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The Changing Landscape of Irish Adoption: An Analysis of Trends (1999–2016)

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ABSTRACT

The historical legacy and the changing landscape of adoption in Ireland are currently garnering much attention. However, to date, the specifics of the changes have not yet been presented. This article provides a detailed numerical overview of who is being adopted and who is adopting in Ireland. The compilation of the available administrative data provides the basis for analysis of Irish trends in adoption between 1999 and 2016. The changing landscape of adoption practices captured in this data is discussed against a general backdrop of changing family structures. This analysis provides an overview of key trends, which will be useful for policy makers, practitioners and researchers alike. It is anticipated that the analysis and the identification of future trends will enhance professional practice development and will also identify areas of future service that require examination and further research.

Introduction

Adoption is the legal process whereby a parent–child relationship is formalized, in which the child assumes the same rights and duties as children in birth families (Shannon, 2010). More than 44,459 children have been adopted in Ireland since it was first legislated for in the 1952 Adoption Act (AAI Report, 2014). Irish adoption legislation has been amended eight times since first enacted in 1952—in 1964, 1974, 1976, 1988, 1991, 1998, 2010 and 2017.

Prior to the Adoption (Amendment) Act, 2017, the threshold for abandonment in Ireland was set up to the age of 18 years and adoption was only legally available to children born outside marriage. Under these legal parameters adoption in Ireland remained principally "consensual" in nature (Kearney, 2012), and few children were adopted from the care system (O'Brien & Palmer, 2015). This has led to a situation where, despite there being an increased number of children in the care of the Irish state, it "did not result in an increase in adoptions, which has been witnessed in other countries" (O'Halloran, 2010, p. 215). In 2012, the Children's Referendum strengthened children's rights. The new article in the Constitution states,

> The State recognizes and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws protect and vindicate those rights. (42A.1)

The Constitution recognizes the rights of the child and pledges to protect those rights under Irish law on a case-by-case basis, with provision for the child's views to be given due weight, having regard to "the child's age and maturity of the child" (Adoption Act, 2017). Further to this, Article 42A.2.1 provides for the adoption of any child where parents have failed in their parental duties, in which the adoption is a proportionate response to the birth family situation and it is in the best interests of the child. The Adoption (Amendment) Act (2017), provides for the adoption of a child who has been in state care continuously for a period of 36 months and, where there are no reasonable prospects that birth parents will be able to care for the child. The adoption order is granted only if the child has lived with the applicants continuously for not less than 18 months (Adoption Act, 2017).

The passing of the 2017 Act therefore paves the way for a significant change in respect of adoption within the Irish care system (O'Brien & Palmer, 2015). The legislative reform has re-positioned adoption from a periphery position based in the private domain to more of an adjunct to the care system based in the public domain (O'Brien & Palmer, 2016a, 2016b). The trends in Irish adoption and the implications of such changes for the Irish adoption and child welfare landscape, between the period 1999 and 2016, will be discussed in this article. This time period was specifically chosen owing to the notable changes that occurred from the early 1990s, when a significant decrease in domestic adoption coincided with the emergence of intercountry adoption (ICA). We, therefore, wanted to mine this specific period of intense fluctuations in adoption trends.

Six strands of adoption

There are six different strands to adoption in Ireland that require consideration. In the first instance, it is useful to make a distinction between domestic adoption and ICA. While the main focus of this paper is on domestic adoption, an overview of ICA is provided to give a more nuanced understanding of overall trends in Ireland.

The first two strands of adoption relate to family, or adoption by relatives, placements in which the child generally has a pre-existing relationship with the adopters. It includes "step parent" and "relative" adoption. *Step-parent adoption* involves the step-parent, who is not the child's parent by birth, adopting the child of a partner, thus affording legal rights for the step-parent to parent the child and giving the child inheritance rights from the step-parent. *Relative adoption* happens when the child is being cared for by a member of the extended family—defined as a grandparent, brother, sister, aunt or uncle, cousin —which can lead to the relative adopting the child.

The third and fourth strands also relate to situations where the child has a pre-existing relationship with the adoptive parents. These include "ratification of a simple adoption to full adoption status" and "adoption from foster care". The *Ratification of a simple adoption to full adoption status* relates to a specific type of ICA in which the prospective adoptive parents are granted a "simple adoption order" in respect of the child adopted in another jurisdiction. The adoptive parents, who at the time of the application have the child in their care, must obtain legal recognition in Ireland for the simple adoption order. This is achieved by making an application to the Irish courts and, if granted, the adoption is

registered as a domestic adoption. Since the enactment of the Adoption Act, 2010 this situation is less likely as adoptions now occur, in the main, from Hague Convention-regulated countries. The fourth domestic adoption strand involves *Adoption from long-term foster care* and refers to the situation in which the child has been in a long-term foster care (LTFC) placement and the foster parents adopt the child.

Figure 1 shows the trends in family and non-family adoptions, which includes step-parent adoptions and adoption from foster care, from 1999 to 2016. Data for some years (1999, 2000) are omitted from the graph owing to the non-uniform collection of adoption data over this 17 year time period. This graph shows data for the years in which information for all adoption strands could be collected. The graph illustrates that the number of family (predominantly step-father) adoptions far outranks adoptions from foster care for the years shown. Step-parent adoptions also outranked simple adoptions for this time period; a high of 26 simple adoptions were recorded in 2007 but by 2016 these had decreased to four simple adoption orders.

