



**Press Release, 3<sup>rd</sup> November 2014 - For Immediate Release**

**Adoption Rights Alliance welcomes adoption information bill as a first step towards equality**

Adoption Rights Alliance (ARA), which advocates for equal rights for those affected by Ireland's closed, secret, forced adoption system, welcomes the Adoption (Identity and Information) Bill 2014 sponsored by Senators Jillian van Turnhout and Averil Power.

Successive governments have hidden behind the 1998 Supreme Court judgement known as 'I O'T vs B' [further information available below], falsely claiming that their hands are tied. However, Senators Power and van Turnhout have managed to produce a bill that grants information rights even within the parameters of this outdated judgement.

Because this Bill has been drafted within the confines of I O'T vs B, it does not go far enough to grant equal rights to adopted people. However, ARA considers it a strong first step in the right direction, particularly in the absence of any such progress by the current government, which has utterly failed adopted people by dragging its heels on legislation, despite several commitments made to reform adoption law by three Ministers for Children and Youth Affairs and in the Programme for Government.

It is estimated that around 90,000-100,000 people have been adopted in Ireland since the foundation of the State. This figure includes those adopted before and after the 1952 Act, those who were illegally adopted and those sent to the US.

People adopted under Ireland's closed secret regime are made to feel like pariahs for simply requesting basic information that other citizens take for granted. Discussions around information legislation are generally peppered with the false assumption that all natural mothers do not want contact and an insinuation that adopted people are intruding on their privacy and in some instances, 'destroying lives'. This attitude was exemplified in former Minister for Children, Mary Hanafin's 2001 draft Bill on 'Adoption Information and Tracing', which proposed a new crime – applicable only to adopted people – that of contacting their natural parents without their express prior permission.

In reality, and in the absence of equal rights, with the help of Tracing Handbooks provided by ARA, adopted people are obtaining their birth certificates and are happily reuniting with their natural families. However, they should not have to go through this tedious process, hampered by social workers who use the I O'T judgement as an excuse to withhold even the most basic information.

ARA is calling on all TDs and Senators to stand in solidarity with adopted people and support this bill.

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### **Note to Editors:**

#### **I O'T vs B Supreme Court judgement**

PDF available here: <http://www.adoptionrightsalliance.com/IOT%20v%20B%201998.pdf>

I. O'T. & M.H. were 2 adult women (informally adopted in 1941 and 1951) who sought the release of all documents concerning their births, identities of their natural mothers and their placing from the Rotunda Girls Aid Society and a Fr Gerard Doyle. The 1998 I O'T vs B Supreme Court judgement stated that the child has an un-enumerated constitutional right to know the identity of his/her natural parents. The court said that the right was not absolute and had to be balanced against the natural mother's right to privacy and anonymity. However, the Supreme Court stated that neither set of rights was absolute and went on to suggest a list of questions a Circuit Court judge may wish to consider when determining which right would prevail in any given case. They included:

1. The circumstances giving rise to the natural mother relinquishing custody of her child;
2. The present circumstances of the natural mother and the effect thereon (if any) of the disclosure of her identity to her child;
3. The attitude of the natural mother to the disclosure of her identity to her natural child, and the reasons there for;
4. The respective ages of the natural mother and her child;
5. The reasons for the natural child's wish to know the identity of her natural mother *and to meet her (our emphasis)*
6. The present circumstances of the natural child; and
7. The views of the foster parents, if alive

On foot of this case, the Adoption Board claimed to have sought legal advice, which advised that the I O'T vs B case could be applied directly to adopted people seeking information on their natural parents. The Board rewrote the list of questions to apply to adopted people so that, e.g. questions 5 and 6 refer to 'the adopted child' and question 7 refers to 'adoptive parents'.

Significantly, although Hamilton CJ stated that the list was not, nor was it intended to be exhaustive, it has been treated as such by the Adoption Board and subsequently by the Adoption Authority.