THE HIGH COURT

FAMILY LAW

[2023] IEHC 753

Record No. 2022/122M

IN THE MATTER OF SECTION 92 OF THE ADOPTION ACTS 2010 – 2017 (AS AMENDED)

AND IN THE MATTER OF M.McW.

BETWEEN

E.McW.
AND
B.McW.
AND
M.McW.

Applicants

AND

THE ADOPTION AUTHORITY OF IRELAND

Respondent

AND

Record No. 2022/123M

IN THE MATTER OF SECTION 92 OF THE ADOPTION ACTS 2010 – 2017 (AS AMENDED)

AND IN THE MATTER OF S.McW.

BETWEEN

E.McW.
AND
B.McW.
S.McW.

Applicants

AND

THE ADOPTION AUTHORITY OF IRELAND

Respondent

EX TEMPORE JUDGMENT of Mr. Justice Jordan dated the 13th of December 2023.

1. This is an application under s.92 of the Adoption Act 2010, as amended. It is an application which throws up the vexed question concerning the extent to which the Court can allow any deviation from The Hague Convention in respect of Intercountry Adoption and any deviation from the Adoption Act 2010, as amended. The Hague Convention and the domestic legislation following on from it have undoubtedly had a beneficial effect in terms of stamping out bad practices which were prevalent in intercountry adoptions. The domestic legislation has been effective in Ireland and The Hague Convention has been effective at an international level.

2. It is important that a Court, which is asked to give recognition to a foreign adoption which has not complied with the domestic legislation and The Hague Convention, have regard to the need to support the spirit of the domestic legislation and of The Hague Convention. It is important that the Court does not act in such a way as would remove the deterrent effect that is contained in the international convention and in the domestic legislation - which deterrent effect has had a beneficial impact in terms of eliminating or rather reducing the bad practices that were prevalent.

3. When one looks at cases like this, one is perhaps having regard to the best interests principle but at a holistic level. It is broader than the individuals in the particular case and I am conscious as I speak of the two young gentlemen sitting in the back of the Court. They were children when the adoption orders were made in Russia, they are now adults. Nonetheless, I am proceeding to deal with these cases having regard to the important consideration which is a best interests consideration in terms of the welfare of children - but at a broad level. In some respects when a Court has to

adjudicate in cases such as this it should consider looking at the effect of any decision it makes at a broader level.

4. Ireland is a signatory to the Convention and has passed the Adoption Act of 2010 - and amended it - in order to give effect to the Convention. There is a balance of harm assessment required in any of these situations in order that one does not dilute the beneficial effect of The Hague Convention in respect of Intercountry Adoptions and the beneficial effect of the Adoption Act 2010, as amended.

5. In terms of the cases before the Court, the facts are not at issue between the Adoption Authority of Ireland and the applicants. The Attorney General, who is a notice party in these proceedings, does not take issue with the facts. In the written submissions of the respondent at para. 8 in relation to the factual background it is stated that "*the [Adoption Authority of Ireland] does not dispute the factual background presented by the Applicants. The adopted persons are both now adults, having reached the age of 18."*

6. The factual circumstances are recited in considerable detail in the affidavits before the Court and are recited in useful detail in the applicant's submissions at paras. 1 - 24 of the written submissions dated 30 June 2023. The position is that the first and second named applicants are Irish, they were born in Ireland, they met in New York in 1997 and they married in Las Vegas on 17 June 2001. They lived and worked in the United States for in excess of 20 years until June of 2015 when they returned to Ireland with their four children. They are US citizens owing to the lengthy period of residence which they had there. The first named applicant is a homemaker and the second named applicant is a carpenter.

7. They have adopted four children. These proceedings relate to two of those children M. and S. who as I said are sitting at the back of the Court. M. was born in

2005 in Russia and S. was born in 2001 in Russia. They are brothers by birth and they were adopted simultaneously by the first and second applicants from Russia. The adoptions were made on 28 February 2011.

8. Insofar as the process is concerned, it is perhaps of some relevance to say that the first and second named applicants [I am speaking of E. and B. - the adoptive parents] also adopted two other children A. and C. from Russia and Guatemala respectively while they were living in New York. They subsequently participated in the Bridge of Hope programme which was run by the Cradle of Hope Centre incorporated. This involved hosting children from Russia who were residing in a Russian orphanage in their home for three weeks over the summer months. As matters transpired and has happened happily for many people involving themselves in similar initiatives, a decision was made by the adoptive parents to adopt M. and S.

