

## The Recognition of Foreign Adoption Decrees

In May 1989, the Commission published its Report on [\*The Recognition of Foreign Adoption Decrees \(LRC 29–1989\)\*](#) as part of its First Programme of Law Reform.

The Commission noted the present law as unsatisfactory in this regard. Although it is generally assumed that foreign adoptions may be recognized under existing law, the circumstances in which recognition may be afforded have never been clearly defined either in case law or by statute. The Report set out proposals as to how the law should be clarified and amended so as to eliminate existing anomalies and uncertainties

This Report included an examination of a Hague Convention currently in existence on *Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions*. The Commission ultimately concluded that Ireland should not ratify this particular Convention. Taking account of the *Report of the Review Committee on Adoption Services 1984*, the Commission presented an alternative recommendation that legislation be introduced implementing specific reforms. The following details the Commission's main recommendations in this regard;

1. Legislation should be enacted giving the Minister for health power to designate countries or jurisdictions whose adoption orders would be recognized in Ireland
2. Recognition of such adoption orders should be confined to those made in respect of persons below the age of 18 and to adoptions effected under legislative provisions only
3. An adoption order made in a designated country should be regarded as having the same consequences as an adoption order made under the *Adoption Acts 1952 to 1988*
4. Doubts as to the validity in Ireland of foreign adoption decrees of countries where one or both of the adopting parents were domiciled at the time of the making of the adoption decree should be removed by legislation in the case of all such adoptions whether effected before or after the enactment of the legislation
5. Legislation should further provide for the recognition in Ireland of foreign adoption decrees of countries where one or both of the adopting parents are habitually resident at the date of the making of the decree. In the case of such adoptions, however, recognition of adoption decrees already granted should only take effect as from the coming into force of the proposed legislation
6. Recognition should also be limited in these cases to adoption of persons under the age of 18 and recognition should have the same consequences as in a domestic adoption
7. These provisions should be without prejudice to the right of the courts in particular cases to refuse recognition of the ground that recognition would be manifestly contrary to public policy
8. The High Court should be empowered to grant declarations as to the validity of foreign adoption decrees.

### Draft Legislation in Report

Draft legislative provisions are included in the Report.

### **Information on Implementation**

Recommendations of the Commission were implemented by the *Adoption Act 2010; replacing the Adoption Act 1991*.