

Family Diversity Initiative

Welcoming the diversity of families in Ireland

Submission to the Department of Health and Children on Adoption Legislation Consultation Discussion Paper

Introduction

The FDI is a coalition of organisations working with and representing the interests of diverse families in Ireland. This coalition recognises that the family exists in different structures and circumstances and challenges discrimination. Our vision is to achieve an Ireland in which people define their own families and which all these families are treated equally. Our mission is to promote equality, acceptance and understanding in Ireland for all families.

The objectives of the FDI are to:

- Co-ordinate and develop effective partnership working between NGO's who promote and represent diverse families, including the sharing of relevant resources.
- Identify key knowledge gaps in the experience of diverse families and seek to address these by research or other appropriate means.
- Support and co-ordinate policy interventions that address the institutional and social barriers to equality and social inclusion faced by diverse family groups.
- Co-ordinate an effective public awareness campaign on family diversity in Ireland.
- On achievement of the above objectives the Family diversity Initiative will re-assess its future.

FDI underpinning principles

- An understanding of "family life" that derives from our Vision Statement that people define their own families.
- Promoting equality of opportunity and social justice in its work and within the operating policies/ practices of the initiative.
- Acknowledging the right of people and families facing discrimination/ inequality to participate in solutions to redress that inequality.
- Partnership working with relevant external people/organisations which furthers the mission/aims of FDI.

The FDI currently includes membership from a range of organisations working with and representing families with varying structures and those who live in varying social situations. This submission is made on behalf of the FDI by the following members, Age Action Ireland, Cherish- The National Association of Single Parent Families, Children's Rights Alliance, Gay and Lesbian Equality Network (GLEN), Focus Ireland, National Consultative Committee on Racism and Interculturalism (NCCRI), Older Women's Network, Treoir- National Federation of Services for Unmarried Parents and their Children.

Family Diversity Initiative

Welcoming the diversity of families in Ireland

The FDI welcomes the intention to amend legislation regarding adoption and welcomes the opportunity to contribute to considerations regarding new legislation.

In our submission we will focus primarily on areas of specific concern to our membership. As a result, not all questions in the discussion document will be addressed on this occasion. All comments and recommendations should apply equally to domestic and foreign adoptions.

The Family Diversity Initiative urges that the proposed adoption legislation be in full accordance with the UN Convention on the Rights of the Child, which Ireland ratified in 1992.

Article 21 of the Convention deals specifically with the protection of children's rights in the context of adoption. According to the provisions of the Convention, in countries where adoption is recognised and/or allowed, it should only be carried out in the best interests of the child, with all necessary safeguards for the child and under the authorisation of competent authorities. Additionally, Article 3 of the Convention places an obligation on member States to ensure that all actions taken concerning the child should take full account of his or her best interests.

Other articles in the Convention that relate to adoption include those that protect the child's right to preservation of identity, to reunification with family members and the right of the child to have his or her opinion taken into account in matters that affect him or her.

Age limits for adoptive parents

At present there is no upper age limit for adoptive parents and the introduction of an upper limit may be found to be discriminatory with reference to the Equal Status Act 2000. The FDI recommends that no change be introduced in law. It is important to recognise the value of inter-family adoptions, including the adoption of children by their grandparents. The FDI is aware of many families comprising of older carers and their grandchildren and would recommend against any legislation which would not afford these families access to adoption.

Post-adoption services

The FDI recognises the need for supportive services post-adoption for all parties involved. The FDI would recommend that a comprehensive range of emotional, financial and social supports be available to birth and adoptive parents as well as the adopted child and that these services take particular account of the needs of children living in diverse families through adoption.

As such the FDI would recommend that services are equality proofed at development and delivery stages and regularly monitored with regards to

Family Diversity Initiative

Welcoming the diversity of families in Ireland

provisions under the Equal Status act 2000. The FDI would also encourage the development of training for professionals working in post-adoption services which would encompass a range of diversity-related issues such as interculturalism, equality and anti-discrimination training.

Eligibility of adoptive parents

Eligibility of assessment

Anyone who wishes to and is in a position to provide a family for a child should be eligible to be assessed. This includes married parents and single people of either sex, cohabiting couples either same sex or heterosexual.

Application of the law in practice should be equality proofed to ensure that discrimination on any of the nine grounds under the Equal Status Act 2000 does not occur in respect of eligibility of assessment of any prospective adoptive parent.

Guardianship as an alternative to adoption

The FDI recognises the current legislative anomaly which does not recognise the continuing parental relationship of the birth parent and child in the event of a new spouse of a single parent wishing to formalise his/her relationship with the child. The FDI supports the recommendation in the consultation documents that "*...legislation be introduced to permit a birth parent to retain her/his guardianship of the child while at the same time permitting her/his spouse to acquire guardianship rights over the child*". (p. 12)

For any couple, where one partner is the biological or adoptive parent of a child (or children), with the agreement of that partner, the other partner should be eligible for assessment to become the adoptive co-parent or guardian of the child (or children). Legislation in relation to status of cohabitees would need to be introduced in order to safeguard the rights of children in cases of cohabitee partnership breakdown.

Adoption of children of marriage

The Family Diversity initiative welcomes any review and change in legislation which will enable children born within marriage to be considered for adoption in the same manner as children born outside marriage.

The Family Diversity Initiative would welcome legislative reform to extend the conditions under which children of marriage are eligible for adoption. In this regard the FDI agrees with the recommendation of the Review Committee on Adoption Services "*...that all children should be eligible for adoption irrespective of the marital status of their parents*". The Family Diversity Initiative calls for a uniform set of conditions regarding the eligibility of all children for adoption in line with their best interests, regardless of the marital status of their parents

Family Diversity Initiative
Welcoming the diversity of families in Ireland

Consolidation of legislation

Irish Adoption law is presently contained in a Principal Act (Adoption Act, 1952) and six other Acts. It is recommended that the Acts of 1952-1998 be consolidated into one comprehensive and coherent legislative provision. The Family Diversity Initiative would urge that any further legislation on adoption would consolidate any and all preceding legislation, further clarifying the adoption process for all.

Conclusion

The Family Diversity Initiative welcomes the opportunity to make this submission. We are aware of the need to amend legislation but are also very conscious of the need to ensure that any change in legislation is supported by services which can ensure its full implementation in the best interests of all parties in an adoption. We would therefore urge that full consideration be given to the practical implications of any legislative change and look forward to an opportunity to be consulted on the type and range of services which will be needed to ensure the full implementation of any new law.

This submission has been drafted on behalf of the Family Diversity Initiative. Queries/clarifications should be addressed to the Family Diversity Initiative through Anne Bowen, Social Policy and Communications Officer,
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