9. It is important to make the point that the adoptive parents did all that was required of them to ensure that matters were dealt with properly in the United States. They also did all that was required of them in Russia having spent some three weeks there to participate in the adoption process and see it concluded.

10. The bureaucracy surrounding the adoption process is thorough in Russia - as it should be. It did involve a Court hearing which spanned some three hours - following which the adoption orders in respect of M. and S. were made. The adoptive parents and their two sons whom they had just adopted returned to the United States then. Everything that had to be done in the United States in terms of complying with the requirements which they had to comply with were attended to by them.

11. The entire family returned to Ireland in June 2015 – M. and S. having by then complied with all formal requirements in terms of their adoption. Once immigration was cleared they became US citizens. Their adoptive parents subsequently applied for

and got American passports and social security numbers for them both. After the return of the adoptive parents to Ireland with the family, they were provided with Irish PPS numbers following inspection of their adoption paperwork. They attended primary school and secondary school. As of June 2023, M. had just completed his fifth year in secondary school and he is due to sit his Leaving Certificate next year. S. completed his Leaving Certificate in June of 2021.

12. In 2019 their adoptive parents attempted to obtain Irish passports for M. and S. and only then became aware that their adoptions had to be registered in the Register of Intercountry Adoptions for their adoptions to be legally recognised within this jurisdiction. And I suppose that's when the trouble started - largely because of the complexities in this area of law by reason of the implementation of The Hague Convention in Ireland/the Adoption Act of 2010.

13. It is worth bearing in mind that the process which resulted in their adoption, and which started in the United States, had commenced and was in being before the commencement date of the Adoption Act of 2010 [i.e. before the establishment day - 1/11/2010].

14. The problems for M. and S. by reason of the inability to have the adoptions registered in the Register of Intercountry Adoptions are not insignificant, not least the fact that for example M. would like to go on to third level but if he did go on to third level/university he would be treated as a foreign student and would have to pay very high fees. It doesn't stop there. The impact of the non-registration is a significant burden for these two young gentlemen. That is where the balance of harm assessment comes into play in the context of the orders which this Court is asked to grant under s.92. Because the Convention and the legislation is there for the protection of children, the Court has to be careful, as I said earlier, not to act in such a way as would or might have

adverse consequence for other children - in all probability very young children and in all probability in most instances very young people with nobody to stand up for them.

15. The relevant legal provisions as they are described in the applicant's submissions are set out at paras. 25 to 31 inclusive. I am not going to repeat them verbatim - the parties have the submissions before them. Essentially what is being sought by the applicants is an order which will have as its effect the registration of both adoptions in the Register of Intercountry Adoptions - thus having the adoptions recognised in Ireland.

16. There is reference in the submissions of the applicants, the respondent and the Attorney General to relevant case law in this area. The Adoption Act of 2010 and the implementation of The Hague Convention concerning the recognition of Intercountry Adoptions in Ireland has given rise to significant problems in a number of cases and has had the result of creating a body of litigation and case law in this area.

17. Reference is made in the submissions to the Supreme Court decision in the matter of *JB & KB (A minor) CB & PB v The Attorney General* which is reported at [2018] IESC 30. It is submitted that such jurisdiction as is afforded to the Court under s.92 should be interpreted narrowly and with great care - as MacMenamin J. stated in that case.

18. Following the decision in the Supreme Court the matter returned to the High Court where the applicants sought an order under s.92 not dissimilar to the relief which is sought in these proceedings. The decision of Faherty J. in that case is helpful and I will return to it.

19. Reference is also made to the decision of the Court of Appeal in the Philippines case which is *JM v AAI* [2022] IECA 171 at p.171. In that case the Court of Appeal considered an application pursuant to s.92 of the 2010 Act which was brought before

the High Court in respect of an adoption that took place in the Philippines. That case also concerned the timing of the adoption and the commencement of the 2010 Act.

20. The circumstances in the case - and I am referring now to the respondent's submissions at para. 42;

> "*The evidence demonstrated that the prospective adopters had not engaged at all with the Irish authorities before attempting to procure an adoption in the Philippines. The Court concluded that the AAI had been right to find that the adoption could not be recognised pursuant to Section 57(2) of the 2010 Act because the applicants could not prove that the adoption was effected before the commencement of the 2010 Act."*

21. The Court then proceeded to consider s.92 as an alternative. There are points made in that case - and referred to by Mr. Carolan S.C. for the A.A.I. - concerning the systemic or policy effect of recognising such adoptions. Firstly, the Court should consider whether the case is genuinely exceptional and not likely to lead to general or repeated circumventions of The Hague Convention requirements. Secondly, care is required not to exercise the discretion in s.92 in a manner that would defeat the object and intent of the 2010 Act. Again this goes back to the point the Court is making about the importance and sanctity of The Hague Convention and the Adoption Act of 2010 - and the procedures provided for.

