



STATUTORY INSTRUMENTS.

S.I. No. 443 of 2017



ADOPTION (AMENDMENT) ACT 2017 (COMMENCEMENT) ORDER
2017

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I, KATHERINE ZAPPONE, Minister for Children and Youth Affairs, in exercise of the powers conferred on me by section 43(2) of the Adoption (Amendment) Act 2017 (No. 19 of 2017), hereby order as follows:

1. This Order may be cited as the Adoption (Amendment) Act 2017 (Commencement) Order 2017.

2. In this Order “Act of 2017” means the Adoption (Amendment) Act 2017 (No. 19 of 2017).

3. (1) The 19th day of October 2017 is appointed as the day on which the Act of 2017, other than—

(a) section 3(a) insofar as that section relates to the insertion of the following in section 3(1) of the Principal Act:

(i) the definition of “donor-conceived child”;

(ii) the definition of “father”;

(iii) paragraph (b) of the definition of “relevant non-guardian”,

(b) section 3(b) insofar as that section relates to the insertion of paragraph (b) in the definition of “parent” in section 3(1) of the Principal Act, and

(c) section 24(1)(a),

shall come into operation.

(2) The 1st day of February 2018 is appointed as the day on which section 24(1)(a) of the Act of 2017 shall come into operation.



GIVEN under my Official Seal,
16 October 2017.

KATHERINE ZAPPONE,
Minister for Children and Youth Affairs.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 20th October, 2017.*

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Commencement Order provides that the Adoption (Amendment) Act 2017, other than section 24(1)(a) and certain definitions in section 3, shall come into effect on 19th October 2017. The Order provides that section 24(1)(a) shall come into effect on 1st February 2018.

The Adoption (Amendment) Act 2017 gives legislative effect to the Thirty-first Amendment of the Constitution (Children) Act 2012 and provides:

- for the voluntary placement for adoption and the adoption of any child;
- for the revised criteria under which the High Court may dispense with parental consent and authorise an adoption order;
- for the adoption of a child by civil partners and cohabiting couples;
- for the adoption of a child by his or her step parent without the requirement for the child’s other parent to adopt his or her own child;
- for the paramount consideration of the best interests of the child in any matter, application or proceeding under the Adoption Act 2010; and
- for the views of the child to be ascertained by the court or the Adoption Authority in the adoption process and for due weight to be given to those views having regard to the age and maturity of the child.

Section 24(1)(a) of the Adoption (Amendment) Act 2017 amends section 54 of the Adoption Act 2010 to provide that the Child and Family Agency must be satisfied that every reasonable effort has been made to support the parents of the child to whom the declaration under section 53(1) of the 2010 Act relates.

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