The fifth adoption strand is *Stranger adoption* in which the birth parents relinquish the child for the purpose of adoption (which will be discussed later in this article). A sixth strand of adoption in Ireland relates to *inter-country adoption*. ICA is defined as an adoption whereby the adoptive parent/s are resident ordinarily in Ireland and they adopt a child who was resident in a third country. Figure 2 illustrates the total number of ICA —based on the total number of children entered into the register of inter-country adoptions (AAI, 1999–2016)—in comparison with the total number of domestic adoptions. It should be noted here that from 2009 onwards, the Adoption Authority of Ireland provided
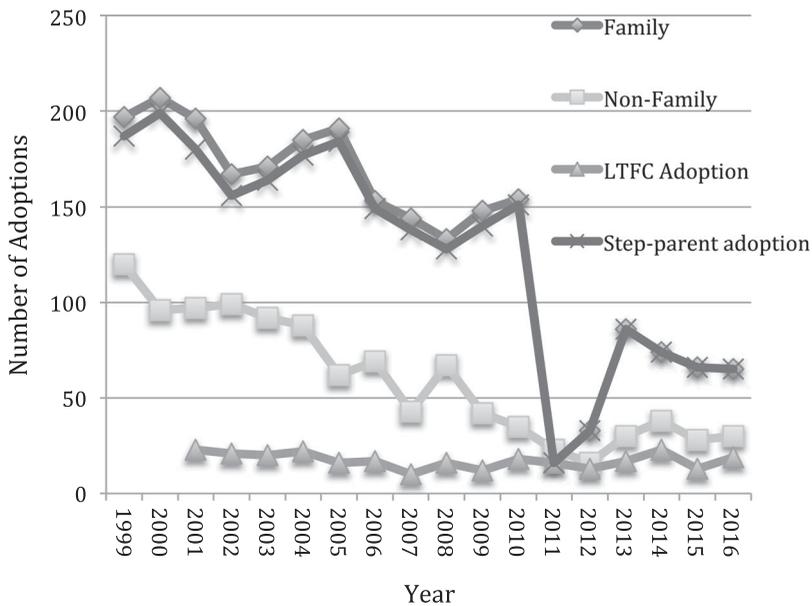
Figure 1. Number of family, step-parent and non-family, foster care adoptions from 1999 to 2016.

Note: The AAI (2014) Annual Report recorded a combined figure of 15 for extended family adoptions and adoptions of infants placed for adoption in Ireland. Figures for the number of children adopted from LTFC are unavailable for the year 1999 and 2000. In 2001, the Adoption Board separated the number of adoptions from LTFC out from those relinquished for adoption. Source: Adoption Board and Adoption Authority of Ireland (AAI) Annual Reports, 1999–2016.
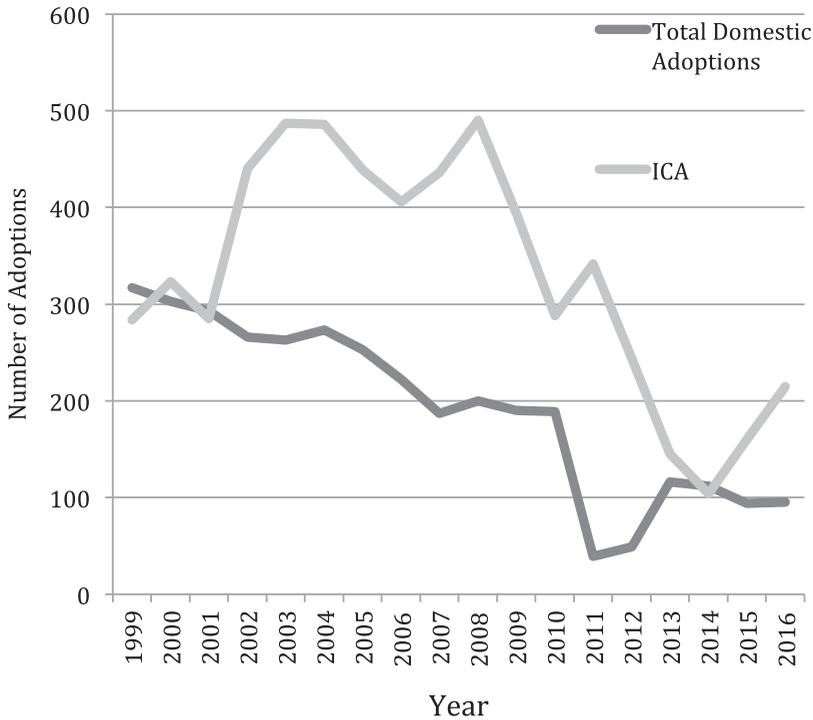
Figure 2. Total domestic adoptions and ICA adoptions between 1999 and 2016. Source: Adoption Board and AAI Annual Reports, 1999–2016.

data to distinguish between entries where adoptive parents were resident in Ireland or overseas. For example, in 2016, 54 of the 215 inter-country adopters were resident in Ireland; in 2015, the corresponding figures were 82 out of 160 (AAI, 1999–2016). This shows that the real activity level is, in fact, lower in Ireland.

The different strands (noted in these figures) within domestic adoption and the numbers involved in each category will be discussed in more detail throughout the paper. This discussion takes note of Lewis's (2004) assertion that adoption touches on fundamental questions such as "what the family should look like and what the role of the state should be in regulating and mediating what is the legal transfer of a child from one family to another" (Lewis, 2004, p. 236). A brief overview of the historical position of women in society, births outside marriage and evolution of the child welfare system provides a contextual lens through which to understand Irish trends.

Social context of adoption: the historical legacy

The shame associated with women giving birth to a child out of wedlock was entrenched in the Catholic norms prevalent in Irish society when adoption was first legislated for in 1952. Children of unmarried mothers were hidden from society, with adoption seen as the solution to the moral transgression of the birth mothers, giving them the opportunity to get on with their lives. It also provided the "illegitimate" child with a good Catholic home, while also meeting the needs of parents unable to have children of their own

(McCaughren & Lovett, 2014). The defamation of women who gave birth outside marriage and the stigmatization of their children was a feature of many societies. However, it is contended that the overlay of shame and sin was a particular feature of the Irish context (O'Brien & Maguire Pavao, 2014).

Legislative and social changes have had a massive influence on adoption trends in Ireland since 1952 and the social landscape of family in Ireland has changed dramatically over the past decades. Two particular events that have contributed to and reflect these changes are the introduction of the "unmarried mothers" payment in 1973 (Considine & Dukelow, 2009, p. 46) and the abolition of the status of illegitimacy in 1987 (Farren, 1998). Moreover, in the late 1960s, the publication of various reports brought into focus the plight of children in state care (Kennedy Report, 1970; Tuairim Report, 1966). These reports were instrumental in the shift in Ireland from residential care to a preference for family-based foster care for children in state care (Curry, 1998, p. 152; O'Brien & Cregan, 2015). It took many more years for the extent of the abusive treatment that children suffered in residential care (Ryan Report, 2009) to emerge. Likewise, the ordeals that pregnant single women (or those that were seen as at risk of "transgression") had undergone in the various institutional settings have only been fully documented recently (Mother and Baby Homes Commission of Investigation, due for release in February, 2019; Report of Inter-Departmental Committee on the Magdalene Laundries, 2013).