22. In that case dealing with exceptionality, as referred to at para. 45 of the submissions of the respondent, Ní Raifeartaigh J. commented at para. 106; -

> *"I appreciate that the exceptionality in this case is not of a similar kind to that arising in the Mexican cases, which involved the active involvement of Irish authorities (or what was described as "official error"), but s.92 itself does not constrain the type of exceptionality that may justify its deployment. What is*

important is that the Court stays within the parameters of the discretion as identified by the Supreme Court in the authorities described earlier, and that it does not use the discretion in such a manner as to undermine the intentions and objects of legislation. In my view, the court would be remaining within the appropriate parameters by exercising the discretion pursuant to s.92 on the facts of this case and I propose therefore to direct that A's adoption be entered upon the register".

23. In the context of the facts of this case, another important consideration is the fact that Russia has not given effect to The Hague Convention so these adoptions could not then in 2011 - or could not now even if they were adoptions in 2023 - be Hague compliant.

24. In the submissions on behalf of the Attorney General at para. 4.1 having identified the questions arising and moving to the important question in the context of the issue before the Court, it is stated; -

"*Clearly Ireland was entitled to put in place provisions and arrangements in the 2010 Act to the effect that intercountry adoptions effected abroad would only be recognised if they were Hague compliant. However, it would appear that adoptions carried out in Russia after the commencement of the Act, were in fact recognised in this jurisdiction notwithstanding that Russia was not a party to The Hague Convention.*

4.2 A report referred to in the written submissions of the Adoption Authority entitled 'Intercountry Adoption and Ireland – Experiences, Supports, Challenges, Country Briefings' – Report 1 Russia (AAI, 2020) indicates that 215 children were adopted from Russia into Ireland between November 2010 and April 2014, 113 of those being in the year 2011. There is a note in the

document which explains how such adoptions occurred and were recognised which is to the following effect.

> *'A provision in the 2010 Act allowed for any adoptions for which Declarations of Eligibility and Suitability (DES) had already been received to be completed. Furthermore, prospective adoptive parents who had received a DES prior to the enactment could apply to have it extended while they continued to progress with their adoption. This provision explains the spike in figures in 2011, and subsequent decline thereafter.'*

4.3. The provision in question is presumably s.63 of the Adoption Act 2010 which provided for transitional arrangements in respect of foreign adoptions in process immediately before the establishment day. This provision was amended by the Adoption Act 2013 to insert a new s.63A to further extend the period of Declarations of Eligibility and Suitability which were in being in relation to Russia.

4.4 There would appear to have been an established practice whereby adoptions effected in Russia post commencement of the 2010 Act, by persons habitually resident in this jurisdiction, were recognised in this jurisdiction, when they were in process at the time of such commencement. Further the scheme and policy of the 2010 Act would appear to be consistent with recognition in such limited circumstances in that the provisions of s.63 and in particular s.63A were designed to facilitate it.

4.5 This established practice and statutory scheme must be an important consideration when determining whether a Russian adoption which took place in early 2011 should be registered and recognised, where that adoption was

affected by a couple habitually resident outside the State and was ongoing at the time of commencement of the 2010 Act. The effects of a failure to recognise are equally significant and profound whether the applicants for adoption are habitually resident in the State or outside the State.

4.6 The Attorney General notes, that while these adoptions were independent adoptions which involved hosting arrangements, this would appear to have been an accepted part of adoption procedures in the United States at the time. Also, the recognition of the adoptions will not encourage adoptions of Russian children by Irish citizens in the United States since adoptions between Russia and the United States are no longer permissible as and from January 2013."

25. To refine those observations to the facts of this case, I am satisfied of the *bona fides* of the adoptive parents. I am satisfied that they did everything they believed was necessary. They certainly did everything that they were required to do both in Russia and in the United States. Their situation in many respects is an accident of emigration, something routine at the time they left to work in the United States. Many people who emigrated at the time they did never returned – but they did. They returned with their family and are here in this Court because of what I have referred to as an accident of emigration - they came back and needed to have the Russian adoptions which were recognised in the United States recognised in Ireland.

