



ÚDARÁS UCHTÁLA na hÉIREANN
THE ADOPTION AUTHORITY of IRELAND

Review of Incorrect Registration of Birth Records

Report

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1 Introduction

1.1 Context

The Minister for Children and Youth Affairs (the “**Minister**”) has directed that an analysis of records take place to see if the extent of incorrect registrations of births can be established, through an initial exercise to be overseen independently by an Independent Reviewer (the “**Review**”).

Given the volume of files involved, the Minister has directed that, in the first instance, a targeted sampling exercise be carried out of the records in the possession of the Child and Family Agency (the “**CFA**”), and the Adoption Authority of Ireland (the “**Authority**”). Of a total estimate of 150,000 adoption records, the CFA and the Authority hold approximately 100,000 records between them. A large number of existing and former adoption agencies also hold adoption records. This sampling exercise will provide information to assist the Minister to reach a decision about what, if any, subsequent action might be taken to identify more fully the scale of incorrect birth registrations.

1.2 Terms of Reference

The Terms of Reference are appended to this Report at **Appendix 1**.

1.3 Agreed Matters

The Independent Reviewer met with the Authority and the CFA on a number of occasions concerning the Review of adoption records. Arising from these meetings, the following was agreed:

- The Review covers the period between 1953, when legislation that was first enacted to regulate adoption came into operation, and 1996, when all parts of the Child Care Act 1991 were commenced. A brief history of adoption legislation in Ireland which is illustrative of the time period chosen is set out at **Part 2** of this Report. Further detail concerning particular provisions of adoption law is included at **Part 3** of this Report and the legislative history of the registration of births is set out at **Part 4** of this Report.
- It was agreed that approximately 10 per cent of all records held by the Authority would be surveyed. It was intended that this 10 per cent would be taken from incomplete records only – meaning files relating to adoption processes which commenced but were not completed and where, as such, no adoption order was made. A weighted sample of these relevant records was reviewed. It was agreed to weight the samples towards the earlier years in the period under review where lower numbers of adoptions orders were made under the new statutory framework and correspondingly, there may have been a higher possibility of incorrect birth registrations outside the statutory framework. The sampling methodology was agreed in consultation with a senior Department of Children and Youth Affairs (the “**Department**”) statistician.

- The Authority instructed an independent auditor to oversee the application of the agreed sampling methodology on the extraction of case files for sample testing. Further detail in respect of the Authority’s robust approach to the sampling method used is outlined at **Part 7** of this Report.
- The records were read and reviewed by junior legal staff working on behalf of the Authority (the “**Reviewers**”). Each individual record was reviewed against a list of agreed indicators for potential incorrect registration, as well as flagging any other markers considered relevant. The list of agreed indicators is set out at **Part 9** of this Report.
- A report, in the agreed form, a template of which is set out at **Appendix 3**, was completed by the reviewers in respect of each case file – providing detail on the format of the file, whether relevant terminology or markers were identified and any other further relevant information.

1.4 **General Data Protection Regulations**

The data protection and General Data Protection Regulations (“**GDPR**”) implications of this sampling exercise were fully considered by the Authority. In this regard, a formal Ministerial direction was made pursuant to section 107 of the Adoption Act 2010, as amended, (the “**Acts**”) directing the Authority to participate in the Review, such participation to include the analysis by the Authority of such records as was required under the methodology for sampling agreed by the Independent Reviewer as well as directing the Authority to provide such information as was required to assist the Independent Reviewer in the preparation of her report.

While the Review entailed the processing of personal data, including special categories of personal data, such processing was determined by the Minister to be necessary for reasons of substantial public interest – namely, that the State, having uncovered clear evidence of a number of incorrect registrations of births in the St. Patrick’s Guild records, should take steps to establish the potential scale of the issue. Accordingly, Article 9(2)(g) of the GDPR was considered to apply in these circumstances.

All necessary safeguards around personal data and privacy were put in place by the Authority and it was agreed that anonymised data only would be made available to the Independent Reviewer and to the Department.

2 **Brief history of adoption legislation in Ireland**

2.1 **Introduction**

Adoption is the legal process by which a parent-child relationship is established between persons unrelated by birth. Under an adoption order, the child assumes the same rights and duties as a child in a birth family.

In Ireland, unlike in some other countries, adoption is a closed process that has the far-reaching effect of expunging all rights and duties of the natural parents in respect of the child. The adoptive parent or parents become, for all legal purposes, the parent or parents of the

child. The rights and liabilities of the natural parents are severed upon the making of an adoption order.

Broadly speaking, there are three categories of adoption in Ireland:

1. Domestic consensual adoption: This is where a child is adopted with the consent of its natural mother and/or guardian. Previously, this type of adoption could only occur where the child was not the child of parents married to each other at the time of the child's birth, but now, the law provides for the adoption of any child regardless of the marital status of his or her parents. Where the child's parents are married, both will be required to consent to the adoption.
2. Domestic non-consensual adoption: There are two situations in which an Irish adoption may be effected without the consent of the parents. The first allows a child who has been validly placed for adoption by its natural mother or guardian to be adopted notwithstanding the subsequent withdrawal of consent. The second is provided for by Part 7 of the Acts, which provides for the adoption of children (including the children of parents married to each other) in circumstances where total abandonment of parental rights and duties has occurred.
3. Intercountry (foreign) adoption: The adoption of a child, not of Irish residential origin, may be recognised in this jurisdiction, provided that certain conditions are met.

2.2 **Developments in adoption practice**

The statistics relating to adoption in Ireland demonstrate a significant reduction in the numbers of domestic adoptions and an increase in those of intercountry adoptions. For example, in 1967, 96.9 per cent of children born outside marriage were adopted. By 2005, 1.3 per cent of nonmarital children were adopted and this percentage fell further to 0.47 per cent in 2013.

A variety of factors may be cited as contributing to these changes in adoption practice. These include the softening of attitudes towards lone motherhood and families not based on marriage, the availability of contraception, and the introduction of the unmarried mother's allowance in the 1970s. This allowance made unmarried parenthood a realistic alternative to a pregnancy which previously had tended to precipitate either a marriage or an adoption. Unmarried women were thus afforded a third and increasingly attractive option of single parenthood. In addition, it is clear from the available statistics and studies that legislation for abortion in Britain provided another alternative to an unwanted pregnancy.

In the context of domestic consensual adoption, a distinction may be drawn between nonrelative adoption and adoption by relatives of the child. Non-relative adoption was originally the most common form of adoption; however, this has reduced due to the non-availability of children being placed for adoption. The number of adoptions by relatives, on the other hand, has increased.

2.3 Legislative history of adoption

The history of adoption legislation reflects these broader changes in Irish social attitudes to family arrangements and to the rights of children.

Adoption was originally provided for in law by the Adoption Act 1952 (the “**1952 Act**”), which first introduced adoption as a statutory process. Prior to the introduction of the 1952 Act, adoptions had taken place on an *ad hoc* and largely private basis. This attitude to adoption influenced the 1952 Act which established a private, consensual mechanism for legally transplanting a child into the adoptive family. Adoption was seen as a way of saving the child from the stigma then attached to the status of “illegitimacy” and the legislative framework for adoption reflected this view, while simultaneously providing a “fresh start” for the unmarried mother of the child concerned.

The 1952 Act represented a compromise between, on the one hand, those who wanted legal adoption introduced to give them legal rights in respect of the child and, on the other, the Christian churches who effectively controlled the institutions in which the children in question were placed. The churches were themselves involved in the placement of children abroad for adoption by suitably religiously qualified couples, and so they could not be regarded as being opposed to adoption in principle. They feared, however, that adoption would be used as a vehicle for changing the child’s religion and it was, therefore, necessary to assuage such concerns in the legislation. Much of the 1952 Act, and litigation in the period after its introduction, was concerned with issues relating to religion.

The 1952 Act provided for a permanent transfer of parental rights and obligations from the birth parents to the adoptive parents. Once an adoption order was made, the child was considered as the child of the adopter(s) born to him/her or them in lawful wedlock, with the birth parents losing all parental rights. The 1952 Act established the Adoption Board, or An Bord Uchtála, to regulate and administer the procedures for adoption.

In the decades after its enactment, issues were raised in the courts around deficiencies in the 1952 Act on various matters such as the rights of unmarried fathers; the availability of adoption for children of married parents; the capacity of unmarried couples or single persons to adopt; access to birth records; rights of children; and compatibility of intercountry adoptions with international human rights practice. While changes were introduced to the 1952 Act over time, this was done in a piecemeal manner across various statutory amendments and the 1952 Act was amended six times.

