

**COUNCIL OF IRISH ADOPTION AGENCIES**

*An Ethical Framework*

*for*

*Adoption in Ireland*

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The Council of Irish Adoption Agencies is the umbrella body incorporating all adoption agencies, both voluntary and statutory, in the Republic of Ireland. Council members meet a number of times each year to consider, address and advocate on the basis of 'best practice', all aspects of adoption. While it is the agencies themselves who are members of the CIAA, it is the professionals directly involved in the day-to-day operation of the adoption services, namely social workers, who usually represent each agency at Council.

Council members believe that adoption practitioners in general, and the Council of Irish Adoption Agencies in particular, are uniquely placed to advise on all areas of adoption as, through our work, we have access to the perspective of each member of the "adoption triad", namely the child, birth/natural parent/s and adoptive parent/s. Our training and experience give us further insights into the needs of children in foster care, children whose lives are impacted by the breakdown of parental relationships, the needs of blended families and the rights to protection for children under **Children First** (1999).

In considering an Ethical Framework, Council members selected a sub-group to draw together a document relying on international best practice and considering adoption issues within an Irish context. In recognition of the experience, expertise and commitment to excellence of the social work team at the Adoption Board, Council also invited onto this sub-group Ms Emer O'Carroll, Social Worker, Adoption Board. The Ethical Framework set out here, therefore, represents collaboration of adoption social work across a wide perspective of voluntary and statutory agencies and social work practice at the Adoption Board.

The CIAA wishes to thank the following members of the Ethics Sub-Group for their commitment and expertise in compiling this document:

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Angela Loane resigned from the Subcommittee in March 2006 due to a career change.

**For children who, for whatever reason, cannot be reared by their birth families “adoption provides the strongest legal guarantee of permanence ..... For those children who cannot be raised by their birth parents, adoption is the permanency option most likely to ensure protection, stability, nurturing, and lifelong relationships throughout their childhood as well as into their adulthood. Individuals do not outgrow their need for the relationships and the support offered through family ties” (Child Welfare League of America, 2000, p11)**

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## PART ONE

### **What is Adoption?**

The Adoption Act, (1952), introduced legal adoption into Ireland for the first time. The legislation set out that, on the making of an adoption order (a) “the child shall be considered with regard to the rights and duties of parents and children in relation to each other as the child of the adopter or adopters born to him, her or them in lawful wedlock”; (b) “the mother or guardian shall lose all parental rights and be freed from all parental duties with respect to the child” (Adoption Act 1952, Section 24). Therefore, the nature and effect of an Irish adoption order is that a child becomes the child of the adopters as if born to them in marriage.

Since 1952 the practice of adoption has undergone many changes in Ireland and it is now widely accepted that adoption is much more than a simple legal procedure. Many definitions of adoption appear in the literature (Practice Guidelines for Domestic Adoption Assessment in Ireland, 2006, p12-13, unpublished). However, the definition underpinning this CIAA document is that put forward by the International Social Services who define adoption as “a social and legal protective measure for children” which “should be made available to all children whose personal and family situation warrants without prejudice against their social situation, physical features, ethnicity, culture, physical or mental health disorder.” (International Social Service, 1999 – 2004, p3)

### **The Purpose of Adoption**

The Association of Directors of Social Services in “*What is Adoption?*” (ADSS-BAFF, 2000) states that “the primary

purpose of adoption is to provide a child with a family and a home to call his/her own and not to provide a child for a family". This publication goes on to consider that, while there are many complementary and conflicting needs and rights in adoption, children must remain central, as they are the most vulnerable and often the voiceless party to an adoption. "Meeting the needs of children is central to adoption". (ADSS-BAAF, 2000). The ADSS further states that adoption seeks to provide children with an opportunity of "having a happy secure and stable family life" and of "growing up physically, legally, spiritually and emotionally in a secure home". It specifically cautions against adoption becoming a means of "removing children from being a costly burden on the state", "warehousing children who are otherwise a nuisance" or "satisfying individuals' or couples' needs to have children regardless of children's needs." (ADSS-BAAF, 2000).

### **What are Ethics?**

"Although definitions vary, most people agree that ethics necessarily involves articulation of values that can guide the decision-making process around complex issues" (Freunlich and Phillips, 2000, p7).

Ethics is further defined as "the study of fundamental principles that defines values and determines moral duty and obligation"

([www.science.psu.edu/alert/frontiers/Glossary\\_1-2001.htm](http://www.science.psu.edu/alert/frontiers/Glossary_1-2001.htm));

and with regard to professionals (as, for example, the social work profession) ethics provides "a code of professional standards, containing aspects of fairness and duty to the profession and the general public".

([www.titleguarantynm.com/terms\\_e.asp](http://www.titleguarantynm.com/terms_e.asp)).

As the foregoing definitions set out, professionals set out values and codes of behaviour and standards in meeting their responsibilities both to the public (service users) and to the profession itself.

### **Why an Ethical Framework?**

In drawing together an ethical framework it is recognised that “an ethical framework can help make explicit the question of what ought to be done in any situation, all things considered; and promotes a decision-making process that is as impartial, rational, thorough and realistic as possible” (Abramson, 1990, p30). Significant words and phrases here are that an ethical framework seeks to make clear what ought to be done in any situation and that it seeks to make the process as impartial, rational ... as possible.

### **Ethics in Adoption**

Adoption practice requires that adoption professionals define values and determine their moral duty and obligations towards all members of the adoption circle comprising the adopted person, the birth/natural families, adoptive families, adoption agencies and the State. “Creating an ethical climate for adoption is important given the fact that so much of the personal impact of adoption is beyond the reach of law, regulation and policy. Ethics always lies outside of law and policy, informing it, challenging it, and coming into play when new situations are encountered. It is never easy for law to regulate right behaviour and in the area of adoption it will never get it entirely right” (Jordan, 2000, p1). The foregoing recognises that, due to the possibility of conflicting needs and rights, the best we can hope to achieve is the balancing of rights

and needs and the setting of one set of needs (those of the adopted child) as paramount.

Thus, as a core principle, this Ethical Framework endorses the following:

“Any assessment of value issues in adoption must be made in the context of the only reason for the institution of adoption to exist: providing for the healthy rearing of children” (Dukette, 1984, p241).

### **The Role of Adoption Agencies**

International Social Services, (ISS, 1999-2004), recommends the following: that in order to ensure international best practice, bodies or persons who play a role in adoption procedures, whatever the importance or level of their participation, comprise agencies whose staff is composed of pluridisciplinary professionals in child protection (social workers, psychologists, jurists), who have benefited from special training in adoption and the rights of the child and who are guided by ethical standards in the best interests of the child. ISS further states that experience as an adoptive parent is not a sufficient qualification to play a role in adoption procedures (placements). Moreover, while acknowledging the indisputable value of volunteer work, ISS considers that it cannot be recognised as a skill in itself, and does not justify overlooking professional qualifications in child protection and welfare.