The position of children within Irish society, the historic evolution of the state (vis-à-vis colonization), the dominance of Catholic social teaching and the slow development of a professional input into the care and welfare of children are seen as key factors in our understanding of the Irish institutional legacy (O'Brien, 2016). The "principle of family autonomy" (Richardson, 2005, p. 160), a basic tenet of Catholic teaching, was reinforced by the 1937 Irish Constitution insofar as it identified the family as the "primary and fundamental unit of society", providing parents with "inalienable and imprescriptible" rights (Constitution of Ireland, 1937, Article 41.1.1). The family that was privileged, however, was and remained until the constitutional amendment in 2012, the family based on marriage. Children born to married parents could not be adopted legally in Ireland until the recent passing of the Adoption Act, 2017.

The reality of what happened to the women and mothers who had been seen to have "transgressed" was not acknowledged immediately at a public, state and family level. The publication of these various government reports and the subsequent scrutiny by the media have propelled major political, social and family reflections on the legacies in Irish society at large. Today, it is generally more frowned upon if a parent chooses to place a child for adoption rather than if he or she rears the child as a single parent or unmarried couple (Loughran & Richardson, 2005; Mahon, Conlon, & Dillon, 1998). The declining numbers of parents relinquishing babies for consensual adoption is a testament to this shift. As a result, the legal and social rules governing the structure of the family unit has changed, but the role of the family and the obligations of the parent remain strong values in Irish society (O'Brien & Palmer, 2015). A discussion about adoption in Ireland cannot be complete without consideration of the changing family structures evident in the country. The economic boom from the late 1990s to 2007, followed by almost a decade of austerity, the impact of immigration and the migration towards a less religious society are all factors leading to the emergence of an Ireland now characterized by more diverse family forms.

Adoption and the changing structure of the family

The traditional structure of the family, which was based on the married heterosexual couple raising a traditional family (McCaughren & McGregor, 2017), enshrined in the Irish Constitution, has been seriously challenged and impacted by the marriage equality referendum in 2015. In addition, the Children and Family Relationship Act (2015) has provided at last a legal framework to incorporate the wide range of issues associated with parenting children in diverse family arrangements. The Act provides legal support and protection for children in their relationships with those parenting them, which may include single parents, civil partners, co-habiting or married parents, a parent's partner, grandparents or relatives. Further changes were provided for in the Adoption Act, 2017, which now offers adoption as an option to all children, regardless of the marital status of their parents, and extends eligibility to prospective adoptive parents in diverse family structures, including those based on marriage, civil partnership, cohabitation and single parents. Two caveats should, however, be noted. The "best interest of the child" and proportionality must be central to any decision-making and adoption must be seen as a service for children, rather than the adult-centred service that was historically prevalent in Irish society.

Over the past 30 years, there has been a substantial increase in the number of children born outside marriage and there has been a decline in the numbers of children being placed for adoption. The extent of this change is outlined in Figure 3, which shows that the percentage of non-marital births ending in adoption in Ireland declined dramatically from 1956 to 2016. The statistical trends are shown for every fifth year within that period. For example, in 1956, 48% of non-martial births ended in adoptions, whereas in 2016, 0.4% of non-marital births ended with an adoption (AAI, 2016; CSO, 2017).

A dramatic change in the family affairs landscape over the past few decades has therefore occurred. The religious and social pressure previously felt by single mothers to surrender their child for adoption (Kelly, 2009) has diminished and larger numbers of couples are starting a family without marrying (O'Brien & Palmer, 2015). When compared with total national births, the number of children born out of wedlock has increased dramatically since 1956. Figure 4 shows (in absolute numbers for every fifth year) that between 1956 and 2016 there was a steady rise in the number of children born outside marriage. In 1956, only 1.9% of all births were children born outside marriage, whereas in 2016 that percentage had risen to 36.5% (AAI, 2016; CSO, 2017).

Changing demography is a major feature of the Irish landscape and these broader demographic changes are also influencing and shaping adoption trends. Major changes have occurred at the level of population growth, patterns of family formation, women's fertility rates and the age at which women are giving birth to their first child (CSO, 2017).