One of the most problematic aspects of the system introduced by the 1952 Act was that it permitted private placements. It was possible for an individual to put forward a child for adoption or cause a child to be put forward for adoption if that person was a parent of the child or if the person intending to adopt was a relative of the child. Every year from 1989 onwards, the Board of An Bord Uchtála, in its annual reports, called for legislation to have this practice disallowed, expressing its concern at the growing prevalence of these private arrangements, which effectively facilitated the circumvention of the eligibility requirements of the Adoption Acts. It recommended that no couple should be allowed to take a child who was not a relative into their care for adoption unless they had been assessed and approved by an adoption agency.

Private placements were finally expressly restricted by the Adoption Act 1998 (the “**1998 Act**”). Section 7 of the 1998 Act made it illegal for any person to make a private placement of a child with a view to adoption. A parent of the child was similarly precluded from doing so unless the prospective adopter was a relative of the child.

The need for the adoption system to be modernised and reformed to comply with best practice in international adoption and human rights became widely acknowledged over the last 25 years.

Calls for reform were made, for example, in An Bord Uchtála’s annual reports; in the Law Society’s Law Reform Committee’s report on *Adoption Law in Ireland* in 2000; and in the Law Reform Commission’s Report on *Legal Aspects of Family Relationships* in 2010.

The Adoption Act 2010 (the “**2010 Act**”) was finally introduced as an effort to consolidate the existing statutes. It updated and modernised the law in relation to adoption, repealing and restating provisions of previous legislation. The 2010 Act established the Authority, which replaced the Adoption Board, with powers to register and regulate all accredited bodies engaged in adoption. It also made various changes to intercountry adoption to bring Ireland into line with the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

While the 2010 Act remains the key authority regarding adoption law and procedure in Ireland, further changes were made following the 2012 Referendum relating to Children. The 2012 Referendum led to the introduction of Article 42A into the Constitution and a number of aspects of Article 42A had implications for domestic adoption law in Ireland. These included making provision for children born to married parents to become eligible for adoption in less restrictive circumstances than allowed by the Adoption Act 1988; allowing married parents to voluntarily place their children for adoption; and requiring children to be given the opportunity to express their views in an adoption context, with due weight afforded to them in accordance with age and maturity. It also imposed a requirement to provide by law for the best interests of the child to be paramount.

This was given statutory expression in the Adoption (Amendment) Act 2017 (the “**2017 Act**”) which alters the criteria under which the High Court may, in a case of parental failure, make an order authorising the adoption of a child without parental consent. The 2017 Act also greatly expands the categories of persons eligible to adopt a child jointly, restating amendments that were introduced, but never commenced in the Children and Family Relationships Act 2015. It similarly provides for a new regime of step-parent adoption, allowing step-parents to apply to adopt their partner’s child without that partner (who is already the parent of the child) also having to adopt the child.

At present, access to birth records is an issue which is under consideration. The current legislation means that the Authority is bound by the limits around the privacy of adoption records set out in the 1952 Act, as amended. While in practice, adopted persons are able to request non-identifying information from their placing agency or the Authority, there is no legal right to obtain this information, nor, therefore, for the Authority to disclose it. Proposals to deal with adoption information and access to records are contained in the Adoption (Information and Tracing) Bill 2016 which is presently before the Oireachtas.

2.4 **The Adopted Children Register**

The Adopted Children Register was established by section 22 of the 1952 Act and continues in force under the Acts. The Register is part of the civil registration system which is regulated by Oifig an Ard-Chláraitheora (General Register Office) and overseen by An tArd-Chláraitheoir. An tArd-Chláraitheoir must make an entry into the Adopted Children Registrar with respect to each adopted child who is the subject of an adoption order made by the Authority.

The Adopted Children Register is maintained by An tArd-Chláraitheoir and must include the information required by section 84(3) of the Acts. The Register applies to domestic adoptions only. The Register entry must be amended or cancelled in the event that the adoption order is amended or set aside (section 84(7) and (8) of the Acts). The information necessary to register an adoption with An tArd-Chláraitheoir is provided to An tArd-Chláraitheoir by the Authority.

An tArd-Chláraitheoir also has an obligation under section 86 of the Acts to maintain a separate index which would allow connections to be made between entries in the Adopted Children Register and those in the Register of Births. This is a confidential index and information from it can only be disclosed by order of a Court or of the Authority.

3 **Provisions of adoption law**

3.1 **Placement**

The placement of a child for adoption usually refers to the placing of a child with its prospective adopters prior to the making of an adoption order. It is the period between parental relinquishment and the ultimate hearing of an application for an adoption order.

As indicated above, the 1952 Act permitted private placements. Under the 1952 Act, it was possible for an individual to put forward a child for adoption or cause a child to be put forward for adoption, if that person was a parent of the child or if the person intending to adopt was a relative of the child. This allowed a system of private arrangements, effectively circumventing the eligibility requirements in the Adoption Acts. A body of persons, however, was not permitted to make or attempt to make arrangements for the adoption of a child unless that body was a registered adoption society or a public assistance authority.

The 1998 Act repealed the law in this regard, giving due regard to concerns relating to the adequacy of legal safeguards concerning this crucial stage of the adoption process. It expressly prohibited direct placements by a birth mother with a non-relative, making it illegal for any person to make a private placement of a child with a view to adoption. Parents were also precluded from doing so unless the prospective adopter was a relative of the child. The 1998 Act also introduced a new pre-placement adoption procedure to be followed by all adoption agencies. As part of this procedure, it dictated that an adoption agency could not place a child for adoption unless the child had attained the age of four weeks. This provided time for consultation with the birth father to take place.

Under current adoption law, section 125 of the Acts similarly prohibits private placement. It makes it an offence for any third party to place a child with any person for the purposes of adoption. It is similarly illegal for a parent to place a child with any person for the purposes of adoption or for any person to receive a child for the purposes of adoption unless that person is

a relative of a child or the child's step-parent. A child must be placed by an accredited body or by the CFA and all organisations and societies engaged in placing children for adoption must be registered with the Authority. It is illegal for any person or body of persons to make or attempt to make any arrangements for the adoption of a child, unless that body is an accredited body or the CFA. Part 3 of the 2010 Act provides that a child may not be placed by an accredited body until it has attained the age of six weeks. This was an increase from the four week time period that was previously in place, to enable further time for birth parent consultation.

3.2 **Adoption order**

The making of an adoption order effectively and comprehensively severs the legal nexus between the natural parent and the child, the former retaining no rights or duties at all in respect of the child. The 1952 Act defined an "adoption order" as an order made under section 9 of that Act. Section 9 of the 1952 Act provided that An Bord Uchtála could, on the application of a person desiring to adopt a child, make an order for the adoption of a child by that person.

The meaning of an adoption order and the consequences of such an order have not changed since adoption was first placed on the statute books. At present, the term "adoption order" is defined in section 3 of the 2010 Act. It means an "order for the adoption of a child made:

- (a) "before the establishment day, by An Bord Uchtála under the Adoption Acts, or
- (b) on or after the establishment day, by the Authority under this Act."

The establishment day under the 2010 Act is 1 November 2010.

3.3 **Eligibility criteria for children**

The 1952 Act confined the adoption process to certain children. It stated that an adoption order could not be made unless the child concerned resided in the State, was illegitimate or an orphan and was, at the date of the application, not less than six months and not more than seven years of age. Thus only orphans (where both parents were deceased) and non-marital children between the age of six months and seven years could be adopted.

The Adoption Act 1964 extended the eligibility criteria for children. It allowed children who had been "legitimised" by the subsequent marriage of their birth parents to be adopted where their births had not been re-registered. It also allowed children over the age of seven to be adopted. It provided that notwithstanding section 10 of the 1952 Act, the Board could make an adoption order in respect of a child who was over seven at the date of the application for the order if the Board was satisfied that, in the particular circumstances of the case, it was desirable to do so and if –

- the applicant had the child in his care since before the child attained the age of seven and the application was made before the child turned nine; or
- the applicant, or if the applicants were a married couple, one of them was the mother, natural father or relative of the child.

The Adoption Act 1974 further developed the eligibility criteria for children. It removed the requirement that the child must be "not less than six months" old to be the subject of an

adoption order. It also removed the two particular sets of circumstances described above in which a child over seven could be adopted, providing instead simply that notwithstanding section 10 of the 1952 Act, where the Board was satisfied that in the particular circumstances of the case it was desirable to do so, it could make an adoption order in respect of a child over seven.