Other core values relating to the provision of services state that changes in adoption practice, policy and law demand professional expertise to assist birth/natural families, adoptive families and adopted individuals and that the knowledge, skill and experience of professional social workers should be used in developing and providing all

aspects of adoption services (CWLA, 2000). This latter publication goes on to state “because adoption is a specialised professional service, the agency providing adoption services should rely upon and use the knowledge, skill and experience of professional social workers in delivering and providing all aspects of such services”. Part of the social work function involves “help(ing) all parties concerned to understand and address the issues confronting them when the adoption is legalised and thereafter” (CWLA, 2000).

### **Professional Adoption Social Work Values**

In Ireland, adoption practice, for the most part, comprises professionally qualified and experienced social workers. Social work, as a profession, recognises the importance of, and is guided by, the code of ethics of the Irish Association of Social Work (I.A.S.W.). “Ethical awareness is a necessary part of the professional practice of any social worker. His or her ability to act ethically is an essential aspect of the quality of the service offered to clients” (I.F.S.W. The New Ethical Documents, 2004, p1).

In the Irish context, social workers affiliated to the professional body of the Irish Association of Social Workers agree to maintain and promote the Irish Association of Social Workers Code of Ethics (see Code of Practice for members of the Irish Association of Social Workers’ Members at [www.iasw.ie](http://www.iasw.ie))

Social Work is committed to the promotion of best adoption practice. “Good practice must spring from evidence, the use of the latest research and a constant focus on how best to meet the needs of individual children” (ADSS-BAAF, 2000).

Irish adoption practice holds as fundamental the following values:

### **Confidentiality**

- The assurance that private information will be made available only to those third parties who have a right to the information or to individuals whose professional involvement warrants access to the information.

### **Fairness**

- The assurance that objectivity will be maintained and bias avoided.

### **Equity**

- The assurance that equality of opportunity will be provided to those availing of the service.

### **Accountability**

- The assurance that professionals will accept responsibility for outcomes from practice and action taken.

### **Respect**

- A commitment to protecting the inherent worth and dignity of each individual and promoting this perspective in those availing of the service.

## **Autonomy**

- A commitment to enabling informed and free decisions; this value is also referred to as Client Self Determination.

## **Knowledge**

- A commitment to providing clear, value-free information and updating such information when appropriate; ensuring that each person has the relevant information to enable him/her to make an informed decision.

## **Beneficence**

- A commitment to act for the good or well being of the individual.

## PART TWO

### Historical Context of Irish Adoption

Legal adoption was introduced in England and Wales in 1926, Northern Ireland in 1929, and Scotland in 1930. "Pressure for legal adoption did not, however, start to build up in Ireland until the late 1930's and did not become urgent until the second half of the 1940's and, perhaps, then because of the increase in the illegitimacy rate" (Darling, 1977, p6). The Adoption Society (Ireland) was formed in 1948 as a pressure group for the introduction of legal adoption. "Yet despite its scratch nature, it proved an uncommonly effective pressure group" (Whyte, 1980, p185). However, there was considerable resistance towards any form of legal adoption. There was a fear that parents would simply give away or abandon their children, or that they would have children simply to sell them (Shatter, 1997, p445). "It was the strong feeling, especially in the Irish countryside, that property should go to someone of one's own blood" (Whyte, 1980, p187). "It has been suggested that fear of proselytisation was probably the strongest objection to legal adoption" (O'Hare et al, 1983, p13).

The Archbishop of Dublin, Dr. McQuaid, initially opposed the introduction of adoption legislation. He was not opposed to the concept of legal adoption as such, but was concerned for the protection of the rights of the mother and child. He felt too much emphasis was being placed on the rights of the adoptive couple (Whyte, 1980, p192). The Catholic Church was consulted closely about the legislation "and the text of the bill bore out the closeness of the consultation, for regard was had to all the limits and safeguards for which the committee of the hierarchy had asked" (Whyte, 1980, p276).

Any discussion on ethics in adoption in Ireland must be understood not only in the historical and political context of the time, as outlined above, but also in the social climate that prevailed when legal adoption was first introduced. The 1950s was a decade characterised by poverty, unemployment and massive emigration. The prevailing moral code of the time dictated that no family form was acceptable other than the traditional nuclear family based on marriage, as enshrined in the Constitution and propagated by the Roman Catholic Church. The passing of the 1952 Adoption Act allowed for non-marital children only to be adopted by legally married, heterosexual couples. This bestowed the status of 'legitimacy' on the adopted child, serving as a mechanism for removing the stigma of non-marital birth from the child, while also satisfying the parenting needs of couples.

**Current Trends in Irish Adoption** (Source: adapted from the Practice Guidelines for Domestic Adoption Assessment in Ireland, 2006 P13-14, unpublished)

Since legal adoption was introduced in Ireland, over 43,000 adoption orders have been granted. The number of orders granted peaked in 1967 to 1,493, a figure which accounted for 96.9% of non-marital births that year. By 2007 this figure had dropped to 187 adoption orders, accounting for 0.81% on non-marital births (Report of An Bord Uchtala, 2007, p41). Within this period the profile of adoption in Ireland changed immensely. This change is characterised by;

- The decline in the total number of adoption orders granted.
- The decline in traditional infant agency adoption.

- The move from a closed to a more open form of adoption involving ongoing contact between the birth/natural and the adoptive family
- An increase in family adoptions, particularly step-parent adoptions.
- The introduction of the Adoption Act, 1988 which allows for the adoption of marital children without birth/natural parents' consent.
- The Adoption Act, 1998 which makes provision for the consultation of birth/natural fathers in adoption applications.
- A demand for the further development of social work and mediation services to birth/natural fathers.
- A significant increase in the rate of Inter-Country Adoption.
- The introduction of the Adoption Act, 1991.
- An upsurge in the number of Information and Tracing queries countrywide.
- An ever increasing demand for Post Adoption Services.
- The establishment of both the National Adoption Contact Preference Register, 2005 and the Standardised Framework for the Provision of a National Information and Tracing Service, 2007.

Despite these changes, some of the traditional characteristics of Irish adoption remain, for example concealed pregnancies, secrecy and stigma (O'Carroll, 2002). Indeed, there is evidence to suggest that adoption, as it is traditionally framed in Ireland, facilitates the retention of these characteristics (Mahon et al, 1998, O'Carroll, 2002, Loughran and Richardson, 2005). New characteristics also emerge in contemporary adoption including various blended family arrangements and increased complexities around individual cases (Loftus,

2004); for example, the increased involvement of birth/natural fathers with their children and in the adoption process. These new characteristics can be attributed to the great social and economic changes in Ireland in recent times.

Thus, there is a recognition among adoption practitioners of a need to reframe adoption as a modern child care option in a creative way to meet the needs of modern Irish society and the changing profile of children requiring permanent care (Doherty, 1990, p13, O'Carroll 2002, p88, Loughran and Richardson 2005, p17). (Source: adapted from the Practice Guidelines for Domestic Adoption Assessment in Ireland, 2006 P13-14, unpublished)

### **Ethical Dilemmas in Irish Adoption**

Debate regarding adoption often focuses on the issue of rights: the rights of the child, the rights of the birth/natural parents, the rights of the adoptive parents. It must be acknowledged that these rights and needs are not complementary and, in fact, can often be in conflict. Balancing rights and needs is an ongoing ethical issue in adoption.