Building a family through adoption

Fertility rates and adoption

The changing fertility rates are associated with a complex range of factors including availability of contraception and abortion. There are also modern day psychological and social pressures for couples and individuals to be economically stable and build successful careers before starting a family. The complex reality of finding and/ or buying a home
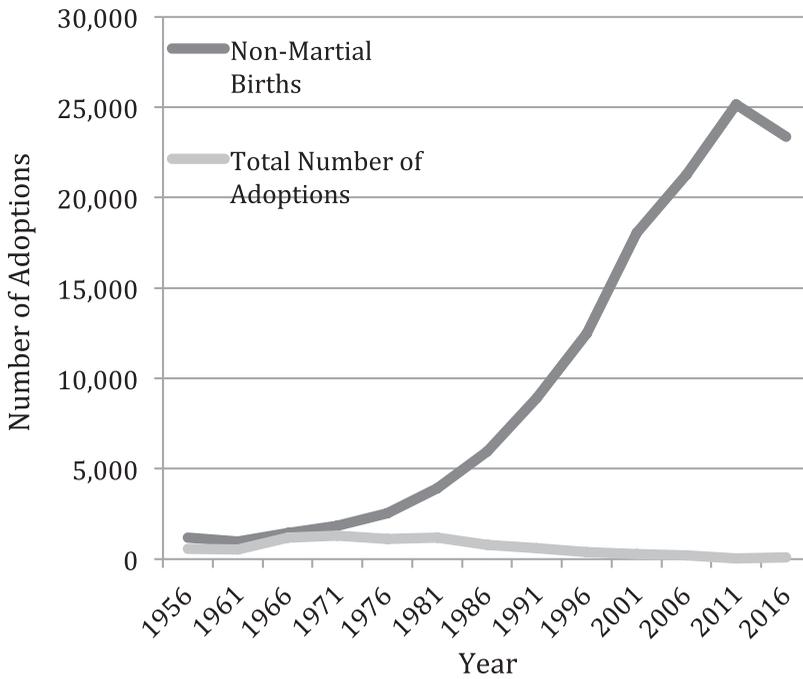
Figure 3. Births outside marriage and adoption rates, 1956–2016 (overview of absolute numbers for every fifth year). Source: AAI Annual Report, 2016.
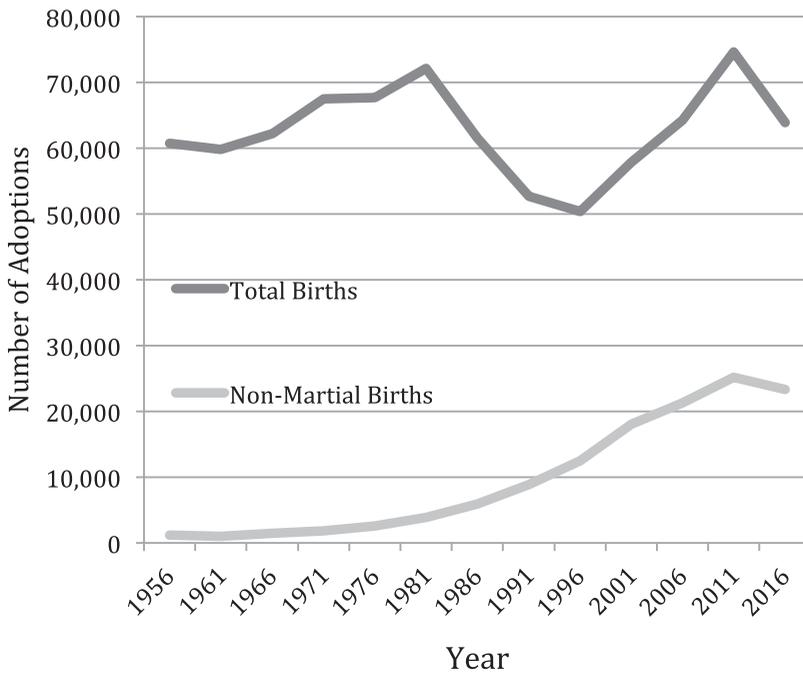

Figure 4. Total births and births outside marriage, 1956–2016 (overview of absolute figures for every fifth year). Source: AAI Annual Report, 2016.

in Ireland, post 2007, has delayed the process of family formation even further for many people. When couples and individuals are finally ready to start a family, many encounter infertility issues. This, however, is not just an Irish phenomenon. O'Halloran (2010), discusses how fertility rates in many modern western nations are falling steadily and infertility rates are increasing. The reality of infertility can be very painful and, while there are options available to infertile couples and individuals, such as in-vitro fertilization methods and surrogacy, success rates are varied. Adoption is viewed by many people experiencing infertility as another option for building a family. This cohort are what Lewis (2004) refers to as "the baby adoption strand" of adopters (Lewis, 2004, p. 237) as many of them wish to adopt a baby, or as young a child as possible. When they opt for adoption as the means to build a family, many are faced with a sobering and different reality than the one anticipated when they initially researched the option (Mitra, 2017). Building a family through adoption can present unique challenges for the adoptive parent(s); one example of this is the challenges of recognizing and accepting the dual identity of their adoptive child and the complex reality of this in everyday life.

As Maguire-Pavao (2005) points out, "adoption is not about finding children for families, but about finding families for children" (Maguire-Pavao, 2005, p. 128). Nonetheless, the hopes and dreams of parenting a child have led to increasing numbers of infertile couples or individuals hoping to become prospective adoptive parents (O'Halloran, 2010, p. 147). This is a recurrent pattern in many western countries, alongside the pattern of falling numbers of children available for domestic adoption in the same jurisdictions. There is compelling evidence to show that this phenomenon is strongly associated with both the interest in and increase of ICA (Selman, 2006). When one looks at the overall landscape of adoption over the past 15 years in Ireland, this trend is obvious, as previously illustrated in Figure 2.

Non-Family (ICA) adoption

In the years since 1999, international adoptions have represented the largest group of non-family adoptions in Ireland. The activity level presented in Figure 2 is compiled from the available data. The number of "entries into the foreign adoptions register" and the "number of declarations of suitability" granted to prospective adopters to adopt a child overseas are illustrated in Figure 5. The granting of a declaration of suitability is no guarantee that an adoption will be realized. An ICA adoption is only recognized when it is entered into the Register for Foreign Adoptions. While activity levels (Figure 5) can and do paint a certain picture of what is occurring in ICA, this activity needs to be seen against the complex and dynamic nature of the phenomena. Irish legislative, social, political and economic issues have impacted and continue to impact on Irish adults' opportunities to adopt overseas. However, this has to be seen also against changes occurring in sending countries (Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, 1993). The spike in both data sets (Figure 5) from 2009 to 2010 and general decline from 2010 onwards is associated, in the main, with Ireland's ratification of the "Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption", which commenced in 2011(Protection of Children (Hague Convention) Act, 2000) through the enactment of the Adoption Act, 2010.
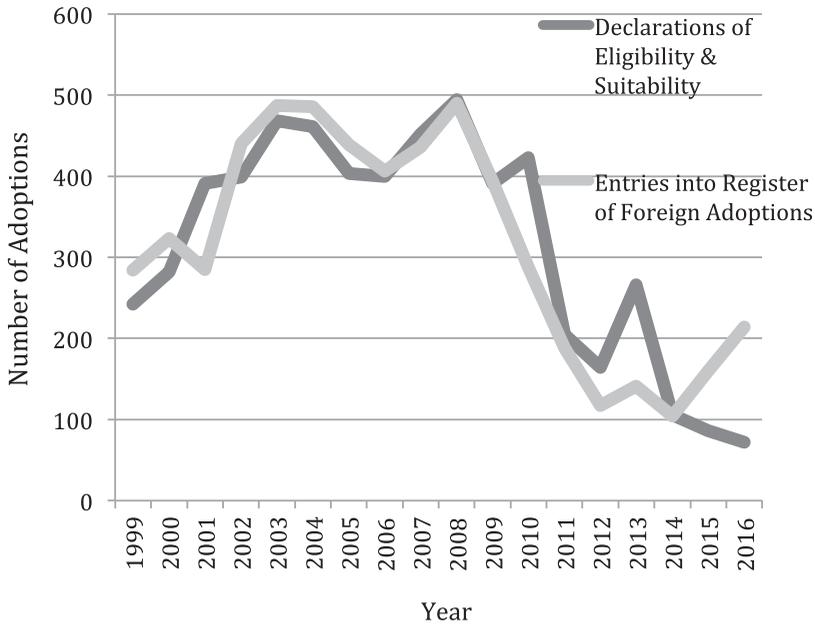
Figure 5. Activity in inter-country adoption in Ireland, 1999–2016.

