

The Central Authorities for the United States and Ireland, the Department of State and The Adoption Board of Ireland respectively, reached the following understandings for Convention adoptions between Ireland and the United States. The exchange of diplomatic notes sets forth procedures for prospective adoptive parents habitually resident in Ireland to adopt children who are habitually resident in the United States in accordance with the Hague Adoption Convention and became operative on May 1, 2013.

Pursuant to Section 66 of Ireland's Adoption Act 2010 and in accordance with steps identified in Section 22 of the U.S. Code of Federal Regulations, Ireland intends to issue a Convention Article 17 letter for such adoptions only if all of the following provisions are satisfied:

- (a) A relevant authority in the United States provides a letter showing why the child could not be timely placed with suitable prospective adoptive parents in the United States and detailing what steps have been taken to support this finding.
- (b) The consent described in 22 CFR 97.3(g) is given after the child has reached six weeks of age.
- (c) The appropriate public authority or accredited or approved adoption service provider in the United States confirms in writing:
  - (i) a U.S. state court order placing the child with prospective adoptive parents in the United States of America was not issued before the Adoption Authority of Ireland approved the placement;
  - (ii) the biological mother and/or father or person or institution with lawful authority over the child has been informed of the intercountry adoption and has been so informed during the process when his/her consent to adoption is sought; and
  - (iii) where identification of the biological father is possible, that the father of the child was offered the opportunity to participate in the adoption hearing, was counseled in that regard, and was informed of the consequences of the adoption; or
  - (iv) where identification of the biological father is not possible, that reasonable steps have been taken to ascertain his identity.

**The following are examples of statements that would satisfy section (a)**

Adoption Service Providers may submit a signed, written statement to the Irish Central Authority confirming that at least one of the following steps were taken towards reasonable efforts to find a timely placement for a child in the United States.

- Disseminating information on the child and his or her availability for adoption through print, media, and internet resources designed to communicate with potential prospective adoptive parent(s) in the United States, as well as;
  - Listing information about the child on a national or State adoption exchange or registry for at least sixty calendar days after the birth of the child;
  - Responding to inquiries about adoption of the child; and
  - Providing a copy of the child background study to potential U.S. prospective adoptive parent(s);

OR

- Contacting three adoption service providers, who have indicated that the U.S. prospective adoptive families that they represent do not seek to adopt [name of child] (The adoption service provider will provide written statements from the three adoption service providers); OR
- Initially showing the birth mother a number of profiles of U.S. prospective adoptive parents, without reference to the option of international adoption, until she indicated that she decided against the U.S. prospective adoptive parents; OR
- Taking the following other actions, subject to the approval of the Irish Adoption Authority: [The adoption service provider will detail the steps taken to support this finding].

**The following are examples of statements that would satisfy section (c)(iv)**

Adoption Service Providers may submit a signed, written statement to the Irish Central Authority identifying what steps were taken and confirming that all of the following steps were taken to ensure reasonable efforts were made to identify the birth father.

1. The birth mother or legal guardian of the child has been informed of any applicable state law requirements to identify the birth father of the child, and the consequences of failing to comply with such requirements; AND
2. All notification requirements applicable under state laws have been complied with; AND
3. Applicable state law requirements relating to the search of the paternity register have been complied with.

**Other provisions addressed in the exchange of diplomatic notes.**

In addition to the new steps outlined above, U.S. ASPs are reminded of their responsibility to undertake the following actions in the case of Convention adoptions in accordance with the Intercountry Adoption Act and its implementing regulations:

- (a) Make reasonable efforts to find a timely placement for the child in the United States.
- (b) Take all appropriate steps to ensure that consents have been obtained as follows:
  - (i) the persons, institutions, and authorities whose consent is necessary for adoption have been counseled as necessary and duly informed of the nature and effects of the consent, in particular, whether or not an adoption will result in the termination of the legal relationship between the child and his/her family of origin;

- (ii) all such persons, institutions, and authorities have given their consents;
  - (iii) the consents have been expressed or evidenced in writing in the required legal form, have been given freely, have not been induced by payment or compensation of any kind, and have not been withdrawn.
- (c) Transmit a child background study to the Adoption Authority of Ireland or to an accredited body approved by the Adoption Authority of Ireland setting out the information specified in Article 16 of the Convention regarding the child to be adopted.
- (d) Transmit to the Adoption Authority of Ireland or to an accredited body approved by the Adoption Authority of Ireland proof that the necessary consents have been obtained in accordance with subsection (b) above and the reasons for such relevant authority's determination that the placement is in the child's best interests.

Ireland's Central Authority is responsible for the following actions:

- The Adoption Authority of Ireland intends to supply in writing to the appropriate public authority or accredited or approved adoption service provider in the United States a report on the eligibility and suitability of the prospective adoptive parents, confirmation that the prospective adoptive parents are eligible and suited to adopt, and the results of a criminal background check.
- Ireland intends to issue a Convention Article 17 letter for Convention adoptions only if the Adoption Authority of Ireland determines, consistent with Article 5 of the Convention, that the prospective adoptive parents are eligible and suitable to adopt and that the child is or will be authorized to enter and reside permanently in Ireland, including during any time pending the issuance of the final adoption order.