A fundamental social work principle in adoption practice seeks to hold the best interests of the child at the centre of all considerations. However, should this 'paramountcy principle' take into account the entire life of the adopted person or the child's needs at the time of the adoption only? This is just one of many ethical dilemmas facing adoption social workers.

In considering the **social work values** as set out on pages 6 and 7, other challenges and dilemmas which routinely present themselves in adoption practice are as follows:

## **Confidentiality**

- Total confidentiality, meaning privacy or secrecy, is never guaranteed in social work. Safe working practices, alone, require that information regarding the client is shared with at least one other individual, the person providing clinical supervision on the social worker's practice.
- An ongoing challenge facing adoption professionals and, in particular those working in the area of Adoption Information and Tracing, relates to confidentiality and promises of secrecy in the past. Practice up until the late 1980's saw many birth/natural mothers given guarantees of secrecy in order to make a 'fresh start' after placing their children for adoption. These promises left many birth/natural mothers with a sense of protection. However, for their children, this guarantee has become a barrier to information they have a deeply felt need for and to which they believe they have a right.
- The dilemma facing adoption social workers is one of balancing the need for privacy for one member of the adoption circle with the need for openness and information for another member of the circle; whose need takes precedence?

## **Fairness**

- The question needs to be asked, are we ever totally free of bias? Adoption is a highly emotive subject, drawing on strong views among members of the public and some members of the social work profession alike. Among some professionals there exists a bias against adoption, as repeatedly indicated in the research (Richardson and Loughran, 2005, Richardson 1993, McCashin 1996, O'Donohue 1990).

## Equity

- Ensuring equality of opportunity to all those seeking adoption services can be challenging, especially given the perception among some service users and some professionals that 'the loudest voice prevails'. How can adoption workers ensure that those without a voice, especially the child at the centre of the process, are given equality of opportunity?
- Kelly (2005) and Richardson and Loughrane (2005) found that social conditions, including poverty and social stigma, continue to influence the decision to place a child for adoption. These studies cite the reality that some birth/natural parents continue to place their children for adoption out of a sense of having no other option open to them. How can social workers advocate for families in a way that ensures equality of opportunity, so that parents do not feel they have no option open to them other than adoption?
- As a profession, social work stands accused of facilitating the movement, through adoption, of children from poor/disadvantaged communities to richer/more socially advantaged communities without sufficiently challenging the conditions whereby parents are obliged to relinquish their children (Vass, 1996). Social workers are challenged to address this issue while simultaneously holding and supporting the needs of individual adoptive families.
- There is growing concern among adoption practitioners in Ireland and overseas (Evan B Donaldson Institute, 1999), regarding intercountry adoption in terms of adoption ethics, market forces (Freundlich & Phillips, 2000) and an apparently growing consumer-driven culture in adoption

practice (Triseliotis et al, 1997). Social workers struggle with these ethical issues in a country which gives a statutory right to assessment for intercountry adoption to any individual aged 21 years and upwards (or, if a married couple, one of the applicants is aged 21 years and upwards) in this State. This statutory right to a service impacts directly on the provision of services to other adoption service users and impacts directly the value of equity.

### **Accountability**

- Some past practices in adoption services fell short of the value of accountability. Ensuring that current and future practice meets the highest standards requires continuous scrutiny and review. Given the demands on overstretched services, this may not be as straightforward as it appears.
- To whom are adoption workers accountable; the agency, the professional organisation, the Adoption Board, the courts, the child, birth/natural parents, adoptive parents? At what venue are these issues even debated?

### **Respect**

- While recognising the need to respect the wish for privacy of birth/natural and prospective adoptive parents, social workers strive constantly to balance this value with the need for relevant information; the information sought assists in the matching and placement for adoption of a child.

### **Autonomy**

- Client self-determination poses challenges at many levels in adoption.

- The birth/natural parents' wish to defer decision making may be in conflict with the child's need for a permanent home. Babies are particularly vulnerable with regard to timing around decision making in the first year of life. In 2007, only 32% of babies placed for domestic adoption were under 6 months old (Adoption Board Annual Report 2007, p35).
- Legal restrictions and adoption practice limit the prospective adopter's wish to become a parent without the necessity of professional assessment.
- Further legal restrictions apply when the adopted person seeks identifying information regarding his/her biological background.
- When seeking to enable informed and free decisions, social workers work within these restrictions and recognise that client autonomy is limited.

### **Knowledge**

- Crucial issues in relation to this value begin with the importance of informing the birth/natural parents about the impact of adoption in a timely fashion, thus enabling them to consider the options without undue pressure. This value may be in conflict with the child's need for timely decisions (Kelly, 2005).
- This core value creates additional challenges for social workers providing an intercountry adoption service, as anecdotal evidence and a growing amount of international literature suggest that there is some doubt over birth/natural parents being facilitated in making informed decisions regarding adoption in some placing countries.
- Providing balanced information to prospective adoptive parents so that they can appreciate both

the rewards and challenges in adoption is important. Given the paucity of reliable research in intercountry adoption, especially in relation to practice in some sending countries, social workers are challenged when trying to meet this responsibility especially when relying on anecdotal evidence that itself may not be balanced.

- When the birth/natural parent relinquishes a child, is the child's right to know who they are and what their background is, also relinquished? Many adopted people need to know about their origins in order to have a complete sense of themselves and to feel connected to the world both genetically and environmentally. Should adopted people have the legal right to access all information about themselves? Can they be harmed by their exclusion from information about their origins and early life?

### **Beneficence**

- Seeking to act for the good of one individual in the adoption process may risk causing harm to another person.

### **For example...**

- Attempting to balance the birth/natural parents' needs and rights may not be complementary to the child's need of and right to a permanent home.
- Similarly, seeking to act for the good of the adopted person's need for information may risk harm to the birth/natural parent who has a continued need for secrecy.
- In adoptive parent assessment there is a need to ensure that, in meeting the adult's need for a child, the focus remains on the child's need for a safe, secure and loving family.

In considering current dilemmas facing adoption social workers, there is a need also to reflect on the reality that prevailing cultural attitudes towards adoption change with time and that these attitudes impact on every member of the circle. A significant issue surrounds privacy and the need for secrecy. For example, in 1950s Ireland, birth/natural mothers needed the secrecy of the adoption to be maintained due to the social stigma of out of wedlock pregnancy. In modern Ireland, a significant proportion of women availing of adoption services express a need for secrecy due to what they perceive as the stigma attached to placing their child for adoption (Kelly (2005), O'Carroll, (2002).

There is also the need to take into consideration the impact of the constitutional context in Ireland and its protection of the family. While it protects individual families, The Constitution does not give recognition to the overlap an adopted person has between different nuclear families, genetically, biologically, psychologically and historically. What are social workers' responsibilities when the law and ethics are in conflict? Further consideration of the implications for practice arising out of the Constitution is set out below.