Note: the spike seen in declarations of eligibility and suitability registered directly after 2010 is explained by a large number of ICA extensions coming through the system under the pre-2010 legislation. Source: Adoption Board and AAI Annual Reports, 1999–2016.

The Adoption Act, 2010 increased regulation of and changed previous practices in ICA, thus making it more difficult for prospective adoptive parents to adopt internationally (Hanratty, 2013). Hanratty showed that the two-year time limit on Irish declarations of eligibility and suitability, with the possibility of a one-year extension only, introduced in the Adoption Act, 2010, had resulted in many adopters failing to effect an overseas adoption during the tenure of their application. The ratification of The Hague Convention in Ireland has occurred against an international trend whereby the numbers of children sent overseas for adoption continue to fall dramatically (Selman, 2009).

The interest in ICA as an option in Ireland and the increase in ICA rates between 1991 and 2010 have been shaped by many external factors (Green et al., 2007; O'Brien, 2009; O'Brien & Richardson, 1999). However, among the most prominent has been the rapid decline in domestic adoption as an option for family building. There is no evidence that the increase in the interest and use of this option reflected a preference towards ICA as a more closed model of adoption, counteracting the drive for more openness and post-adoption contact in domestic adoption that was identified as a phenomena in the UK context (Hollingsworth, 2003; Kirton, 2000). There are indications that change, most particularly the declining numbers occurring internationally in respect of ICA, will continue.

Despite the change that is occurring as part of the shifting adoption landscape, ICA reflects a certain continuity in Irish adoption. Ireland's historical relationship with ICA was as a "sending country". Over 2000 Irish children were sent overseas, predominantly to the USA, for adoption from late 1950s to early 1970s (Milotte, 1997). For many of

the people adopted in this manner, as well as their birth and adoptive parents, there is now of course a different story, in which identity, search and reunion are at variance with the historical view. However, there appears to be limited ability to make connections between Ireland's history as a sending country (Milotte, 1997) and more recently the experiences of Ireland as a receiving country (O'Brien & Maguire Pavao, 2014). In particular, there is a need for greater connection to be made in relation to the search and reunion processes involved for adopted people and their families sent overseas and for those received into Ireland in more recent years. Changes are needed to enable these connections to be made, where required. The long-awaited legislation to provide access to adopted people's original birth certification needs to be prioritized in Ireland (O'Brien, 2015).

Trends in domestic adoption placements

Adoption of children with a pre-existing relationship to adopters

Three strands of adoptions are dealt with in this section: family (relative) adoptions; family (step-parent) adoptions; and the adoption of children by their foster carers.

Family (relative) adoptions

Family-based adoptions by step-parents are the largest numerical group of domestic adopters. Relative adoptions, which are those by aunts, uncles, grandparents, sisters and brothers, represent a smaller fraction of adoptions. The pattern of family and step-parent adoption between 1999 and 2016 is also presented in Figure 1. Between 1999 and 2010, 96% of family adoptions were step-parent adoptions, whereas only 4% were adoptions by relatives (Adoption Board, 1998 to, 2010). From 2010 adoptions by extended family have not been consistently recorded in annual adoption data, but it can be reasonably assumed that adoption by extended family members is not common practice.

In the absence of legislation for post-adoption support services in Ireland, it is possible that relatives are still helping members of their families in times of need, but they doing so informally or as long-term relative foster carers, as distinct from adopting these children. At the end of December, 2016, 27% ($n = 1,715$) of the 6258 children in care were being cared for by relative foster carers (DCYA, 2017). In March 2017, there were 1565 children's guardians in receipt of an "orphan allowance" (or guardian's payment). There are unknown numbers of other family members providing informal care for children in their family circle (O'Brien, 2015). The declining numbers are also reflective of the greater openness to diverse family forms and births outside marriage. Historically, more family members adopted children. This was largely undertaken as a means of keeping children within the family and thus avoiding adoption by strangers.

Family (step-parent) adoption

Family (step-parent) adoptions predominantly involve the adoption by a step-father and the birth mother. These adoptions arise where the birth mother has a child outside marriage and subsequently marries a man who is not the birth father. The adoption provides legal rights to the step-father and the child in the new family structure. Loftus's (2004) research showed that for many step-parent adoptions, the motivation to adopt was related to the couple's decision to marry, the birth of other children and the couple's

wish that the first child should not feel different within the new family unit. Figure 1 shows these trends in step-parent adoptions. Step-father adoption accounts for most family adoptions from 1999 onwards. For example, in 2016, there were 65 family adoptions for that year, all of which were step-father adoptions.

The numbers of family adoptions have increased marginally from 2011 to 2015, but the overall numbers have not reached the previous levels. The steep decline in 2010 is thought to be largely associated with service delivery changes arising from the passing of the Adoption Act, 2010. Up to 2010, all step-parent adoptions were handled by the Adoption Board. Since the 2010 Act, the Child and Family Agency (Tusla) now carries this responsibility. Step-parent adoptions may not have been prioritized in a context of competing demands within the Agency.