Section 23 of the 2010 Act repealed the pre-existing provisions under all preceding adoption legislation, but little change was contained therein. It similarly allowed adoption orders to be granted only where the child (a) resided in the State, (b) was under the age of seven at the date of the application, (c) was an orphan or born of parents not married to each other, and (d) had been in the care of the applicants for the prescribed period, if any. No period was ever prescribed under the 2010 Act setting out the minimum length of time for which a child must be in the care of the applicants prior to an adoption order being made. Section 24 of the 2010 Act allowed the upper age limit of seven to be extended if the Authority considered it to be desirable in the particular circumstances of the case. The 2010 Act, however, provided that an accredited body could not place a child for adoption until the child was at least six weeks old – thus no adoption orders could be granted within this six week period. In practice therefore, the 2010 Act provided that a child had to be at least six weeks old and under 18 years of age to be eligible for adoption.

The 2017 Act updated the law in this regard, replacing section 23 of the 2010 Act in its entirety. It simplified the position so that the requirements are now only that the child must reside in the State and be under 18 at the date of the making of the adoption order. There is no requirement any longer that the child be of parents not married to one another. Moreover, there is no longer any distinction between the position of children above or below the age of seven. The child must be in the care of the applicants for the adoption order for the prescribed period, if any. No such period has as of yet been prescribed, but where the applicant is the child's step-parent, the child must be in his or her care for a continuous period of two years.

3.4 Eligibility of applicant

Pursuant to the 1952 Act, only certain persons could apply to adopt a child. Section 11 of the 1952 Act provided that only the following people could apply for an adoption order:

- married couples living together;
- widows;
- the birth mother, birth father or a relative of the child traced through the birth mother only.

The Adoption Act 1991 extended those eligible to apply to adopt a child. It enabled widowers to make an application for adoption, as well as sole applicants, where the Board was satisfied that this was in the best interests of the child concerned. The 2010 Act expanded further those eligible to adopt by broadening the definition of the term "relative" – meaning that a relative of a child traced through either the natural mother or natural father could apply to adopt the child.

Only married couples, therefore, were permitted to jointly adopt a child from the commencement of the 1952 Act onwards. The 2017 Act alters this situation, allowing civil partners to jointly adopt, as well as cohabiting couples who have been residing together for at least three years. Marriage, therefore, is no longer a prerequisite for a couple who wish to adopt together.

4 Registration of Births

The civil registration system in Ireland was introduced in 1864 and records births within the State which date from then onwards. The Births and Deaths Registration (Ireland) Acts 1863 to 1996 governed the system in place in this jurisdiction for the registration of births within the State until the introduction of the Civil Registration Act 2004 (the “**2004 Act**”).

Section 31 of the Births and Deaths Registration (Ireland) Act 1863 created the office of the Registrar General. The Act required the parent(s) of any child born in Ireland to give notice of the birth of the child within 21 days to the Registrar of their district. They were then required to attend before the Registrar to give the required information concerning the child’s birth within three months of same. In the case of the death or inability of the parent(s), the occupier of the house in which the child was born, or the nurse or any other person present at the birth was similarly required to register the birth of the child. Part VI of this Act made it an offence to wilfully give false information concerning any particulars required for the Register of Birth and provided for penalties that were to be given if this occurred. The provisions of the Births and Deaths Registration Act 1874 also applied in Ireland during this time. Under section 40 thereof, the penalty for, *inter alia*, wilfully giving false information concerning any birth to a registrar, wilfully making any false certificate or declaration under the Act or forging or falsifying any such certificate or declaration, was:

- on summary conviction a fine of no more than £10;
- on indictment a fine and penal servitude for a term not exceeding seven years.

The law regulating the registration of births and deaths was updated in the Births and Deaths Registration Act (Ireland) 1880 (the “**1880 Act**”) which set out new procedures to be followed for the registration of births and deaths within the State. It put in place time limits for persons to comply with the Act and penalties to prevent fraud were introduced. Thereafter, registration procedures remained largely unchanged. The Legitimacy Act 1931 (the “**1931 Act**”), however, allowed for the re-registration of children born prior to the marriage of their parents. It provided that the Registrar General of Births and Deaths in Ireland could, on production of such evidence as appeared to him to be satisfactory, authorise at any time the re-registration of the birth of a legitimated person whose birth was already registered under the Births and Deaths Registration (Ireland) Acts 1863 to 1880.

The Vital Statistics and Births, Deaths and Marriages Registration Act 1952 changed the title “Registrar General” to “An tArd-Chláráitheoir”, while the Births, Deaths and Marriages Registration Act 1972 made changes to the structure of the registration system – assigning the office of Superintendent Registrar to the new eight regional health boards. It was not possible for an unmarried mother to name the child’s father in birth entries until the introduction of the Status of Children Act 1987. This Act amended the 1880 Act to allow the insertion of the

natural father's name on the child's birth certificate if both parents agreed or if there was a Court order naming him as the father.

The 2004 Act reorganised and modernised the law relating to the registration of births, stillbirths, adoptions, marriages and deaths which had remained largely unchanged for 150 years. It repealed the pre-existing legislation concerning the registration of births, but it did not repeal the 1931 Act. Under the 2004 Act, An tArd-Chláraitheoir has the function of maintaining, managing and controlling the system of registration of births wherever occurring in the State, as established by the repealed enactments.

Section 13 of the 2004 Act provides that a register of all births occurring in the State to which section 26 or 27 of the 2004 Act applies shall be maintained, known as the Register of Births. Section 19 of the 2004 Act requires that the birth of a child in the State must be registered not later than three months from the date of the birth. The Act provides for the re-registration of the birth of a child whose parents have married after the child's birth. This can be done even if the father's details were registered initially when the birth was first registered. It also allows the reregistration of the birth father's details where the child was first registered in the mother's name alone. Pursuant to section 69 of the 2004 Act, it is an offence for a person to give to a Registrar of Births particulars or information which he or she knows to be false or misleading.

5 **Agreed Objectives of the Sampling Exercise**

As set out in the Terms of Reference, which are fully outlined at **Appendix 1**, the agreed objectives of the sampling exercise to be carried out by the Independent Reviewer are to:

- (i) sample a set of records defined in an agreed methodology, to ascertain whether clear evidence of incorrect registrations might be identified through labelling of files or otherwise;
- (ii) build an overall picture of the extent to which incorrect registrations have occurred, by time period;
- (iii) form a conclusion as to whether a more detailed analysis has the potential to yield clear information e.g. the existence of key identifiers or markers that signal potential incorrect registrations; and
- (iv) make recommendations to the Minister on what further form of investigation or analysis, if any, would be appropriate, having regard to the extent of usable information emerging from the initial sampling process.

The sampling exercise is being overseen by the Independent Reviewer.

6 **Records Covered by the Review**

As outlined above, the Review covers records in the possession of the CFA and the Authority. The Review is intended to be limited to files relating to adoption processes which commenced but were not completed and where thus, no adoption order was made. These are known as

“incomplete files”. The Review is not intended to extend to files where a foreign adoption order has been made.

The Authority can confirm the following figures in respect of incomplete files which are captured by the Review:

TABLE A

Name of entity	No. of incomplete files
Agency B	976
Agency C	325
Agency D	606
Agency E	129
Agency A	2323
Total	4,359

7 **Sampling Methodology**

Typically when carrying out a review of this nature, it is important to ensure that an independent person supervises and manages the file selection process. Consideration should also be given to applying statistical sampling methods similar to those used by auditors for the selection of samples.

In this regard, the Authority instructed independent auditors to assist with the Review in order to ensure that the Review was conducted in an impartial and independent manner. In their role, the independent auditors provided an independent person to oversee the application of the agreed sampling methodology on the extraction of files for sample testing. The Authority can confirm that the independent auditors had this independent person available throughout the Review.

7.1 **Sampling of files**

Sampling is the testing of less than 100 per cent i.e. a sample set of the items within a population to obtain and evaluate the evidence about some characteristic of that population, in order to form a conclusion concerning the population.

7.2 **Sample design and sample size**

It is crucial that the samples, i.e. files selected, should be representative of the entire population, in order to be able to form a conclusion on the entire population. When designing the process, consideration must be given to the purpose of the review and the characteristics of the population from which the files will be drawn (see “Stratification” below). The method used for the selection of samples must ensure that each file in the population has a chance of selection.

The Independent Reviewer was tasked with determining a sample size sufficient to reduce sampling risk to an acceptably low level. As discussed above, both the CFA and the Authority were requested by the Independent Reviewer to sample records in their custody. As already indicated, the Authority undertook to review 10 per cent of incomplete files held by the abovementioned adoption agencies.

7.3 **Sampling risk**

Fundamental to sampling is sampling risk. Sampling risk is the risk that the sample is not representative of the population from which it is drawn and thus the conclusion is different to that which would be reached if the whole population was examined. It is for the Independent Reviewer to consider the risk that the conclusion based on a sample may be different from the conclusion if the entire population were subjected to the same review procedure. Sampling risk is frequently expressed as a percentage. For example, 5 per cent means that there is a 1 in 20 chance that the sample is not representative of the population from which it is drawn.