### **Bunreacht na hEireann (1937) and Adoption Practice in Ireland**

All current childcare and adoption legislation, and consequently practice, in Ireland is informed by the Constitution. In 2005, the Council of Irish Adoption Agencies, in its submission to the All Party Oireachtas Committee on the Constitution (The Family Module), considered the following issues as important to adoption practice:

'The Kilkenny Incest Investigation (1993) noted that there is a perception of over-emphasis on the constitutional rights of the family that, in practice, is interpreted as the rights of parents. Furthermore, the unique constitutional position of the family based on marriage impacts on families at many levels, and the results of all of the above can be seen in adoption practice in the following areas:

- a) Adoption consent - although section 3 of the Adoption Act, 1974 states that the welfare of the child is to be "the first and paramount consideration", the perception among adoption practitioners is that the rights of the mother to withdraw consent carries greater weight by virtue of our Constitution. "The 'paramountcy' test only comes under consideration ... when the mother had voluntarily and freely placed the child for adoption. The revered nature of the mother and child relationship, under the Constitution, and the nature of adoption ..... require that the process be entered into voluntarily" (Shannon, 2004).

Over the past number of years, concern has been expressed both by adoption practitioners and by the Adoption Board (Report of An Bord Uchtala, 2003) regarding the sometimes lengthy delays in placing children for adoption under the terms of the Adoption Acts, 1952 - 1998. These delays, practitioners believe, are due to what appears to be increasingly stringent requirements relating to the consent to place for adoption and to the consultation of birth/natural fathers. While adoption practitioners are committed to facilitating parents in making informed decisions for their child's future, there is concern regarding the impact on children of these delays, specifically in terms of

the negative impact on the child's ability to transfer attachment from foster carers to adoptive parents (Bowlby, 1954, 1969, Fahlberg, 1991, Howe, 1998).

- b) In addition to the foregoing, there is a concern in relation to a child who has been placed for adoption and whose parents subsequently marry, due to the constitutional presumption that the "best interests of the child" are to be found within his/her family. There must be compelling reasons for failing to return the child to his/her married parents and those reasons must be clearly established (Shannon, 2004). This adds yet another level of uncertainty, regarding outcome, for prospective adoptive parents. The impact of the ongoing, sometimes agonising worry for adoptive parents, which must also be seen to negatively impact on the child, of "loving at arms length" (Triseliotis et al., 1997) during what can be a protracted period prior to the making of the adoption order, is a cause of concern to adoption practitioners. Currently, unlike other countries, Ireland, due to constitutional imperatives, does not apply a set period beyond which birth/natural parents can no longer withdraw their consent to adoption and, consequently, adoption applications in this country can sometimes be finalised only after a number of years.
- c) Post-adoption contact: while the long-term implications of "open adoption" or "adoption with contact" is as yet unknown (Hennessy, 2004, Curtis, 2002, Howe, 1998, Triseliotis et al., 1997), it is generally accepted among practitioners that adoption with continued contact with the birth family benefits the child. However, due to the

constitutional position of the family and the nature and effect of an adoption order, no conditions can currently be attached to adoption orders. Therefore, the wishes of either or both birth/natural parents to maintain contact with their children, and the needs of children to maintain links with their birth/natural families, cannot currently be attached as a condition to adoption orders.

Furthermore, in intercountry adoptions, post-placement report requirements in accordance with bilateral agreements between Ireland and some placing countries can only be met with the consent and co-operation of the adoptive parents. This, again, is due to the constitutional position in relation to the rights of families, which is interpreted as the wishes of adoptive parents, rather than the rights of the child to maintain meaningful links with his/her country of origin. Another concern centres on the fact that not all adoptive parents inform their children that they are adopted (DoHC, 2005) and again, although this is clearly not in the child's interests, no condition regarding the child's right to this information can currently form part of an adoption order.

- d) The constitutional primacy of the family limits the extent to which interventions can be made once the child becomes a member of an adoptive family. There is no statutory entitlement to post adoption services under the Adoption Acts and no statutory duty on adoption agencies to provide post-adoption services (DoHC, 2005). Therefore, adoptive families, some with very vulnerable children, are not guaranteed an ongoing supportive and therapeutic service. Given the recognised

additional challenges facing adoptive families (Howe, 1998), and the, as yet unknown long-term needs of families of children adopted intercountry (Greene, et.al, 2007, McWilliams, 2001, Symonds, 2000), the provision of ongoing post-adoption services, on a statutory basis, must be considered to be “best practice”.

- e) Step-parent adoption is increasing in Ireland; in 1980, 59 step-parent adoption orders, representing 5.3% of all domestic adoptions, were granted; in 2000, 217 step-parent adoptions, representing 72% of adoption orders, were granted in the State (DoHC, 2007). 99% of step-parent adoptions in 2000 represented the adoption of a child by the birth mother and her husband. “The requirement for a natural mother to adopt her own child in order to invest guardianship rights in her spouse.....(is) deeply unsatisfactory” (DoHC, 2005). This requirement finds its source in adoption legislation, which is informed by the Constitution, on the basis that adoption transfers all parental rights and duties to the (named) applicant/s. The undermining effect of this requirement has been well documented (Loftus, 2002) and is recognised by adoption practitioners as unnecessary and undermining of the entire family.
- f) Currently a child of marriage can be adopted in Ireland only when the child is an orphan or under the terms of the Adoption Act, 1988, in which circumstances the parents “have been legally branded as failures” (Shannon, 2004). Adoption as a positive option is denied married parents in planning for their child’s future. In order to withstand scrutiny under the Constitution the

procedures under the terms of the 1988 Act are “lengthy and cumbersome” (Darling, 1999), thereby adding to the difficulties already faced by foster carers, of supporting the child through this stressful period, including helping the child (and sometimes themselves) cope with divided loyalties in relation to the birth family.

- g) Adoption practitioners share with the Working Group on Foster Care (2001) a concern that some children remain in long-term care when adoption may in fact be in their best interests (by the end of 2003 there were over 4000 children in foster care, many of whom had been in care for over 5 years), (DoHC, 2005). Permanency planning is essential for children in care (Triseliotis et al., 1997, Rushton et al., 1997) and the apparent reluctance of the State to “free for adoption” children who are in long-term care appears to be linked, in part, to the constitutional protection afforded to the family based on marriage.
- h) While adoption by single, unmarried applicants is considered in domestic adoption only in exceptional circumstances, it is a growing feature of intercountry adoption. There exists some concern that the child adopted by a single person will not have the constitutional buttress available to children adopted into a married unit, because the relationship between the parent and child will not be regarded as being based on the institution of marriage (Shannon, 2004). The constitutional bias towards families based on marriage is further evidenced by the fact that an individual in a stable non-marital relationship may adopt but a couple in the same circumstances may not. This flies in the

face of the recommended hierarchical approach to adoption in international ethical frameworks for adoption (ISS, 1999) which clearly state, as preferable, the adoption of a child by a couple over adoption by a single applicant.