26. I am satisfied that if the adoptive parents were in Ireland instead of in New York at the time they started the adoption process, they would have done what was required of them in Ireland. It seems to me that that is the only rational and reasonable inference that I can draw from the evidence which is before the Court - and which is not seriously disputed. I am satisfied that the evidence establishes that that is what would have happened. And had they obtained their paperwork, their declaration of eligibility and

suitability, in Ireland before travelling to adopt the two boys in Russia, we would not be here at all. And in fact the eldest would probably be in his second year in college - studying law or something.

27. If I turn then to the truly exceptional circumstances that I must be satisfied of, that the applicants must satisfy me of, it is worthwhile looking at the judgment of Faherty J. in the High Court when the *JB* case returned to the High Court for the s.92 hearing. It does not seem to me that it matters that much whether you refer to a truly exceptional case or to a genuinely exceptional case not likely to lead to general or repeated circumventions of The Hague Convention requirements. It does not seem to me that it matters that much because they describe the same thing - the case must be exceptional, and exceptional in the sense that it cannot create a precedent which would allow a coach-and-four be driven through the protections afforded to children by The Hague Convention and the 2010 Act. As Faherty J. said ; -

> *"265. For the reasons already set out in this judgment, I have found from a reading of the relevant provisions of the 2010 Act that "an adoption" other than "an intercountry adoption effected outside the State" is capable of being the subject of an order under s.92(1)(a). Thus, the type of recognition envisaged by the explanatory report for exceptional cases is not foreclosed on by the manner in which the 2010 Act is framed. Applying a purposive approach to s.92(1), and bearing in mind the provisions of s.10 of the 2010 Act, it seems to be that the framers of the 2010 Act left in place a mechanism available in the domestic law of the State capable of giving effect to recognition of a non-Hague compliant adoption, which recognition would be, in the words of the explanatory report, "outside of the Convention" and "always taking into account the best interests of the child". It bears repeating, however, given the objects of the Convention*

and the 2010 Act, that s.92(1) must be construed narrowly, hence the formulation by the majority view [in the Supreme Court] of the 'truly exceptional case' test, which this Court endorses."

28. In so far as it is necessary to do so it seems to me that the test is one that this Court should also endorse, and it does. Faherty J. went on; -

"266. Any domestic resolution of a "truly exceptional case" must ensure that, in the words of MacMenamin J. "it does not run the risk of defeating the object of the legislation". As I read his judgment, the learned judge took the repeated references to the best interests' principle in the explanatory report as an indication that the objects of the Convention (including Article 40), or the legislation, would not be defeated if recognition outside the Convention of a non-compliant intercountry adoption was to be afforded to a "truly exceptional case".

267. There is no suggestion in MacMenamin J.'s judgment that the best interests principle trumps every other consideration. Were that the case, I would have to respectfully disagree with the obiter comments of the learned judge in order to ensure the efficacy of the Convention system in cases of intercountry adoptions; but that is not the case, as indeed noted by O'Donnell J. in his judgment where he opines that he does not understand the majority view as promulgating a best interests trumps all approach."

29. That has to be so. Leaving aside the complexity that arises in this case because the children are now adults - it could not be the case in applications of this nature, even dealing with children who had not attained their age of majority, it could not be that the best interests principle would trump all other considerations. It is an important consideration but not the only consideration.

"268. Clearly, MacMenamin J.'s invocation of the best interest principle is predicated on there being exceptional circumstances of a very high order surrounding the adoptions in question against which a court, in considering what is to be done, will, inter alia, weigh the best interests of the child or children concerned. This being my understanding of the approach of the majority in the Supreme Court, I am satisfied to adopt such an approach in interpreting s.92(1) of the 2010 Act as capable of being utilised in the present case, subject to the court being satisfied that the circumstances surrounding the adoptions of the children concerned meet the truly exceptional test demanded by the majority view."

Paragraphs 269 to 270, paras. 271 and 272 should be taken as read.

"273. I am, however, conscious of the duty on this Court to construe s.92(1) in a manner that will not stand-down or "place at nought" an international convention to which the State has given the force of law and which permits of no reservation. As already stated, the powers of the High Court under s.92(1) must be construed narrowly, ensuring that any interpretation or application of such powers is not to interpret the 2010 Act "contra-legem". To my mind this can be achieved by setting a high bar for the applicants to overcome in seeking to establish that their case is "truly exceptional", as envisaged by MacMenamin J. at para. 113 of his judgment. Assuming the aforesaid conditions are met, and the Court itself being satisfied that an entry should be made, it is, I believe, also noteworthy that any recognition given in this case would not be a Convention recognition but one rather in accordance with the laws of the State, as indeed envisaged by the explanatory report. To my mind, this approach would ensure harmony with the objects of the Convention.