7.4 **Stratification**

In considering the characteristics of the population from which the sample will be drawn, stratification may be appropriate in certain circumstances. The effectiveness of a review may be improved if a population is stratified by dividing it into discrete sub-populations which have an identifying characteristic. Sampling methods with different weightage can be applied to each sub-population to reduce sampling risk.

The Independent Reviewer determined that stratification was appropriate in the context of this

Review, following consultation with the Department’s senior statistician. As is demonstrated from the Chart appearing at **Appendix 2** to this Report, between 1977 and 1996, there were lower numbers of adoptions arranged by adoption agencies than in the years from 1953 to 1976. The Independent Reviewer therefore proposed that the population be divided into two sub-populations;

1. Files from 1953 to 1976: years with higher levels of adoptions arranged by adoption agencies
2. Files from 1977 to 1996: years with lower levels of adoptions arranged by adoption agencies

It was further proposed that weighting be applied to these two sub-populations; to weight the samples towards the earlier years in the period under review where higher levels of adoptions

were arranged by adoption agencies. In the context of the Authority and its selection of files, therefore the 10 per cent sample population was drawn from incomplete files only and was weighted as follows:

1. Files between years 1953 and 1976: 85 per cent of total of records sampled.
2. Files between years 1977 and 1996: 15 per cent of total of records sampled.

7.5 Systematic Selection

The Authority, through its external auditors, applied a systematic selection method for the selection of a sample of files for review, which ensures an independent approach to the sampling.

The sampling approach which was employed is known as “systematic selection”. This uses a computerised random number generator to determine the files to be reviewed. Systematic selection is a method of choosing a random sample from among a larger group. The process of systematic selection typically involves first selecting a fixed starting point in the larger group and then obtaining subsequent observations by using a constant interval between samples taken. In other words, the number of sampling units in the group is divided by the sample size to give a sampling interval. Hence, if the total group was 1,000, a random systematic selection of 100 sampling units within that group would involve observing every 10th sampling unit. The randomised nature of the sampling ensures that a broad cross-section of files are assessed as part of the Review.

7.6 Number of files sampled

It was agreed with the Independent Reviewer that the Authority would review 374 files from 1953 to 1976 and 78 files from 1977 to 1996. The Authority, therefore, was required to conduct a review of 452 files in total.

While it was initially considered that the use of scanning technology might expedite the review process, owing to the varying range and condition of records involved, as well as the need to minimise data protection risks, it was agreed that each individual file would be manually reviewed by junior legal staff. The Authority therefore undertook to commence a manual review in respect of a sample of files selected from **Table A** above, which were chosen in accordance with the within sampling methodology.

It was determined that Reviewers on behalf of the Authority would read and review each individual record against a list of agreed indicators for potential incorrect registration. The list of agreed indicators is set out and explained at **Part 9**. Reviewers were also required to note any other markers that they considered relevant, as well as to use their professional judgement to identify any other terms which might assist in identifying incorrect registrations. When reviewing the files, the Reviewers were directed to pay particular attention to issues relating to evidence of any foreign adoptions which appeared on the files to include:

- Couples being selected on the basis of their religious observances;
- Couples not deemed suitable to adopt in their own jurisdictions;

- The potential for finance to influence decisions.

It was agreed that a report would be created in respect of each file using the template which appears at **Appendix 3** to this Report.

At the outset of the Review, it was hoped that the number of instances where the agreed terminology or other markers appear in the records for each entity would serve as an indicator for the level of further examination required. Any other assessment fell outside the scope of the sampling exercise. Based on the results of the Review, it was intended that any entity identified as having higher instances of irregularities could be subject to further scrutiny and these could be flagged by the Independent Reviewer in their final report.

In addition, it was acknowledged that there was the potential for other State bodies and departments to have had an involvement in the subject matter which is the subject of the Review. The Authority was to provide information to the Independent Reviewer in respect of any such involvement which it identified.

8 **Records**

There are a number of different types of records involved in the Review and it was necessary to piece together these records, often from a number of different sources in order to determine the full narrative in respect of each particular file. For example, certain files hold the full suite of documentation and correspondence in respect of a particular case. However, other files hold only part of the account and it was necessary to consult with other documents, such as ledgers, index cards and registers to obtain a full version of events. Samples of the formats of files and descriptions of the types of records held are outlined at **Part 8.1** and **Part 8.2** of this Report.

8.1 **Format of files**

Records existed in the following formats:

- Files
- Ledgers
- Index cards
- Notebooks
- Ring binders
- Registers
- Loose pages
- Medical reports
- Post-placement reports

8.2 **Description of records held**

The records may be described as follows:

- Adoption applications
- Adoption files
- Adoption orders
- Adoption placement records
- Foreign records
- Birth and baptism records/certificates
- Enquiry files
- Adoption society minute books and associated documentation
- Tracing records

9 **Indicator / Marker Terminology**

The selected records were reviewed against the following list of indicators or “markers” of potential incorrect registration:

Child Placement Terminology:

- Private placement
- Private arrangement
- Family arrangement
- Discharged at/from birth
- Directly placed from/at birth
- Home birth
- Special care taken for private reasons
- Put away

Child Birth Registration Terminology:

- Double registration
- Re-registration

- Amended registration
- Wrongful registration
- Illegal registration
- Incorrect birth registration
- Direct registration
- Unlawful registration

Child Adoption Terminology:

- Adopted from birth
- Adopted at birth
- De-facto Adoption
- Private adoption
- Unlawful adoption
- Illegal adoption
- DOB and date of Adoption records as less than 10 days apart
- Direct adoption
- Direct placement
- Wrongful adoption

This list of terms was agreed on the basis of the Independent Reviewer’s considered view that the appearance of any of these terms within a file could be consistent with an incorrect registration such that the file merited more detailed examination. However, it should be noted that their appearance within a file did not necessarily mean that an incorrect registration had occurred. It only indicated that further scrutiny was appropriate.

With reference to social work input, the Authority made significant efforts to recruit a social worker to engage in the process over a number of months and had identified two candidates in this regard, one of whom withdrew from the process and the second of whom had to resign due to illness. However, social work staff in the Authority were at all times available to the reviewers.

10 Breakdown of files reviewed

As indicated in the Terms of Reference, the Authority was required to oversee the audit of incomplete adoption files held by the five entities. The total number of incomplete files held

by the five entities amount to 4,359. Of these, it was agreed that 452 files would be reviewed. The Authority has carried out a review of each file and provided its findings below. The Review breakdown, detailing the number of files held by each entity captured by the Review and the precise numbers actually reviewed is set out at **Appendix 4**. The breakdown of adoption files as reviewed, and according to the two relevant time periods, is outlined in **Table B** below.

The files have been broken down as follows, using a traffic light system meaning:

Red ²	The file does not appear to comply with adoption law. It is important to note that the files in this category involved cases which, by definition, did not result in adoption, and would not necessarily have been subject to adoption law.
Orange ²	There is insufficient information on the file to determine whether the file complies with adoption law. Files in the Orange category do not contain sufficient information to determine whether adoption law would have been applicable.
Green	An adoption order was made or there is a satisfactory explanation on the file as to why the adoption did not proceed.

11 Findings emerging from the Review

This Report offers an analysis of the adoption files subject to the independent review, conducted by the Reviewers in accordance with the Terms of Reference of the review of incorrect registrations as directed by the Department and overseen by the Independent Reviewer, which is included at **Appendix 1**. The data analysed for the purposes of this Report consists of each of the incomplete adoption files reviewed by the Reviewers.

TABLE B

Entity	Total No. of Files Reviewed	1953 – 1976	1977 – 1996
Agency B	86	69	17
Agency C	33	24	9
Agency D	72	65	7

² Please note that these classifications do not relate to files where adoption orders were made. ²

Please note that these classifications do not relate to files where adoption orders were made.

Agency E	13	0	13
Agency A	248	216	32
TOTAL	452	374	78

12 Agency B

In total, 86 files of Agency B, concerning 93 children, were considered in this Review.

Of these 86 files, 58 came within the Green category of classification – this representing almost two-thirds of the files reviewed. With regard to the remainder of the files, 18 were classified as Orange – there being insufficient information to determine whether the file complied with adoption law – and ten were listed within the Red category, as not appearing to be in accordance with adoption law. In only two of the 86 files were adoption orders actually made. In one file, the male child was placed initially with a relative following his birth, but subsequently he was adopted by the birth mother and her husband. No irregularities were thus contained within this file. In the other file, however, an adoption order that had been granted was subsequently quashed by the Superior Courts. There is evidence on the file that is suggestive of private arrangements.