- i) Following on from the foregoing, adoption practitioners have experience of couples marrying, less from choice than in order to adopt a child. This, we believe, is not a sufficient basis for a couple to marry and may, in fact, have implications for either partner's ability to give informed consent based on the freedom to choose.
  
- j) "Adoption is a right of the child in need of permanent substitute parental care. Adults do not have a right to be entrusted with the care of a child simply because they want one" (ISS, 1999-2004). There has been a general concern that adoption is more adult rights based than child focused. The Adoption Act, 1991 gives to applicants for intercountry adoption a statutory right to assessment, a commitment that seems to be interpreted by some applicants as a right to a positive outcome (Adoption Board Training, 1999). There is ongoing and growing concern among adoption practitioners in Ireland regarding intercountry adoption and what appears to be a widening gulf between standards in domestic adoption and those in intercountry adoption in terms of adoption ethics, market forces (Freundlich & Phillips, 2000) and compliance with domestic adoption laws (Shannon, 2004). Ireland, as a receiving State, has yet to ratify the Hague Convention on the Protection of Children and

Cooperation in Respect of Intercountry Adoption (1993), although we signed the Convention in 1996.

- k) In relation to the release of adoption information and post-adoption contact, Article 40.3.1 of the Constitution, in providing that the “State guarantees in its laws to respect, and as far as practicable, by its laws, to defend and vindicate the personal rights of citizens”, provided the basis for a Supreme Court ruling that an informally adopted boy had an unenumerated right to be told the identity of his birth mother. This right, however, is not absolute and must be balanced against the mother’s right to privacy and anonymity. The needs of all parties impacted by adoption information and tracing have been well-documented (Kelly, 2001, Conway, 1998, Fagan, 1996, Morris, 1996, Lillis, 1995, Kerins, 1993). In adoption practice terms the issue of adoption information, limited as it is by articles of the Constitution, is fraught with difficulties and ethical dilemmas. Issues include:
- That adult adopted persons do not have legal access to original birth records - this ban is not absolute.
  - Identifying information is now given by mutual consent, with mediation by adoption agencies, a practice seen by some as ineffective.
  - There exists an ethical issue of an adopted person’s right to information being conditional on the expressed wishes of others.
  - The move to repeal “sealed records” laws is opposed by some practitioners because the integrity of the adoption was based on confidentiality - the need for secrecy is not a

feature of past adoptions only, and continues to be a significant feature of current adoption practice in this country (O'Carroll, 2002).

- Ethical issues try to balance the adopted adult's right to information about themselves, the birth/natural parents' right to privacy and the **Client self-determination** interests of adopted adults versus those of birth and adoptive parents.
- The legal position in a conflict situation is usually that the child's best interests are paramount, which begs the question "why, therefore are these interests not paramount when the adopted person becomes an adult"?
- There is a further concern that denying access to information below 18 years is against the spirit of Articles 12 & 13 of the United Nations Convention on the Rights of the Child (re: seeking & receiving information) (Freundlich & Phillips, 2000).<sup>1</sup> (Council of Irish Adoption Agencies submission to the All Party Oireachtas Committee on the Constitution (the Family Module), 2005, unpublished)

## PART THREE

### Core Values in Adoption Practice in Ireland

(Source: Practice Guidelines for Domestic Adoption Assessment in Ireland, 2006 P48-49, unpublished)

Set out, as follows, are the **Core Values** underpinning adoption practice:

- The individual child's welfare, safety and needs are paramount in adoption.
- Children are entitled to grow up and have their needs met within a loving family.
- All children are entitled to be reared by their birth/natural parent and or birth extended family, if possible.
- Where alternative care arrangements are necessary, a child should be placed with full siblings, maternal/paternal siblings, where it is in the interests of each child.
- Adoption is a viable option along a continuum of care options available to children.
- The child will be actively consulted throughout the adoption process, giving due consideration to his/her age and stage of development. The child's view will be taken into account at all stages of the process.
- The individual child's particular background history (including culture, ethnicity, religion, disability) and needs (including health and

education) will be given due respect, care and consideration throughout the adoption process.

- Birth/natural parents choosing adoption are recognised as working in partnership with service providers to provide the best care for the child and will be treated in a fair, open and respectful manner.
- Adoptive parents' role in offering a permanent family to a child who cannot live with his/her birth /natural family will be valued and respected.
- Adoption is a lifelong process and services aim to meet the needs of each party affected by an adoption throughout their respective life span.

(Practice Guidelines for Domestic Adoption, 2006, unpublished).

## An Ethical Framework for Adoption in Ireland

Having identified some of the ethical issues for adoption practitioners, as outlined in Part Two, the Council of Irish Adoption Agencies addressed the issue of providing an Ethical Framework for Adoption in Ireland.

It was agreed that the International Social Services (I.S.S.) document titled, **The Rights of the Child in Internal and International Adoption (1999 - 2004)** would form the basis for an Ethical Framework for Adoption in Ireland. This document, reflecting and complementing as it does the principles enshrined in the **1989 Convention on the Rights of the Child (CRC)** and the **1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (THC)**, outlines the core principles as summarised below. Each principle is considered for adoption practice implications.

**“Best interests and fundamental rights of the child”**  
(I.S.S. p 3)

“Any protective measure taken for a child shall be governed by the best interests and fundamental rights of the child” (CRC art.3/THC preamb.para.4, art. 1-a).

The phrase “the best interests of the child” is central to decisions made for children. However, this phrase is rarely defined. This Ethical Framework, in considering the best interests of the child, recommends the **Whole Child Perspective** as conceptualised by the **The National Children’s Strategy (2000)**. The Whole Child Perspective identifies the nine dimensions of childhood development as:

1. Physical and Mental Well-being
2. Emotional and Behavioural Well-being
3. Intellectual Capacity
4. Spiritual and Moral Well-being
5. Identity
6. Self-Care
7. Family Relationships
8. Social and Peer Relationships
9. Social Presentation

In considering the needs of children in adoption, this Framework document draws on the following:

The Adoption Social Work Team of the Health Service Executive, Dublin North East (2005), in considering the **Extended Needs of Children in Adoption** provides the following framework:

**The Extended Needs of Children in Adoption  
(focusing on the particular needs of each individual child)**

1. Secure Attachments
2. Secure Identity
3. Predictability
4. Permanence

The above four are intimately linked:

5. The need for positive identity and self-esteem, linked to the narrative of the child's adoption story.
6. The need to honour the life long process of linking birth relationships and present family relationships at all stages of the adoption process.
7. The need to promote resilience by building other significant relationships that make a difference.

**“Adoption must be embodied in a global policy on the child and the family, composed of an array of measures.”**  
(I.S.S., 2004, p4)

Adoption as a positive childcare option is validated by I.S.S. The I.S.S. however, goes on to say that adoption needs to be placed on a continuum of services for children. It defines a desirable hierarchy of life environments that can be offered to a child, as follows;

- “Family solutions, (prevention of abandonment and keeping the child in his/her family, returning the child to his/her family of origin, foster care, internal or intercountry adoption) must take precedence over long-term institutionalisation.
- Permanent solutions (keeping or reintegrating the child in his/her family of origin, adoption) must take precedence over temporary solutions that perpetuate themselves.
- Temporary solutions (foster care, placement in an institution) must give priority to the reintegration of the child in his/her family of origin, or else to the search for a permanent solution.
- National solutions (family reintegration, internal adoption) must take precedence over international solutions (intercountry adoption)”. (I.S.S., 2004 p4).