The Adoption Act, 2017, corrected a previous anomaly by allowing the birth mother to retain her legal status as the child's birth mother whilst the step-father adopts the child. This legal change is welcome, as birth mothers previously had to go through a full adoption assessment alongside the step-father and had to become an adoptive parent to their biological child, thus momentarily giving up her sole legal rights to her child. Many mothers who had to go through this family adoption process if their husbands and children were to acquire legal rights have been vociferous in their objection to losing their recognition as the biological mother in the process. While not wishing to downplay the constraints involved in step-parent adoptions or the experiences of the birth mothers, O'Halloran (2015) captured both the irony and the level of transformation underway in Irish society in respect of adoption when he observed that the birth mother's adoption of her own child reflected a move from birth mother as donor to applicant.

Step-parent adoption reflects the changing social context of family building in Irish society, as discussed in the previous section. It is associated with larger numbers of women having children outside marriage, an increase in divorce and second marriages, as well as people marrying later in life. It also reflects that adoption, under the Adoption Act, 1988, was in the main only available for step-parents where children were born outside marriage. The Adoption Act, 2017, has removed the bar of parents' marital status from adoption and has extended adoption to co-habiting couples, while the Child and Family Relationship Act, 2015 has allowed for enhanced guardianship rights for step-parents.

It is hard to predict how many of the adults living in diverse family structures will wish to use adoption as a means of securing family relationships legally or if they will use the other legal provisions permitted under the new laws. Only time will tell. However, it is important to put recent trends in the wider historical picture again. According to Kearney (2012), step-parent adoption was slow to develop and did not feature in Irish trends until 1980 and "even then the numbers were very low accounting for 56% of the 105 relative adoptions in that year or 5% of the 1,115 adoptions in 1980" (Kearney, 2012, p. 278). This was in marked contrast to practice in the UK and USA, where step-parent adoption was an important aspect of the adoption landscape from the 1950s onwards.

Non-family (foster parent) adoption
Adoption has no tradition of being part of the Irish public child care system, unlike the situation in countries such as the UK and USA. There are many factors to account for

this, including the historical legacy of forced adoption in Ireland (O'Brien, 2013), the centrality of the family unit based on marriage within the Irish constitution (O'Halloran, 2010), the eligibility criteria that deemed only children born outside marriage could be adopted and the closed and final break emphasis of Irish adoption law. Thus, Irish children in the care system are more likely to remain in LTFC and retain links with their birth family than be adopted domestically. While adoption was available for a small number under a very restrictive Adoption Act, 1988, in the main, this only involved a very small cohort of children who lived in extreme circumstances and met the very high legal test of abandonment.

Over the past 14 years, the numbers of adoptions from LTFC have not altered significantly, as shown in Figure 1. However, when compared with overall adoptions, figures for those adopted from foster care are minor. Despite fluctuations and a steady decline in domestic adoption in Ireland, adoptions from LTFC have averaged at 18 per year since 2001.

Adoption by foster parents, therefore, represents the smallest percentage of adoptions in Ireland. Although the enactment of the 1988 law created possibilities for children to be adopted from care, this only applied in limited circumstances. The law only provided for the foster carers, and not public authorities, to initiate proceedings. In Cregan's (forthcoming) research on adoption by long-term foster carers, respondents highlighted the complex procedures laid down in the 1988 Act as a reason not to pursue adoption. A fear of rocking the boat with a possible risk of the child being removed from their foster home was cited alongside a general belief that adoption was just not an option within the existing child care system (Cregan, forthcoming). The specific insertion of Children's Rights into the Constitution as a result of a 2012 Referendum has led to a stronger protection for children in the balancing and adjudication of children's and birth parents' rights and has widened the scope of adoption for children in state care.

Trends in the age of the foster child adopted by foster parents, which will be discussed in greater detail below, provide a further insight into the place of adoption within the care system. According to the Adoption Authority of Ireland, seven out of the 19 adoptions from LTFC in 2016 were 17 year olds, with the remainder being predominantly younger teenagers as opposed to young children or infants (Adoption Authority of Ireland, personal communication with authors, 22 February 2018). This indicates a willingness on the part of the foster child and foster parents to pursue adoption before the foster child ages out of the system.

The easing of legal restrictions under the new adoption legislation could result in an increase in adoptions by foster parents and other non-family members within the care system. Three factors may influence the number of foster parents coming forward to adopt their foster child: (a) the shorter timeline before adoption is legally possible for children in care (application can be made if a child is in care for a minimum of 3 years and is in the care of foster carers for a minimum of 18 months); (b) the provision for greater dispensing of parental rights once it is deemed in the child's best interest; and (c) adoption being a proportionate response, as provided for in the Adoption Act, 2017.

The repositioning of adoption as part of the public care system provided for in the Adoption Act, 2017 paves the way for major change from a largely consensual system to one that will permit adoption as an adjunct to the care system, in which parental rights can be terminated more easily. This has potential for major political, policy,

social and emotional impacts. Debate is needed at a political, policy, citizenship and practitioner level that takes account of the interplay of factors shaping the adoption discourses, decision-making, attitudes and practices, including the influence of historical legacies, the likely future impact for the different parties involved and the relationship between family, state and children. Finally, the extent to which Ireland can move from an adoption process largely based on secrecy and finality to one that is more open, transparent and fluid is relevant.

As part of this debate, certain features of the Irish child welfare system, such as increasing rates of referrals into both the child welfare and protection system, need to be highlighted. Between 2006 and 2015, there has been a 51% increase in referrals to child welfare services and a 48% increase in referrals to child protection services. Similarly, a snapshot[1] can be provided of changes in the alternative care system. Foster care was originally envisaged as a temporary placement arrangement, but statistics are showing that larger numbers of children are remaining in foster care for longer periods of time in Ireland. In 2014, 86% of children in care were there for up to 5 years or longer, while 14% were in care for less than 1 year; in 2015, the corresponding percentages were 85% and 15%, respectively (Tusla, 2012–2015).