Overall, it is clear that of the 86 Agency B files that were analysed and inspected, the vast majority of the children concerned therein were ultimately returned to their birth mother, following a short period in foster care or brief placement with relatives. Notwithstanding this fact, there are a number of files where there is a lack of clarity as to what occurred. This analysis of these files cannot be said to reveal a definitive practice of the incorrect registration of births. It may be noteworthy that private placements are particularly prevalent in this category. However, no evidence has been found that positively identifies cases where any child was illegally registered as the child of his or her adoptive parents.

13 Agency C

A total of 33 files from Agency C were reviewed. These files relate to 33 children. Of these, 15 files came within the Green category of classification for this Review, whereas 17 files were within the Orange group. Only one file was designated as Red. In none of the 33 files reviewed was an adoption order made.

Of the 33 of Agency C files that were reviewed, just under half of the files came within the Green category of classification. In the remaining files, some irregularities may have occurred but there is insufficient information available to reach a definitive conclusion.

14 Agency D

Altogether 72 files from Agency D were reviewed. These files relate to 84 children.

Of the 72 files reviewed, the majority – some 46 files – came within the Green category of classification for this Review. There were 19 files classified within the Orange category, with the remaining seven files classified in the Red group.

The analysis concluded that, in two thirds of Agency D files, either an adoption order was granted in accordance with the applicable law or the adoption application did not proceed for valid reasons. In the remaining files, however, some irregularities are highlighted. Yet again, there are no obvious markers contained therein to signal whether a practice of illegal registration of births occurred.

15 Agency E

With regard to Agency E, 13 files were reviewed, concerning 20 children. Of these, five files came within the Green category of classification for this Review, seven were within the Orange group and one file was designated as Red. No adoption orders were found in any of the files reviewed.

In summary, many of the files reviewed contained a Certificate of Acceptance from the prospective adoptive parents, but then it is unclear whether an adoption order was subsequently obtained or whether the adoption did not proceed, for reasons such as the birth mother reclaiming the child. This raises questions as to what exactly transpired in these files. None of these files, however, contain evidence of the illegal registration of the children's births. From the files reviewed, therefore, there does not appear to be any labelling method employed by Agency E that can be used to identify possible cases of incorrect registration of births.

16 Agency A

As indicated previously, the Reviewers examined 248 adoption files held by Agency A. These files concern 233 children. Of these, 111 files have been classified as Green, 129 of the files were within the Orange category and the remaining eight were categorised as Red.

It is worth noting that a considerable portion of these adoption files are blank or contained very limited documentation. This was the case in approximately one fifth of all of these files.

[REDACTED]

[REDACTED] Other files simply contain letters requesting an adoption application form from the Adoption Board. In some of these files, an adoption application was withdrawn or rejected with very limited information on the file explaining the circumstances in which this took place.

Given that the Review is limited to incomplete files, the vast majority of the Agency A files reviewed did not lead to the granting of an adoption order. In only six of the 248 files reviewed was an adoption order made.

In several of the Agency A files, the term "*re-registration*" or similar terms to that effect are used. In these files, enquires were generally made concerning changing the child's surname in

circumstances where the birth parents of the child subsequently married. This term therefore relates to the amendment of birth certificates in circumstances where the birth parents married after the birth of the child and the birth father is not recorded on the original birth certificate. The Adoption Board duly advised the parents in these files to re-register the child's birth in accordance with the 1931 Act and that no adoption application was necessary to change the child's name. Re-registration in these files, therefore, refers only to lawful re-registration in these specific circumstances and does not appear to arise in the context of a false registration of birth.

A small proportion of the Agency A files relate to step-parent applications. In these files, the child was never placed and remained in the birth mother's care at all times. In most of these files, the application for adoption was ultimately withdrawn.

Overall, many of the Agency A files contain very limited information. In certain files, it is clear as to why the adoption application did not proceed, was withdrawn or rejected. In other files, however, the outcome for the child concerned is unknown and issues of compliance cannot be discerned. Despite this lack of information, the Agency A files do not appear to show any overt evidence of illegal registrations of birth. It cannot be said that clear documentary evidence of incorrect registrations has been found therein and no obvious markers or indicators exist to highlight such occurrences.

17 Analysis of reviewed files

As outlined above, a total of 452 files were reviewed by the Adoption Authority for the relevant time period. These files concern 463 children, with some files referencing no children at all, and others referencing multiple children therein. While a detailed breakdown of the files reviewed originating from the entities is set out in Table B, it is worthwhile to consider the overall picture gleaned from the Review. Table C below summarises the situation, and further, more detailed information regarding this is contained in Appendix 4.

TABLE C³

Entity	Number of files highlighted green	Number of files highlighted orange	Number of files highlighted red	Total
Agency B	58	18	10	86

³ Source: Authority's analysis of files 2018/2019.

NOTE: The analysis finds that 6 per cent of files do not appear to have been in compliance with adoption law. However, by definition, these files did not result in a completed adoption order, and it is difficult to assess whether they should have been compliant with adoption law in circumstances where adoption may not have been either the original intention, or the ultimate outcome. In the case of the Orange category, there is insufficient information on file to determine whether the files did comply, or indeed should have complied with adoption law. The Authority could not make a clear determination on these files despite a forensic examination of all available evidence. Again, please note that this analysis does not apply to files where adoption orders were made.

Agency C	15	17	1	33
Agency D	46	19	7	72
Agency E	5	7	1	13
Agency A	111	129	8	248
Total	235	190	27	452
Percentage	52%	42%	6%	100%

Of the 452 files, some 235 files were highlighted as Green. This serves to indicate that over half of all files reviewed in the sampling exercise clearly complied with adoption law. In these files, either an adoption order was granted in accordance with the applicable law or a satisfactory explanation was provided as to why the adoption application did not proceed. Given that only incomplete files were covered by the Review, as may have been anticipated, adoption orders were only discovered in a minority of the Green files. In most, therefore, it is clear that the birth mother reclaimed the child or the adoption application did not proceed, was withdrawn or was rejected. Ultimately, the Green files do not give cause for concern and demonstrate compliance with adoption law during the relevant period.

It is the files highlighted as Orange and Red that raise questions concerning compliance with applicable legislation from this sampling exercise. Overall, 27 files across the five entities were classified as Red and do not appear to be in compliance with adoption law. This represents just under 6 per cent of the overall sample reviewed. A significant number of files however – some 190 – were grouped as Orange. In general, these files contain insufficient information and a determination could not be made from the documents therein as to whether the file complied with adoption law. As noted earlier, there is insufficient information on file to determine whether these cases should have complied with adoption law.

The sampling exercise as carried out by the Authority took place with the purpose of ascertaining whether clear evidence of incorrect registrations of births might be identified. It also aimed to build an overall picture of the extent to which such illegal registrations occurred, if any.

From an analysis of the sample adoption records as evidenced from **Figure D** below, no clear evidence of the illegal registration of children's births has been discovered therein. Markers do not appear to have been routinely or commonly used to indicate cases where the child's birth had been illegally registered in any of the files examined herein from any of the five entities considered.

Having regard to the files reviewed, therefore, there does not appear to be any labelling method employed by the entities that can be used to identify possible cases of incorrect registration of births.

17.1 Gender of Children

48 per cent (222) of these children were male, while 46 per cent (211) of the children were female. 6 per cent (30) of the files reviewed did not contain sufficient information to determine the gender of the child.

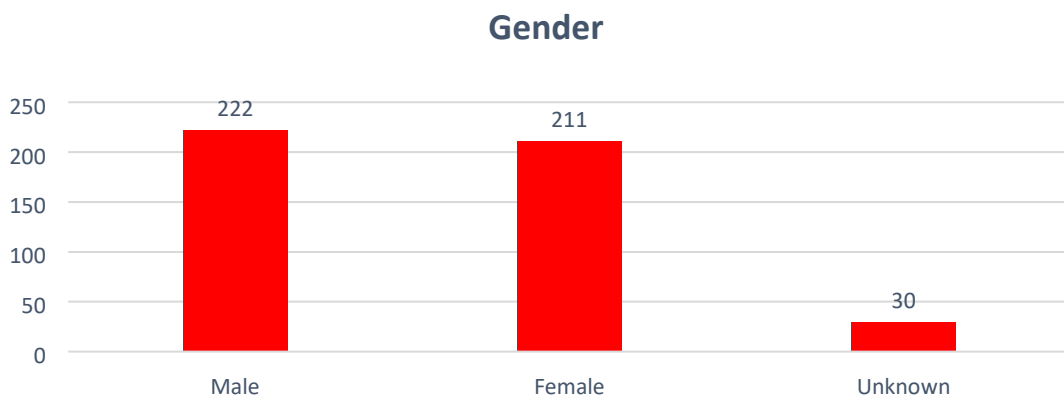


Figure A

17.2 Year of Placement

The most common time period for the placement of children contained in the files reviewed is 1970 – 1979 (100). Although the earliest file reviewed was from 1953, some of the files contained historical placements which has resulted in several pre-1953 placements being recorded in the review. The earliest confirmed date of placement apparent from the files reviewed was 1933. No child placements occurred after 1999 in any of the files reviewed. In a number of instances (85) the year of placement is unknown. There was a 71 per cent decrease in the number of placements that occurred from 1970 – 1989. However, this is likely due to the deliberate stratification approach adopted for this review, as explained at Part 7.4 above, which resulted in 15 per cent of the overall total files reviewed being dated between 1977 – 1996.