I.S.S. advises that this hierarchy cannot be applied rigidly, that every child is different, and that the measure that best meets the needs of the child in question should be identified.

Each aspect of the hierarchy of life environments, as identified above, is considered for all five strands of domestic adoption, as follows:

**“Subsidiarity of internal adoption to keeping or returning the child to his/her family of origin/priority to preventing abandonment”** (I.S.S., 2004, P4).

“Any protective measure taken for a child shall be governed by the best interests and fundamental rights of the child” (CRC art.3/THC preamb.para.4, art. 1-a).

“Priority must go to allowing children to be raised in their own families and the formulation of policies and programmes to support families in difficulty” (I.S.S., 2004, p4).

“All professionals who are likely to encounter women in crisis pregnancy should be in a position to give accurate information about **all** options or, at the very least, to give detailed referral to an appropriate source of such information” (Richardson and Loughran, 2005, p105).

*Implications for practice:*

- Social workers will advocate for the rights of children to be paramount in all decisions concerning families.
- Social workers will act as advocates to challenge the discriminatory forces in society which contribute to situations where parents and their children live apart.
- Social workers will advocate for a targeted professional service for vulnerable families in need of support to rear their own children.
- Information will be given in a value-free and timely manner. Birth/natural parents will be supported in making informed decisions for their children’s futures by receiving full and accurate information

on all options available to them and the consequences of each.

- Social workers in Ireland do not work directly with birth/natural parents in overseas countries in which children are currently placed for intercountry adoption. Social workers will maximise opportunities to advocate for children and families and will continue to seek to challenge the discriminatory forces that contribute to situations where children are relinquished in intercountry adoption due to poverty or social stigma in their country of origin.
- Social workers recognise that how people make decisions when they have to take actions that may put themselves or others at risk is influenced by:
  - The cognitive limitations of age, education or intelligence.
  - That people vary a great deal in their ability to keep in mind all the relevant information needed for the decision to be made in a rational manner.
  - The effects of emotions on the cognitive process involved in decision making. Social workers recognise that acute psychological stress, anxiety, shame or guilt are intensified when the person recognises that their reputation and self esteem are at stake (Brodzinsky, 2004). In working with birth/natural parents who may choose adoption for their child, social workers will provide information in a manner that takes account of these factors.
- Social workers will actively engage with birth/natural fathers to assist them in finding their place with their children as advocated by latest

research into adoption in Ireland (Loftus, 2002, 2003 and 2004, O'Carroll 2005, Richardson and Loughran, 2005).

- As adoption is a lifelong process, adoption agencies have a responsibility to welcome and encourage contact with the birth/natural parents through the adoption process and thereafter. Social Workers will honour the birth/natural parents' narrative by making available on-going open contact with the placing agency that is based on respect for their adjustment, at different points in time, to the decision to place their child for adoption.
- Possible future conflicts of interest need to be anticipated and procedures put in place to minimise their occurrence. Social workers will make clear, preferably in writing, that the agency will not withhold information to which another member of the adoption circle may be entitled.

**“Search for alternatives”** (I.S.S., 2004, p5).

“Poverty alone should not be a criterion to refuse a child the alternative of a substitute family which respects his/her rights and integrity” (I.S.S., 2004, p5).

*Implications for practice:*

- While supporting the view that poverty should not be the only reason for an adoption, neither should poverty preclude a child from the possibility of a stable and loving adoptive home.
- Social workers will seek to ensure that children are “ethically” placed while also recognising that only through adoption might an individual child experience stable family life.

- When a family is unable or unwilling to provide for the child's safety and protection, voluntary relinquishment of parental rights should be the first alternative to be fully explored with the birth/natural parents (C.W.L.A. 2000). If the birth/natural parents decide to voluntarily release a child for adoption, social workers will respect and support this decision.
- If the birth/natural parents are unable or unwilling to voluntarily relinquish a child they are unable to parent, involuntary termination of parental rights will then be considered.
- When birth/natural families clearly are unable, for whatever reason, to rear their children, they will be supported in a non judgemental way to part with their children with dignity. In certain communities a stigma attaches to adoption. Similarly among some professionals, there exists a bias against adoption as clearly indicated in the research (Richardson and Loughran, 2005, Richardson 1993, O'Donohue 1990, McCashin 1996). Therefore...
- Social workers have a responsibility to constantly reflect on their own personal and professional value system, especially in relation to the provision of adoption as an ethically viable care option for children. Social workers also have a responsibility to seek supervision to assist in their reflections on their attitudes to the various options open to birth/natural parents in relation to the care of their children. A social worker who finds that he/she cannot reconcile personal and professional values regarding providing information on options open to birth/natural parents carries a clear responsibility to acknowledge this dilemma to his/her supervisor and to the service user.

**“Priority for an alternative family”** (I.S.S., 2004, p5).

“It is the child who must be the starting point in the process leading up to adoption” (I.S.S.p3).

“The family is the best environment for a child’s development. Offering a child a substitute family should, other than in exceptional and justified cases, prevail over his/her placement or long-term residence in an institution” (I.S.S., 2004, p5).

“Twins and siblings shall not be separated by an adoption placement except under extraordinary circumstances. If for some reason they have been separated, arrangements shall be made for them to remain in contact” (I.S.S.).

While all children in the Irish context are not legally adoptable “the issue should not be framed in terms of whether a child is adoptable, but in terms of the resources needed to find, prepare, and support a ..... family for a child” (CW.L.A. p15).

*Implications for practice:*

- Every child needs to be claimed as exclusive to a parent or parents whether that parent is by birth or adoption. Adoption is a service for children.
- The vulnerability of the voiceless child in adoption proceedings must be recognised. Social workers will prioritise timely decision making and actions that seek permanence for children.
- This Ethical Framework supports a Guardian ad Litem approach to protect the individual interests of the child in adoption (Conway and O’Brien 2004, p39). The Guardian ad Litem should be a qualified Child Care Practitioner. Any child for whom

adoption is being considered needs to be properly supervised and appropriately represented by a separate voice. Keeping the best interests of the child to the forefront, a co-ordinated approach between the various professionals involved will be maintained.

- In the Irish context, Kelly (2005) evidences the importance of sibling relationships post reunion. Social workers will give due consideration to, and support the needs of a child to maintain meaningful relationships with members of his or her extended family or community.
- Given the lifelong nature of adoption, social workers will ensure that, at the time of placement and subsequent contact with birth/natural parents, opportunities are maximised to obtain as much background information as possible for the child.

**“Priority for a permanent solution”** (I.S.S., 2004, p5).

“To flourish, a child needs stability in his/her contacts with the adults around him/her. Permanent solutions must prevail over provisional arrangements for an undetermined period of time” (I.S.S, 2004).

