (i.e., an accredited body *not* located in the State of origin or in the receiving State)? If so, please briefly describe any conditions imposed by your State,<sup>48</sup> the procedure used and any challenges encountered. Please also share any good practices your State has developed in relation to such cases.

No.

**G. International surrogacy arrangements<sup>49</sup> and intercountry adoption<sup>50</sup>**Both States of origin and receiving States

57. Following the recommendations of the 2010 Special Commission meeting,<sup>51</sup> has your State experienced any cases of international surrogacy arrangements in which use of the 1993 Hague Convention has been sought in order to remedy the situation of the legal status of the child? If so, please explain the circumstances in which this occurred, how it was ensured that the safeguards of the Convention were respected, and the outcome for the child and family.

No experience of this-

**IV. SERVICES AND SUPPORT PROVIDED BY THE HAGUE CONFERENCE**Both States of origin and receiving States

58. Are the following documents used in your State as tools to assist with the operation of the Convention and / or to periodically review your State's intercountry adoption system and processes:

(a) the Conclusions and Recommendations of previous Special Commission

<sup>47</sup> For a definition of "triangular adoption", please see GGP No 1 at Chapter 8.8.7.

<sup>48</sup> See the good practices recommended at para. 555 of GGP No 1.

<sup>49</sup> The term "international surrogacy arrangement" is used in this Questionnaire to mean "a surrogacy arrangement entered into by intending parent(s) resident in one State and a surrogate resident (or sometimes merely present) in a different State". (See further the Glossary attached to the "Report on the desirability and feasibility of further work on the Parentage / Surrogacy Project" (Prel. Doc. No 3B of March 2014).)

<sup>50</sup> Please note that the issue of international surrogacy arrangements is being studied separately by the Hague Conference in the context of its "Parentage / Surrogacy Project": for further information on this Project, please see the specialised section of the Hague Conference website, under "Parentage / Surrogacy Project". These questions therefore only relate to the use of the 1993 Convention and related bodies / authorities in these cases.

<sup>51</sup> See SC 2010 C&R Nos 25 to 26 in which it was stated that the Special Commission "viewed as inappropriate the use of the Convention in cases of international surrogacy".

meetings:

Yes -

- (b) Guide to Good Practice No 1 *“The Implementation and Operation of the 1993 Intercountry Adoption Convention”*:

Yes -

- (c) Guide to Good Practice No 2 *“Accreditation and Adoption Accredited Bodies”*:

Yes -

- (d) the tools<sup>52</sup> developed by the Experts’ Group on the Financial Aspects of Intercountry Adoption:

Yes -

- (e) the *“Discussion Paper on Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases”*:<sup>53</sup>

Yes -

Please explain how these tools are currently promoted in your State and how they could, in your State’s view, be more effectively promoted at the regional and / or international level:

Guide no 1 was used to inform the setting up of the AAI as the Central Authority in Ireland for intercountry adoptions, and to inform the Adoption Act 2010. The Guides are used regularly to inform training for professionals and copies are given to those involved in informing, preparing and assessing Paps. They are used specifically by the AAI in forming national guidance on specific adoption matters

59. In light of the fact that the importance of ICATAP (the “Intercountry Adoption Technical Assistance Programme” of the Hague Conference) to the proper implementation and operation of the 1993 Convention has been reiterated by Special Commission meetings and by meetings of the Council on General Affairs and Policy for many years, does your State have any suggestions as to how to secure more regular and consistent funding for this work at the Permanent Bureau, including for the key position of the ICATAP Co-ordinator?

None, at this time

Is there any other comment your State wishes to make concerning the implementation and / or operation of the 1993 Convention?

- Please insert text here -

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<sup>52</sup> See the tools developed by the “Experts’ Group on the Financial Aspects of Intercountry Adoption”, available on the Intercountry Adoption Section of the Hague Conference website, under “Expert and Working Groups”: *i.e.*, the harmonised Terminology adopted by the Experts’ Group on the financial aspects of intercountry adoption, the Note on the financial aspects of intercountry adoption, the Summary list of good practices on the financial aspects of intercountry adoption and the Tables on the costs associated with intercountry adoption.

<sup>53</sup> Available on the Intercountry Adoption Section of the Hague Conference website, under “Expert and Working Groups”.