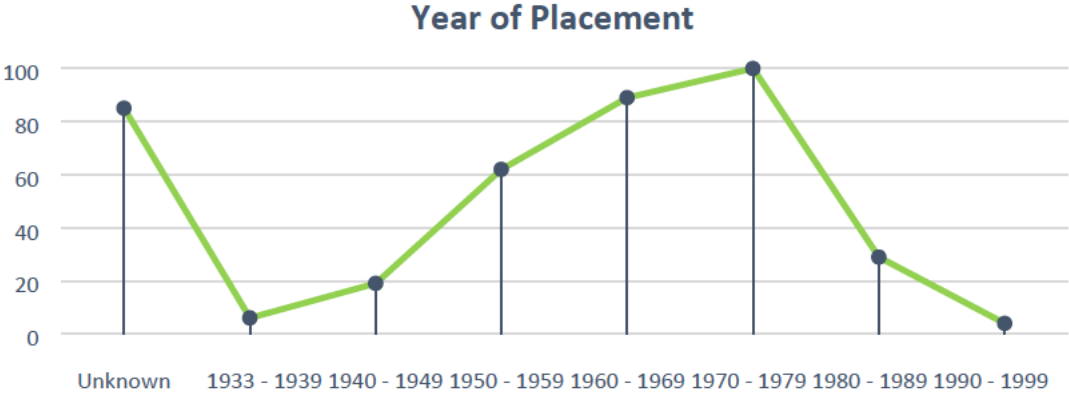


Figure B

17.3 Age of Children at Time of Placement

The age of the child at the time of placement is often unclear from the files. With the exception of the placements in which the age of the child is unknown, the most frequent age of children at the time of placement encountered in the files reviewed is 1 – 6 months (24 per cent), which is closely followed by 0 – 1 month (23 per cent). Overall, 67 per cent of children who were placed, were placed within one year of birth. In a considerable portion of the files reviewed, the precise age of the child at the time of placement is not explicitly referenced on the file i.e., by date of birth, but has been calculated based on other evidence contained on the file. Consequently, the age of a number of children forming the basis of Figure C below is an estimate.

Age at time of placement

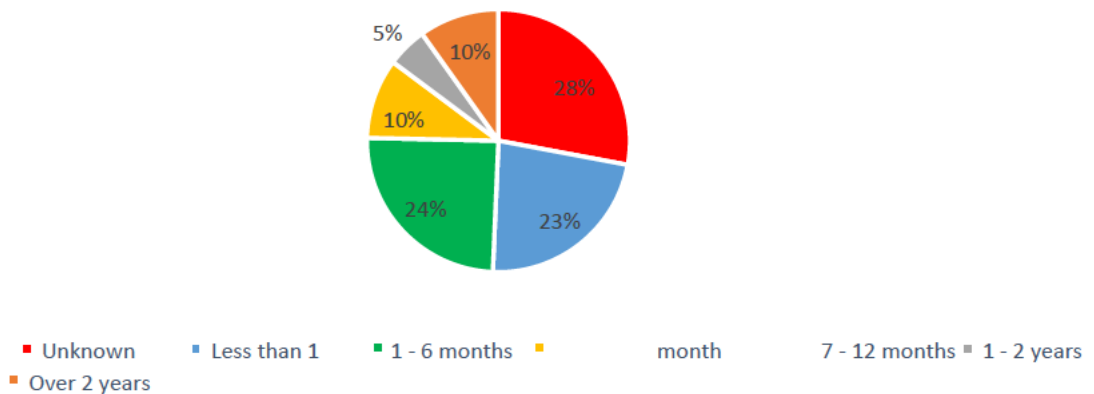


Figure C

17.4 Frequency of Terminology

In total, 79 of the files reviewed contained wording suggestive of the agreed placement / registration / adoption terminology. These files merely contained terms suggestive of the agreed terminology, rather than the precise terms themselves. It cannot be said that the presence of this terminology could amount to conclusive evidence of incorrect registration of births, nor the existence of a practice of indicators or markers highlighting such incorrect registrations.

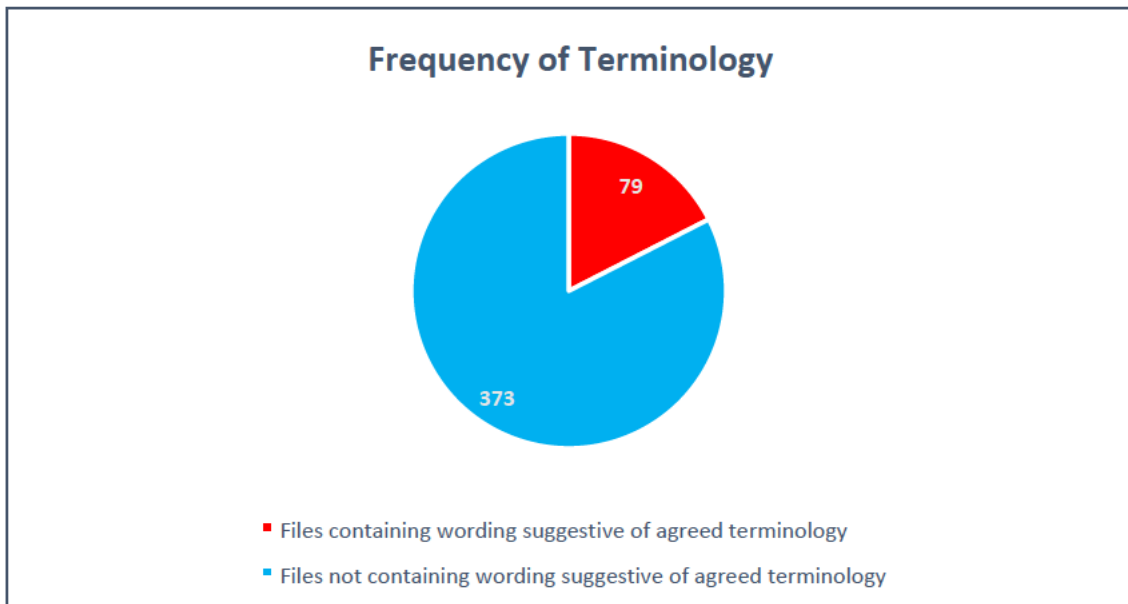


Figure D

We have included at **Appendix 5** to this Report, an additional breakdown of the terminology by reference to adoption entity.

18 Conclusion

According to the Terms of Reference, it is for the Independent Reviewer to make recommendations to the Minister on what further form of investigation or analysis, if any, would be appropriate, having regard to the extent of usable information emerging from the initial sampling process. What is clear is that the agreed indicators of potential incorrect registrations did not yield any meaningful information.

It is important to restate that this Review was directed to an evaluation of the extent of information contained in the records, and that this Review is preliminary in nature. It was to consider if the records contained sufficient information to allow it to be determined if illegal registrations of births occurred. It was not to make such a determination, whether on the balance of probabilities or otherwise. The Authority is also of the view that this Review is a first step towards fulfilling the recommendations outlined in the March 2019 Report of the *Special Rapporteur on the sale and sexual exploitation of children* following her visit to Ireland in May 2018.

In order to assist the Independent Reviewer in this regard, some overarching issues relating to compliance with applicable legislation arising from the sample files can be highlighted. This sampling process has emphasised a range of discrete issues within approximately half of all files reviewed by the Authority. These files have been classified as falling into the Orange and Red categories and are discussed in further detail at **Parts 12 to 16** of this Report.

Uncertainty is an overriding issue which arises in many of these files with regard to the final outcome for the child concerned. Often, it appears from the file that the child has been placed with the applicants, but it is unclear what transpired next in circumstances where no adoption order was made. The file does not indicate whether the child was reclaimed, whether the child remained with the applicants (albeit informally) or whether the child was subsequently placed elsewhere.

There is a notable prevalence of private placements within the Orange and Red files. Private placements were, it should be emphasised, lawful at the times in question. Moreover, many such placements took place when the child was only a few days or weeks old and within some of these files, it is often unclear how the child actually came to be placed with the applicants. The high number of private placements is therefore noteworthy.