Simplistic and linear thinking needs to be avoided in relation to the numbers of children for which this new legal option may be relevant or useful. For example, in the media there has already been a simplistic attempt as early as 2014 to link the over 2000 children in care for longer than 5 years to the many Irish people willing to adopt, if there were children available (O'Brien, 2014). Instead, the emphasis should rest firmly on the provisions of the new laws surrounding proportionality and the child's best interests; the child's needs should be central to decision-making at all times. Timelines will need to be carefully elucidated in decision-making processes to ensure the realization of good outcomes for children, for their families and for future generations.

Adoption of children with no pre-existing relationship to adopters

Non-family adoption: stranger adoption

The traditional form of adoption in Ireland involved the relinquishment of babies by mothers, who were unmarried, to adoptive families. The Adoption Act, 1952 provided for the adoption of children born outside marriage only. The term "relinquished for adoption" reflects the fact that such adoptions were primarily consensual in nature and occurred within the domain of private law (O'Halloran, 2015).

The level of stranger adoption has seen the greatest change in adoption trends and is associated with the changing family, demographic and attitudes outlined previously. The level of children adopted domestically by strangers (traditional adoption) shows a steady decline between 1999 and 2016, as presented in Figure 1. This trend should be seen as part of the wider adoption picture. There has been a steady decline in the number of all adoptions since 1967, when adoptions peaked at 1493 and 92% of all adoptions in that year involved traditional adoption. More so in that year, 97% of all children adopted were born outside marriage. This shows the extent of conservatism in the society at that time. In contrast, in 2016, there were 23,348 non-marital births (CSO, 2017), however adoptions by strangers made up only 27% ($n = 26$) of all domestic adoptions (n = 95) (AAI, 2016). The changes illustrated in Figures 1 and 2 show the shifting contexts

which have taken place in Ireland, the near disappearance of non-family-related domestic adoption and the emergence of ICA as the dominant form of non-related adoption.

Profile of children being adopted

When discussing trends in Irish adoption, it is important not only to discuss who is adopting, but also to consider who is being adopted; aspects such as age, ethnicity, social and economic status all play an integral role here.

Age at adoption

When examining trends in family and non-family adoptions within Ireland, the ethnicity and age of the child at the time of adoption are notable factors that add to the picture. Adoption was only permitted for children between the age of 6 months and 7 when adoption was first introduced in 1952. Currently, children between the age of 6 weeks and up to 18 years are eligible for adoption. The data on the age of children presented in Figure 6 refers only to the period between 1999 and 2010. After 2010, the data collection methods for national adoption trends changed. The next year for which age is recorded in national adoption data is 2016, albeit with different age brackets and with no breakdown between family and non-family adoptions. The Adoption Authority (AAI, 2016, p. 25) stated that in 2016:

> Of the 95 Adoption orders granted in 2016, in 24 cases the child was 17 years of age. In 38 cases they were aged between 12 and 16 years, in 15 cases they were aged between 7 and 11 years, in 15 cases they were aged between 2 and 10 years, and in 3 cases the child was 1 year old.

Comparison with data collected in the previous years is therefore not possible. Nonetheless the available data presented in Figure 6 shows the continued decline, over the period 1999–2010, in the placement of babies/ young children in non-family adoptions. The majority of children adopted by non-family members during this time period are under 5 years old. Since 1999, 77% of non-family adoptions have involved children under 5 years old while the remaining 23% of children were aged between 5 and 18 years. The number of older children adopted between 1999 and 2010 remained quite consistent. This is due perhaps to the fact that children adopted from the foster care system tend to be older children or teenagers.

There is a more varied picture for the age of children adopted within family-based adoptions (Figure 7), which includes step-parent and family adoption. The greater age variation between the two categories is not surprising, however, given the differential features of the adoption strands previously discussed. Between 1999 and 2010, the majority of children adopted by family members were older than 5 years. According to the statistics, 89% of family adoptions between 1999 and 2010 involved children between five and 18 years of age.

Race, ethnicity and class

There is little statistical breakdown available regarding the racial ethnicity or class background of children adopted domestically in Ireland. While the ethnic background is
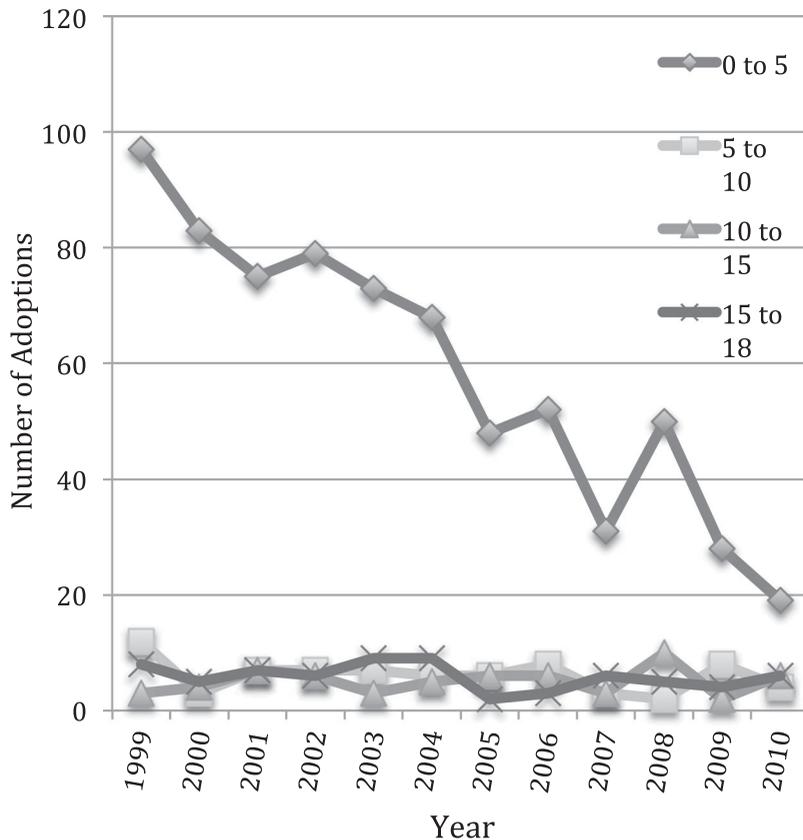
Figure 6. Age at adoption: non-family adoptions in Ireland 1999–2010. Source: AAI Reports, 1999–2010.

available for the small number of children placed internationally and adopted under Irish domestic legislation, this group of children belong more to an ICA cohort, given that placements took place in a third country, as previously discussed. The domestic adoptions were necessary to give legal effect to the Simple Adoption Orders previously made overseas. These adoptions related in the main to India and Guatemala.