“Children will be matched with families who can best meet their needs. They will not be left waiting indefinitely for a “perfect family” National Adoption Standards for England (2001).

“Consideration needs to be given to reframing traditional adoption to incorporate a wider range of options within the adoption paradigm, such as subsidised guardianship and co-operative adoption” (Richardson and Loughran 2005, p108).

*Implications for practice:*

- Social workers will strive to preserve existing relationships and attachments for children, will seek permanence and predictability in the placement of the child, in addition to seeking to minimise the number of moves for the child and to preserve the child's story into adoption. (Practice Guidelines for Domestic Adoption in Ireland, 2006 p64-66 unpublished).
- While recognising the child's needs for stability and predictability in his/her placements, the search for permanence will be balanced against the needs of the individual child. In this respect, social workers will recognise that adoption may not meet the permanence needs of individual children. Therefore, social workers will advocate for legislative change for the introduction of subsidised guardianship and Residence Orders for children in long term foster care.

**"Subsidiarity of intercountry adoption to internal adoption."** (I.S.S., 2004, p5)

"As a priority, a child must be placed for adoption in his/her own country or in a cultural, linguistic and religious environment akin to his/her community of origin. A decision in favour of intercountry adoption should be taken only after an unsuccessful search" (I.S.S., 2004, p5).

*Implications for practice:*

- Social workers will advocate for the recruitment of adoptive parents from diverse ethnic and cultural

backgrounds to fit the changing profile of children being placed for adoption.

- Social workers will support the placement of children within their own culture. Only after a rigorous search has been carried out, and the placing agency is satisfied that no other option is practicable, will social workers support international over internal adoption or to placing children outside their racial/cultural/ethnic community.
- The foregoing will be balanced against the need of the child for timely decisions in order to provide secure family life for the child.

**“Adoptability of the child; adoption is a personalised life plan for a child and as such a thorough psycho-medico-social-legal study of the child and his/her situation must be undertaken.” (I.S.S., 2004).**

*Implications for practice:*

- A comprehensive assessment of the individual needs of each child being considered for placement is vital in ensuring that the needs of the child are paramount.
- Social workers will actively support having separate representation for the child at the centre of the decision-making process.
- A pluri-disciplinary approach to assessment of an individual child’s needs will inform adoption practice.
- In keeping with recommendations in Practice Guidelines for Domestic Adoption in Ireland (2006, unpublished), an individual care plan will be prioritised for every child for whom placement is under consideration.

- Consulting children about their wishes regarding their own lives and giving age-appropriate choices to the child are important values to be followed. Counselling and preparation for adoption will be provided to the child and will be guided by current principles of “best practice”.

**Prospective parents’ eligibility to adopt and a family’s adoptive capacity needs to be established by undertaking a psycho-medico-social-legal study of the family (I.S.S., 2004).**

“Adoption is the right of the child. Adults do not have a right to be entrusted with the care of a child simply because they want one” (I.S.S., 2004).

“The role of adoptive parents in offering a permanent family to a child who cannot live with their birth family will be valued and respected” National Adoption Standards for England (2001).

“The receiving family should not add to the child’s difference and should revalorise the parental representation that he/she has lacked and should ensure an environment to ease social inclusion” (ISS, 2004).

“A couple comprising a man and a woman, of an age in keeping with that of the child, offers a more appropriate environment for the development of the child than a single person, a couple of the same sex or a couple with certain characteristics (advanced age, health that constitutes an obstacle in adapting to the needs of the child or a serious risk as to how long parental protection would be forthcoming)” (I.S.S. 2004, p12).

“Recruitment, training, support and matching must entail proactive attention to securing placements which can nurture identity and self-esteem; promote continuity of culture, religion and language; buffer and challenge racism as well as meet the other needs of the child” (Goldstein, B. P., and Spencer, M., 2000).

*Implications for practice:*

- Social workers recognise that adoptive parents are a valued resource for children and that they are invited to meet the needs of the child who is to be adopted.
- Social workers also recognise that the need to parent is complementary to the child’s need for a loving family. Adoptive families will be supported.
- Triseliotis (1970) points to the role of an education programme to facilitate prospective adoptive parents in making informed decisions regarding their plan to adopt and in helping them identify the child they can best parent. Social workers will inform themselves on the rewards and challenges in adoption and will provide relevant information to prospective adoptive parents.
- In the provision of intercountry adoption services, social workers will seek to inform themselves on the rewards and challenges in intercountry adoption through consultation with their clients, colleagues, mediation agencies, stakeholders groups and the Adoption Board. Furthermore, social workers will draw on the growing body of literature in the field of intercountry adoption in order to provide the information through which prospective adopters can make informed decisions (Greene et.al. 2007).

- The child's needs will dictate the profile of adoptive parents through the matching process. It is recognised that in domestic infant adoption and in intercountry adoption, the assessment and preparation of adoptive parents takes place prior to the identification of the child to be adopted. However, drawing on principles of international best practice, in addition to the wealth of experience gained in adoption work in this country, social workers will be guided by the principle of providing a family for a child rather than a child for a family.
- Children are entitled to grow up within a family. The concept of family, however, needs to be defined in the context of the most desirable family arrangement to meet the needs of a child who is to be adopted. Therefore....
- Social workers, while recognising the strengths individual families bring to the care of children, will bear in mind when preparing and assessing prospective adoptive parents the possible negative concept attached to "difference" and will strive not to compound difference from the child's perspective.
- The foregoing needs to be balanced against the needs of an individual child in exceptional circumstances; for example in a situation of a pre-existing relationship between the child and the prospective adopter/s or where the needs of an individual child requires placement with a single parent or with same sex parents. In these circumstances social workers will seek to answer the following question, "Is adoption by this adoptive parent in this child's best interest?" (Lord, J and Cullen, D 2000).

- Social workers will seek to ensure that children are “ethically” placed while also recognising that only through adoption might an individual child experience stable family life.
- Adoptive families need ongoing support to enable them to “honour the life-long process of linking birth relationships and present family relationships at all stages of the adoption process” (HSE, DNE, 2005). Financial constraints alone should never be allowed to prohibit an adoption that is in the best interests of a child. An adoptive family is legally created by the State and thus should be supported by the State, including financial support, when necessary and social workers will advocate on this basis.

**Pre-placement preparation and counselling should be available to all three parties to the adoption (I.S.S., 2004).**

“The child, the adoptive family and the birth parents should be prepared for adoption” (I.S.S. 2004).

“The child’s wishes and feelings will be actively sought and fully taken into account at all stages” National Adoption Standards for England (2001).

“Counselling must help the child and the adoptive family to approach their first meeting and the start of life together with more serenity” (I.S.S. 2004).

*Implications for practice:*

- Social workers recognise that adoption will satisfy the interests of all parties, only if adequate preparation permits each person to understand the short and long term implications of adoption on his/her life and on the child’s life. Social workers

will provide preparation, support and counselling, where needed, to all three parties to an adoption in accordance with the above principles.