In a number of the Orange and Red files, there is a note or memorandum on the file stating that an adoption order had been made in relation to the child concerned. No actual order is contained within the file however, and there is no other evidence of the making of such an order. It is unclear whether or not an adoption order was granted in these cases.

In a small number of cases, the child concerned was adopted overseas and a foreign adoption order appears to have been made subsequently. These cases raise questions regarding compliance with the applicable legislation. This is especially the case given that the provisions of Irish adoption law did not apply to these foreign adoptions and applicants from abroad were not assessed for adoption as required within the State. It is not apparent from the files reviewed that any other State bodies or departments were involved or referenced in the files.

In conclusion, the Authority's rigorous, forensic analysis of sampled files could not find conclusive evidence of incorrect registration of births from the agreed indicators or markers of potential incorrect registrations. The analysis found that just over half of the files examined were in the Green category, and some 6 per cent appeared not to have complied with adoption law. 42 per cent did not have sufficient information on file to determine whether they were in accordance with adoption law. However, it is important to stress that, while these cases are unclear, it cannot be concluded that there were irregularities in the files. It is simply the case that there is insufficient information from which to form a conclusion.

Therefore, as referred to above, having regard to the files reviewed, there does not appear to be any labelling method employed by the entities that can be used to identify possible cases of incorrect registration of births.

Having regard to the Terms of Reference, the Authority is satisfied that it has examined in considerable detail all of the information in its possession, and that there is very little prospect of it identifying further information from the files reviewed.

APPENDIX 1 TERMS OF REFERENCE

Department of Children and Youth Affairs

Incorrect Registrations Analysis of Adoption Records

Terms of Reference Introduction

The Minister for Children and Youth Affairs has directed that an analysis of adoption records should be carried out to see if the extent of incorrect registrations of births can be established, in the first instance from an initial exercise that will be overseen independently.

Background

Tusla, the Child and Family Agency has identified documentary evidence of a number of incorrect registrations of births from the records of St Patrick's Guild, a former adoption agency, between the years 1946 and 1969.

Identification was possible because of a marker placed on some files specifying adopted from birth. While the practice of incorrect registrations has been extremely difficult to prove in most instances, because of the deliberate failure of those involved to record any information about it, the label in SPG records has made it possible to identify possible cases and to pursue them further. There is therefore an opportunity to pursue a definite line of enquiry that has not presented itself up to now.

Further investigation

In light of this information, the Minister wishes to investigate whether there is sufficient reliable evidence of the practice that could be extracted from the records of other adoption agencies. Accordingly, she has appointed an Independent Reviewer to oversee an initial analysis of a sample of other records. A sampling exercise is planned in the first instance because of the huge volume of files involved. It is estimated, for example, that Tusla has some 70,000 records from former adoption societies, and that the Adoption Authority of Ireland has 30,000 relevant records. In addition, a wide range of existing and former adoption agencies hold about another 50,000 records.

Clearly it would be a huge task to carry out a detailed examination of some 150,000 records dating back to the 1900s, so a targeted sampling exercise of the records in the possession of Tusla and AAI is prudent in the first instance at least. The sampling exercise will provide information to assist the Minister reach a decision about what, if any, subsequent action might be established to identify more fully the scale of incorrect birth registrations.

The initial process will:

- (i) sample a set of records to be defined in an agreed methodology, to ascertain whether clear evidence of incorrect registrations might be identified;
- (ii) build an overall picture of the extent to which incorrect registrations have occurred, by time period;
- (iii) form a conclusion as to whether a more detailed analysis has the potential to yield clear information, e.g. the existence of key identifiers or markers that signal potential incorrect registrations; and
- (iv) make recommendations to the Minister on what further form of investigation or analysis, if any, would be appropriate, having regard to the extent of usable information emerging from the initial sampling process.

Role of Independent Reviewer

The Independent Reviewer will oversee and quality assure the sampling process, and will report to the Minister for Children and Youth Affairs. Their work will include:

- (i) agreeing a written sampling methodology for the process with Tusla and the Adoption Authority of Ireland;
- (ii) liaising with Tusla and the Adoption Authority throughout the process to satisfy herself that the sampling and review of records have been carried out appropriately and that the results of the analysis are accurate;
- (iii) ensuring that timescales for the process are adhered to and apprising the Minister of any potential slippage and the reason for same;
- (iv) preparing a report for the Minister for Children and Youth Affairs setting out the results of the analysis and the conclusions that may be drawn from it; and
- (v) making recommendations to the Minister on the most appropriate next steps. These may include, having regard to the information identified from the sampling process the need for: further more detailed analysis of records; an expansion of the number and types of records to be analysed; or such other steps as the Independent Reviewer considers appropriate in order to establish the potential to determine the extent of incorrect registrations.

The Independent Reviewer will use a project management approach in which they will hold regular meetings with nominated representatives of Tusla and the Adoption Authority to review progress, agree deadlines for each aspect of the work, and make decisions about individual issues as they arise.

The Independent Reviewer will report to the Minister for Children and Youth Affairs within four months of a sampling methodology being established. They may present an interim report or other communication to the Minister if they consider this appropriate at any stage of her work. Dr Geoffrey Shannon, Chair, AAI will lead the work on this matter within AAI and Mr Cormac Quinlan, Director of Transformation and Policy will lead the work within Tusla.

Department of Children and Youth Affairs

1 June 2018

ADOPTION STATISTICS

	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966
Total Agency Adoptions	192	595	478	371	490	399	349	388	439	538	664	774	812	915
Other adoptions	189	293	308	194	262	193	152	117	108	161	176	229	237	263
Total adoptions	381	888	786	565	752	592	501	505	547	699	840	1003	1049	1178

	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Total Agency Adoptions	1163	1055	1033	1174	1108	1069	1173	1152	1164	905	938	1064	845
Other adoptions	330	288	192	240	197	222	229	263	279	199	189	159	143
Total Agency Adoptions	1493	1343	1225	1414	1305	1291	1402	1415	1443	1104	1127	1223	988

	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
Total Agency Adoptions	928	951	879	921	793	588	515	455	358	325	292	277	244	196
Other adoptions	187	240	312	263	402	294	285	260	291	290	356	313	279	304
Total adoptions	1115	1191	1191	1184	1195	882	800	715	649	615	648	590	523	500

	1994	1995	1996
Total Agency Adoptions	150	109	115
Other adoptions	274	381	290
Total adoptions	424	490	405

APPENDIX 3

TEMPLATE REPORT FOR EACH FILE

<p>Name of Reviewer:</p>	<p>File Reference Number:</p>	<p>Origin of File:</p> <p>(Agency/Home/County Council/Institution/other)</p>	<p>Adoption Order Granted (if known): Yes / No / Unknown</p>
<p>Other file / document identifier:</p>	<p>Date file generated:</p>	<p>Date of adoption order:</p>	<p>Date file reviewed:</p>
<p>Format of File: (Delete as appropriate)</p> <p>Files / Loose pages / Medical reports / Post placement reports</p>		<p>Description of File: (Delete as appropriate)</p> <p>Adoption application(s) / Adoption file(s) / Adoption order(s) / Adoption placement record(s) / Birth & baptism records / Tracing records</p>	
<p>Gender of Child:</p>		<p>Age of child at time of placement:</p>	
<p>Year of Placement:</p>		<p>Type of Placement (Delete as appropriate)</p>	

Child Placement Terminology <i>Please tick if term located</i>	Yes	No	Additional Details	Whereabouts term has been located (e.g. case notes / index card / file cover / specific document)
Private placement	<input type="checkbox"/>	<input type="checkbox"/>		
Private arrangement	<input type="checkbox"/>	<input type="checkbox"/>		
Family arrangement	<input type="checkbox"/>	<input type="checkbox"/>		
Discharged at/from birth	<input type="checkbox"/>	<input type="checkbox"/>		
Directly placed from/at birth	<input type="checkbox"/>	<input type="checkbox"/>		
Home birth	<input type="checkbox"/>	<input type="checkbox"/>		
Special care taken for private reasons	<input type="checkbox"/>	<input type="checkbox"/>		

Child Placement Terminology <i>Please tick if term located</i>	Yes	No	Additional Details	Whereabouts term has been located (e.g. case notes / index card / file cover / specific document)
Put away	<input type="checkbox"/>	<input type="checkbox"/>		
Other wording suggestive of above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		

Child Birth Registration Terminology <i>Please tick if term located</i>	Yes	No	Additional Details	Whereabouts term has been located (e.g. case notes / index card / file cover / specific document)
Double registration	<input type="checkbox"/>	<input type="checkbox"/>		
Re-registration	<input type="checkbox"/>	<input type="checkbox"/>		
Amended registration	<input type="checkbox"/>	<input type="checkbox"/>		