Historically, domestic adoption in Ireland largely involved children of Caucasian origin being adopted by people of Caucasian origin. There is a level of evidence to show that placement of children of mixed race had a particularly hard time and adoption placements were hard to secure. Dáil Deputy, Anne Ferris, has been outspoken on the issue of ethnicity and adoption in Ireland. She highlighted the pressing need to include mixed-race children in the investigation to enquire into mother-and-baby homes, many of whom suffered abuse in these institutions. She commented that, in addition to suffering abuse, these children were often not considered by the State or the Church to be adoption candidates (Duncan, 2014). The investigation will issue its final report in February 2019, and owing to confidentiality issues, it is not yet possible to determine if those interviewed include mixed race children; however, all those children who were born in the homes listed in the legislation are entitled to tell their stories to the Confidential Committee.
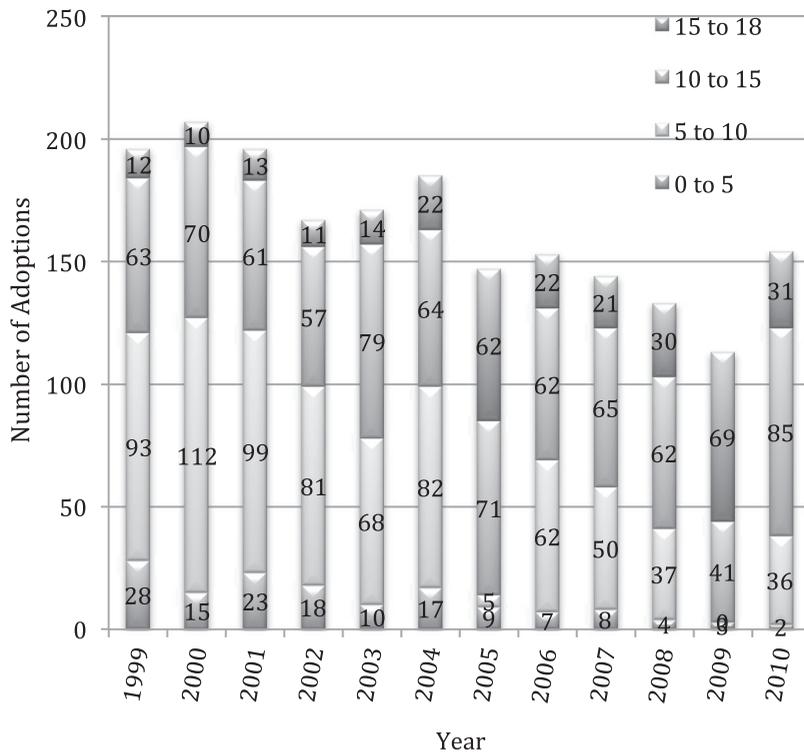
Figure 7. Age at adoption: family adoptions in Ireland 1999–2010. Source: AAI Reports, 1999–2010.

The issue of ethnicity is gaining greater prominence in child welfare (Coulter, 2015) against a background where the Irish population has become more heterogeneous in recent years (CSO, 2015). While population change has enormous implications across many state institutions, in child welfare there are concerns that children from the new Irish are over represented in care proceedings and there are limited foster carers available from the different ethnic backgrounds (O'Brien & Cregan, 2015). If adoption is to become more of an adjunct to the child welfare system in the future, it is likely that the evidence of disproportionality in the system in relation to ethnicity and class will become an even more important issue. Urgent action is needed at policy, practice and research levels if the lessons from other countries in relation to ethnicity, class and adoption are to be incorporated into our systems and mistakes avoided (Mallon & McCartt-Hess, 2005). There is also experience in providing post-adoption services to the ICA community from organizations such as Barnardos, which can be further built on and tailored to support the post-adoption needs of domestically adopted children and their families (Barnardos, 1992).

Conclusion

This paper has set out to present an overview of adoption trends in Ireland through an examination of administrative data and literature in the field. It places trends in a historical context and discusses the implications of the legislative changes recently commenced in the Adoption (Amendment) Act (2017).

The trends highlighted in this article illustrate how children and adults in Ireland have been engaging with adoption on a national and international level, within the changing social, political and legal contexts, since adoption was first legislated for in 1952. The three changes of major significance include:

- the decline in family (and in the main step-parent) adoptions with the expectation that the greater guardianship provisions now available through other legislative provision will continue to impact;
- the continued decline in ICA, a phenomenon that is occurring not only in Ireland but across the western world; and
- the repositioning of adoption as an adjunct to the care system—through the commencement of the Adoption (Amendment) Act (2017).

Adoption in Ireland is thus, for the first time, moving from the private sphere into the public care system. In countries such as the UK, debate and review are already happening on the use of adoption in the public sphere for children in care in relation to other permanency options, the social status of those birth families affected by adoption, and the potential for a more open approach to adoption (Featherstone, Gupta, & Mills, 2018). Certainly, the legacy of past adoption practices in Ireland continues to exert huge pressure on the system and there are major gaps in relation to assisting people to resolve issues of search and reunion. Lewis's (2004, p. 207) assertion that adoption policy needs to be seen as something of a litmus test for wider issues, such as: what is the role of the state in the legal transfer of a child from one family to another? How are the rights of adults and children mediated and decided upon in this scenario? And in whose interests are these rights asserted?

This assertion remains relevant today, and could provide an important beacon from which to analyse future trends and assist those people involved in the adoption process. Ireland has been slow to legislate for adoption at every stage, and this pattern has continued.

Note

1. Despite the improved level of data available over recent years, there still exist major information shortfalls within the system, which represent major obstacles to the analysis of trends.

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No potential conflict of interest was reported by the authors.

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