**Post adoption support should be available to all parties involved in the adoption by a qualified post adoption support worker/service (I.S.S., 2004).**

“Beyond the right to information about their origins all those involved in adoption have a right to services because they live in circumstances not of their own creation, nor the creation of luck.... Their circumstances have resulted from the direct action of the State. The obligation to provide services is a responsibility of the State for what it has wrought” (Jordan, 2000).

*Implications for practice:*

- Social Workers recognise the lifelong nature of adoption and the corresponding need for designated, comprehensive post adoption services.
- Social workers recognise the need to develop cooperative, multi-disciplinary, flexible, ongoing services to meet the needs of adoptive families throughout the life cycle. Therefore, social workers will advocate for post-adoption support services to be provided on a statutory basis.

**Right to confidentiality-access to files restricted (I.S.S., 2004).**

“The child, the birth parents and the adoptive family have the right to confidentiality and to respect for their private lives. Access to their files will be strictly controlled” (ISS, 1999-2004).

“Legal issues in adoption information ought to be fought on the basis of rights; specifically the right of adopted persons to have access to the same information on their origins as do other citizens; a right that if it were taken away from other citizens, would be immediately seen as a violation” (Jordan, 2000).

*Implications for practice:*

- Social workers will respect the right to confidentiality, in addition to recognising its limitations, in respect of each member of the adoption “triad”.
- Social workers will recognise that, in keeping with previous court decisions on post-adoption information, no one party has “absolute rights”. While respecting the need for privacy for all members of the adoption ‘triad’, social workers will encourage openness and two way communication on an ongoing basis between birth/natural and adoptive parents in the interests of the adopted child.
- Social workers will supply non-identifying information to those whose lives are impacted by an adoption which meets the following criteria – it is relevant, factual and verifiable. It is acknowledged that the opinions of the social worker are valid and valued; however, these opinions need to be evidenced.
- The need of adopted people to have their full genetic history, including their original identity, medical information, information regarding the circumstances surrounding their conception, if known, will be respected. Social workers will advocate for adopted persons on the basis of their right to information. However....

- There continues to be a need to consider society's obligation to maintain its past promises to those birth/natural mothers who relinquished their child into a closed system of adoption and who were told that they could put the past behind them. Even if "a large majority of birthparents who relinquished in secrecy would want to have contact in some form with their children, if given the opportunity" (Mascernas, 1999), there remains an issue concerning promises made. Nor can we know, or assume, in advance which birth/natural mother will or will not wish to have that promise honoured. Social workers will seek to engage birth/natural parents in the process on the search for identity of their adopted child, while respecting the birth/natural parent's need for privacy.
- Likewise, the needs of birth/natural parents, whether or not they received the counselling necessary to make an informed decision to place their child, to know of that child's progress and current situation, must also be recognised and honoured. Social workers will seek to provide a service to birth/natural parents that acknowledges that adoption severs the social and legal ties but does not weaken the emotional ties to their child.
- Equally, social workers recognise the needs of adoptive parents not only for full background information for their child but for support at what, for many, is a very challenging time in the life of their child – the search for further information and the possible reunion with the birth/natural parent/s. Therefore, social workers will seek to provide a support service to adoptive families on an ongoing basis.

## Right to search for origins (I.S.S., 2004).

“Children have the right, if they feel the need and when age and maturity permit, to know their history, especially information relating to their birth mother and father, and siblings, wherever possible” (ISS 1999-2004).

- Social workers will advocate for post adoption services which recognise the need to trace for both the adopted person and other members of the birth/natural family.
- Jordan states that “there is a need for an approach which will move us from *deficit* models (focusing on kids without families, families without kids; personal trauma and mental illness, etc) through *rights* models (rights of the child, reproductive rights, rights to information) to a *transformatory* model which ought to be about creating moral spaces – personal, institutional and legislative – which will set up and sustain relationships which mutually recognise the needs, interests and aspirations of all members of the adoption triad” (Jordan, 2000). Social workers will actively commit themselves to a *transformatory* model of practice, seeking to support and develop dialogue between those whose lives are impacted by adoption.
- In practice, the foregoing means that the needs, wishes and feelings of all those whose lives are impacted by the adoption and subsequent search would receive support. In this context the needs, wishes and feelings of other members of the adoptive and birth/natural families, sometimes overlooked in a reunion that can exclude them, would be supported by the social work service.

**Profit-abuse-traffic-sale** (I.S.S., 2004).

“The protection of children in a vulnerable position must not be a source of material or other profit. Any abuse, trading or trafficking in this field flouts the rights of the individual human and, as such, must be combated and severely prosecuted” (ISS 1999-2004).

“Certain States of origin may find it difficult to make available the necessary human and material resources (to ensure that ethics and principles are respected in practice). Receiving States must assist them in order to develop capacities for assuming these responsibilities” (I.S.S., 2004).

“Both receiving States and States of origin are responsible for the exercise of the rights of the child in adoption. Only genuine cooperation between the two can make it possible to provide greater protection of children” (I.S.S. 2004).

*Implications for practice:*

- While recognising the limitations of a nationally based service in relation to the placement for adoption of children in overseas countries, social workers will advocate for adopted children on the basis of the above principles.

**Armed conflict-natural disaster** (I.S.S., 2004).

“Inter-country adoption is not a step to consider in countries where armed conflict prevails or among victims of natural disasters” (ISS, 1999-2004).

*Implications for practice:*

- An ethical approach to adoption states that poverty, war or natural disasters are not a basis for adoption (Jordan 2000). However, it is also recognised that adoption may be the only chance a child may have of experiencing family life and that intercountry adoption may provide the child with the only realistic chance of family life.
- In circumstances of armed conflict or natural disaster, two years is recommended by I.S.S. to ensure that no member of the child's family or community is still living and willing to care for the child. Social workers will advise prospective adoptive parents of this recommendation and will advocate for children in accordance with it.

## Conclusion

In drawing together this document, the authors set out to apply to an Irish adoption context the principle of “best practice”. In doing so, we informed ourselves by studying existing international documents and principles, in addition to drawing on the wealth of experience and expertise among Irish adoption social workers. Much of that expertise has come about as a result of the generosity of those with whom we work, people whose lives are impacted by adoption – adopted people, birth/natural parents and adoptive parents who, on a daily basis, share with us the rewards and challenges of their lives. We owe these individuals a debt of gratitude and hereby express our thanks.

As time elapsed, and the more we considered the issues the more we recognised that seeking to provide an Ethical Framework which would “help make explicit what ought to be done in any situation” relating to all aspects of adoption in Ireland, was indeed an immense task. It is possible that there are gaps in the document and you, the reader, are invited to comment on its contents, if you so wish. In the final analysis the authors would be pleased to think that this Ethical Framework “promotes a decision-making process that is as impartial, rational, thorough and realistic as possible” so that adoption will continue “to provide for the healthy rearing of children”.

Adoption practices change with time – legislative changes and learning through research will continue to inform our work. The values set out here, therefore, are not definitive. An integral part of this process is that we ensure that a full review is carried out, as is required, but no later than five years from the completion of the document.

**December, 2008.**

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