Wrongful registration	<input type="checkbox"/>	<input type="checkbox"/>		
Illegal registration	<input type="checkbox"/>	<input type="checkbox"/>		
Incorrect birth registration	<input type="checkbox"/>	<input type="checkbox"/>		
Direct registration	<input type="checkbox"/>	<input type="checkbox"/>		
Unlawful registration	<input type="checkbox"/>	<input type="checkbox"/>		
Other wording suggestive of above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		

Child Adoption Terminology <i>Please tick if term located</i>	Yes	No	Additional Details	Whereabouts term has been located (e.g. case notes / index card / file cover / specific document)
Adopted from birth	<input type="checkbox"/>	<input type="checkbox"/>		

Adopted at birth	<input type="checkbox"/>	<input type="checkbox"/>		
De-facto Adoption	<input type="checkbox"/>	<input type="checkbox"/>		
Private adoption	<input type="checkbox"/>	<input type="checkbox"/>		
Unlawful adoption	<input type="checkbox"/>	<input type="checkbox"/>		
Illegal adoption	<input type="checkbox"/>	<input type="checkbox"/>		
DOB and date of Adoption records as less than 10 days apart	<input type="checkbox"/>	<input type="checkbox"/>		
Direct adoption	<input type="checkbox"/>	<input type="checkbox"/>		
Direct placement	<input type="checkbox"/>	<input type="checkbox"/>		
Wrongful adoption	<input type="checkbox"/>	<input type="checkbox"/>		

Other wording suggestive of above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		
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Review completed by:

Date:

REVIEW BREAKDOWN

Breakdown of Files Reviewed

Entity	Number of files / Ledgers captured by the Review	Number of Files / Ledgers to be reviewed	Number of Files / Ledgers reviewed	Number of children referred to	Number of spreadsheet entries	Number of Files referring to <u>no</u> children	Number of Files referring to <u>1</u> child	Number of Files referring to <u>2</u> children	Number of Files referring to <u>3</u> children	Number of Files referring to <u>4</u> children
Agency B	976	86	86	93	93	0	82	2	1	1
Agency C	325	33	33	33	33	0	33	0	0	0
Agency D	606	72	72	84	104	20	28	16	8	0
Agency E	129	13	13	20	23	3	4	2	4	0
Agency A	2323	248	248	233	258	25	213	10	0	0
Total	4,359	452	452	463	511	48	360	30	13	1

Breakdown according to Traffic Light Classification

Entity	Number of files highlighted red	Number of files highlighted orange	Number of files highlighted green	Number of children referred to in red files	Number of children referred to in orange files	Number of children referred to in green files	Number of files highlighted red where no children referred to	Number of files highlighted orange where no children referred to	Number of files highlighted green where no children referred to
Agency B	10	18	58	11	21	61	0	0	0
Agency C	1	17	15	1	17	15	0	0	0
Agency D	7	19	46	11	33	40	0	1	19
Agency E	1	7	5	1	17	2	0	0	3
Agency A	8	129	111	8	137	88	0	0	25
Total	27	190	235	32	225	206	0	1	47

APPENDIX 5

ADDITIONAL BREAKDOWN OF TERMINOLOGY

Existence of adoption orders and gender breakdown

Entity	Number of files / ledger entries reviewed	Adoption Order(s) or reference to Adoption Order(s) on file	No Adoption Order(s) or reference to Adoption Order(s) on file	Unclear from file whether an Adoption Order(s) exist	Number of children referred to in files	Male	Female	Unknown	Not applicable (i.e. no child referred on file) to
Agency B	86	2	63	21	93	52	41	0	0
Agency C	33	0	33	0	33	20	11	2	0
Agency D	72	37	24	11	84	41	40	3	20
Agency E	13	2	9	2	20	11	9	0	3

Agency A	248	6	168	74	233	98	110	25	25
Total	452	47	297	108	463	222	211	30	48

Frequency with which markers arose

Entity ⁴	Private placement	Family Arrangement	Directly placed from / at birth	DOB and date of adoption records less than 10 days apart	Put away	Re-registration	Incorrect birth registration	Remaining markers
Agency B	3	0	0	1	0	6	0	0
Agency C	0	0	0	0	0	0	0	0
Agency D	2	0	1	0	2	0	0	0
Agency E	0	0	0	3	0	0	0	0
Agency A	3	4	1	5	0	4	1	0
Total	8	4	2	9	2	10	1	0

⁴ Note: Figures relate to number of children as opposed to number of files concerned.

Frequency with which words suggestive of markers arose

Agency	Words suggestive of private placement	Words suggestive of private arrangement	Words suggestive of directly placed from / at birth	Words at suggestive of adopted birth	Words suggestive of private adoption	Words suggestive of amended registration	Words suggestive of direct placement	Words suggestive of illegal adoption	Words suggestive of incorrect birth registration	Words suggestive of family arrangement	Suggestive of incorrect registration ⁵	Suspicious ⁶
Agency B	2	2	0	0	0	0	0	0	0	4	0	10
Agency C	0	0	0	0	0	0	0	0	0	0	0	1
Agency D	1	1	1	0	1	1	1	1	1	0	0	7
Agency E	0	0	0	0	0	0	1	0	0	0	0	1
Agency A	4	2	1	1	1	0	0	0	0	17	0	8
Total	7	5	2	1	2	1	2	1	1	21	0	27

⁵ While a number of the files contain the markers or words suggestive of the markers, this may not necessarily reflect the position on the file. Having reviewed the sampled files, the Authority has concluded that there is insufficient information in those files to determine whether any incorrect registrations occurred.

⁶ The word "suspicious" was not one of the markers requested by the Independent Reviewer. However, the Authority labelled certain files as "red" meaning that the file does not appear to comply with adoption law. It is important to note that the files in this category involved cases which, by definition, did not result in adoption, and would not necessarily have been subject to adoption law.

APPENDIX 8a

AAI – AGENCIES WITH MARKERS ETC BY YEAR

Entity	No. of files reviewed	No. of files with markers	Breakdown by year
Agency B	86	23	1952 – 2 1956 – 1 1957 – 3 1963 – 1 1965 – 1 1968 – 1 1969 – 1 1970 – 2 1971 – 3 1972 – 2 1974 – 1 1975 – 1 1976 – 2 1977 – 1 1978 – 1
Agency C	33	1	1954
Agency D	72	14	1954 – 5 1956 – 1 1957 – 1 1960 – 1 1964 – 2 1966 – 1 1968 – 1 1969 – 1 1975 – 1
Agency E	13	4	1975 – 1 1976 – 1 1982 – 1 1983 – 1
Agency A	248	47	1953 – 6 1954 – 1 1955 – 3 1956 – 1 1960 – 1 1962 – 1 1964 – 3 1965 – 3 1967 – 7 1968 – 1 1969 – 2 1970 – 3 1971 – 1 1972 – 3 1976 – 4 1980 – 2 1981 – 1 1982 – 1 1985 – 1 1987 – 1 1991 – 1

Table– AAI Markers etc by Year

Year	Number	Year	Number	Year	Number	Year	Number
1952	2	1960	2	1970	5	1980	2
1953	6	1961	1	1971	4	1981	1
1954	7	1963	1	1972	5	1982	2
1955	3	1964	5	1974	1	1983	1
1956	3	1965	4	1975	3	1985	1
1957	4	1966	1	1976	7	1987	1
		1967	7	1977	1		
		1968	3	1978	1	1991	1
		1969	4				
TOTAL	25		28		27	1980s	8
						1990s	1

Table of Confidence level by AAI Adoption Agencies

Entity	Total No. of Files	Total No. of Files Reviewed	Margin of Error %	Confidence Level %	Number of files containing markers, wording suggestive of markers or arising suspicion	Percentage of files containing markers, wording suggestive of markers or arising suspicion	Rounded	Confidence Interval Lower Bound	Confidence Interval Upper Bound	Confidence Interval (rounded)	
Agency B	976	86	10	95	23	26.7	27	16.7	36.7	163.42 (160)	358.62 (360)
Agency C	325	33	16	95	1	3.0	3	0.0	19.0	0.00 (0)	61.85 (60)
Agency D	606	72	11	95	14	19.4	19	8.4	30.4	51.17 (50)	184.49 (180)
Agency E	129	13	26	95	4	30.8	31	4.8	56.8	6.15 (10)	73.23 (70)
Agency A	2,323	248	6	95	47	19.0	19	13.0	25.0	300.87 (300)	579.63 (580)
Total	4,359	452	5	95	89	19.7	20	14.7	24.7	640.35 (640)	1,076.25 (1,080)