

ADOPTION (INTERCOUNTRY ASPECTS) ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Intercountry adoptions – sections 9 to 13

Section 13. Construction of certain references in 1976 Act

60. **Section 13** amends section 72 of the 1976 Act (interpretation) and section 65 of the 1978 Act (interpretation). It inserts two new subsections.
61. New subsection (3A) extends the interpretation in the 1976 and 1978 Acts relating to arrangements for adoption by providing that in relation to the proposed adoption of a child resident outside the British Islands, references to arrangements for the adoption include references to arrangements for an assessment for the purpose of indicating whether a person is suitable or not to adopt a child.
62. The effect is to put it beyond doubt that in intercountry cases, a home study assessment report for the purposes of adoption must be prepared by or on behalf of an adoption agency. The amendment should be read with sections 11 and 56 of the 1976 Act and sections 11 and 51 of the 1978 Act which deal with restrictions on arranging adoptions and prohibitions on making certain payments in connection with the adoption of children.
63. New subsection (3B) extends the interpretation to be given to placing a child for adoption to include placing for adoption children habitually resident outside the British Islands. It provides that in relation to an adoption of a child habitually resident outside the British Islands which is proposed to be effected by an adoption order or a Convention adoption order, references to a child placed with any persons by an adoption agency is to include reference to a child who, in pursuance of arrangements made by such an agency, has been adopted or placed for adoption by those persons under the law of a country or territory outside the British Islands.
64. The effect of this amendment is to provide that where an adoption agency has made arrangements for the adoption of a child from overseas, the placement will be deemed to be an agency placement, even though the agency is not directly involved in those stages of the process (such as the "matching" of the child with the adopters, or the actual placing of the child with them) which take place in the child's country of origin. When the child is brought to England, Wales or Scotland, the adoption agency's duties as to, for example, supervision and reports, will be equivalent to those of an adoption agency placing a child for adoption in non-intercountry cases.