

***Submission on the Adoption (Information and Tracing) Bill 2015
to the
Joint Committee on Health and Children 5 November 2015***

Background

Treoir, the Federation of Services for Unmarried Parents and their Children, was founded in 1976 to improve the position of unmarried parents and their children in Ireland. As well as operating the National Specialist Information Service, Treoir promotes policy change, advocates on behalf of unmarried parents and their children and undertakes relevant research.

In the early days of the organisation, 1970s and 1980s, significant numbers of unmarried mothers placed their children for adoption. It was not socially acceptable to be unmarried and raise a child in Ireland. Many unmarried women who became pregnant concealed the fact of pregnancy, hid away in Mother and Baby Homes and had no option but to place their children for adoption. They sought and were guaranteed secrecy. **Treoir's** early Directory of Services for Unmarried Parents listed 20 adoption societies placing children for adoption in Ireland, an indication of the demand for the service.

The 2015 edition of the *Information Pack for Unmarried Parents* only mentions adoption in the context of step-parent adoption – a testament to how society has changed dramatically. The days are long gone when unmarried women had to hide from their families and society during pregnancy and where adoption was the only socially acceptable solution to an unwanted pregnancy outside marriage.

While secretive adoption solved the problem of pregnancy outside of marriage, there was very little awareness that the children who were placed for adoption may in the future have a desire – and indeed a right - to know the identity of their birth parents in order to have a sense of who they are.

Article 8.1 of the UN Convention on the Rights of the Child states:

“States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference”.

Treoir has from its foundation believed that, though children may be raised apart from one or both parents, they have a right to have their identity preserved. Numerous submissions have been made on the issue over the years.

The Adoption (Information and Tracing) Bill - General Scheme and Heads of the Bill

Treoir warmly welcomes the publication of the General Scheme and Heads of the Adoption (Information and Tracing) Bill 2015. **Treoir appeals to you as legislators to ensure that this legislation is progressed as quickly as possible.**

We wish to comment on a number of the Heads.

Our concerns are mainly around information and tracing associated with adoptions that occurred in the past. Balancing the right to privacy of mothers and the adoptees' need to know of their origins will be a challenge. We also believe that the information and tracing service must be adequately resourced, if those involved in adoption are not to suffer further hurt by their experience.

In relation to adoption orders made following the enactment of the legislation, all parties will be aware of the principle of openness and no guarantees of secrecy will be given. The birth parent will be aware that information will be released to the adoptee when he/she reaches 18 years and the adoptee will have his/her identity preserved. This will ensure that so many of the problems we are experiencing today will no longer exist.

Summary of issues to be addressed

Head 7:

Treoir would like to propose that information on the birth father is also included in the information to be kept by the Authority. This information is important for identity purposes.

Heads 8 and 10:

Treoir member organisations have concerns that accredited adoption agencies will be excluded from the information and tracing service as all applications to join the Register are to the Child and Family Agency. As currently drafted, it is not clear if the adoption agencies accredited to undertake search and reunion work will have access to the Register.

Heads 11 and 12:

Treoir believes it is imperative that the Register and the supports to those involved in adoption are adequately resourced with a ring-fenced budget. **Treoir** would be very concerned if adoptees or birth parents were denied a service because of lack of finances. The service should be free to adoptees and birth parents.

If it is not possible to transfer records from the passive to the active register, we believe those currently on the passive register should be contacted and invited to transfer. A public awareness campaign will not suffice for this purpose.

Head 13:

Treoir welcomes the presumption in the Bill in favour of disclosure of information unless the birth parent gives compelling reasons for not disclosing.

We welcome the requirement for adoptees to sign the Statutory Declaration agreeing to respect the privacy of the birth mother.

We recognise that while many birth mothers wish to have contact with their birth children, there is a small number for whom the prospect of disclosing to their families that they gave a child up for adoption is a source of great distress and fear. Their situation needs to be handled with the greatest sensitivity and balance. Their guarantee of privacy and confidentiality and the severing of parental rights and responsibilities at the time of adoption must be balanced with the right of the adoptee to information about his or her birth parent.

Head 23/24:

Treoir agrees that those whose births were incorrectly registered should be assisted to acquire information about their biological parents and enabled to have their births registered correctly.

Wrongful registration raises an issue for **Treoir** about the inappropriateness of the adoption/birth certificates being issued under section 89 (2) of the Adoption Act 2010. The abridged version of the certificate, which appears to be the default version generally provided by the General Registry Office, names the adoptive parents as the mother and father of the child and there is no mention of adoption on the certificate.

There is something incongruous about the State on one hand issuing “birth” certificates with inaccurate information to conceal the fact of adoption while at the same time censuring those who falsely registered births in the past to conceal the fact of adoption.

We understand that some adoptees would not want the fact that they are adopted to appear on their “new birth certificate”. A solution needs to be found to enable authentic certificates to be issued while respecting the wishes of these adoptees.

Consideration should be given to a return to short form birth certificates. This issue will also have to be addressed in the context of children born of assisted human reproduction to same sex couples.

Thank you for your time and attention.