274. I am satisfied that any concern, such as that expressed by McKechnie J. in the case stated proceedings, as to how the court is to carry out an assessment of this case for the purposes of considering making an order under s. 92(1)(a) is alleviated by the guidance found in the joint judgment of Dunne and J. and O'Malley J. and in the respective judgments of MacMenamin J. and O'Donnell J. The respective judgments outline the factors to which the court should have regard for the purpose of establishing whether the within case is a "truly exceptional case" such as might allow the court to direct an entry of the adoptions on the Register without fear of impugning the integrity of the Convention system.

30. Drawing on that guidance I am satisfied that the applicants (who, in the words of Dunne J. and O'Malley J. bear the onus of satisfying the Court) qualify – and more particularly if one looks at the factors to be considered; -

(i) That they are suitable to be adoptive parents.

There is absolutely no doubt in that regard. It is established on the evidence and it is established easily by the presence of the two impressive gentlemen sitting beside their mother at the back of the Court.

(ii) That there was no intentional circumvention of the law and that the mistakes made were completely unintentional. A "rigorous" approach to these issues is required. (If the above requirements are not satisfied then the Court should refuse to make any order).

In this regard I have set out what actually happened. Quite the contrary to intentional circumvention of the law. There was a diligent effort made by the adoptive parents to do everything by the book. Not alone that - they did everything by the book in the United States and in Russia. Unfortunately, they

were not resident in Ireland. If they were this Court is satisfied that they would have done everything by the book in terms of the Irish requirements and we would not be here at all.

"Furthermore, the Court must have regard to the following matters…"

(iii) The circumstances surrounding the breaches of the statutory requirements.

I have dealt with these. The circumstances, as I have already indicated, arose because these Irish people were living and working lawfully in the United States and complied with the procedure there. They didn't comply with the Irish procedure because they were not resident here.

(iv) Does not arise.

(v) The applicant's bona fides.

I have already commented on this. The applicants, the adoptive parents, are entirely *bona fide* decent people who did everything they believed had to be done to achieve lawful adoptions of the two boys at the time when they decided to adopt.

(vi) The general excusability of the deviation from what was contemplated by the Convention and the Act.

There is a legitimate and understandable excuse in terms of what was done and what was not done. Even leaving aside the fact that the cases could never have been Hague compliant because Russia was not/is not bound by The Hague Convention.

(vii) How exactly the children came to be in this jurisdiction.

I need not dwell on this. I have already outlined the situation. There is no concern or issue in this regard.

(viii) The relationship of the children to the applicants.

The two children, the two young gentlemen, are adopted sons of their adoptive parents – the applicants. Put simply, they are sons of their parents. There is no more that needs to be said on that. They obviously enjoy a normal, good relationship with the applicants. There is no doubt that there is a strong bond and a close parent-child relationship between the adoptive parents and their adopted sons.

(x) The views of the children affected.

Again, the two young gentlemen sitting at the back of the Court have for many years now - in the United States and in Ireland - regarded their adoptive parents as their parents - which they are in reality - and they would like that formalised not least so that they would be treated in the full legal sense in Ireland as the sons of their parents.

(ix) Whether the adoption satisfies the requirements of a foreign adoption under the Adoption Act, 1991.

Insofar as this particular consideration is concerned, I am prepared to accept and adopt para. 59 of the applicant's written submissions which deals comprehensively and correctly with this particular issue.

(xi) The best interests of the children affected and their constitutional rights.

Again, there is the complication that they are adults now. Yet there cannot be any disputing what is in their best interests and that is achieving a result that will have adoption orders which were valid in Russia and recognised in the United States recognised equally in this jurisdiction.

Ultimately, whatever way one looks at the requirements and the onus on the applicants to satisfy this Court in relation to the various considerations referred

to as the test by Faherty J., I am satisfied of all I need to be satisfied of in the context of the application which is before the Court - in terms of having the requisite proofs to grant the order sought.

31. In his submissions Mr. Carolan S.C. referred to eight separate principles as he referred to them. I will refer to them because it seems to me that he is correct.

32. The starting point is that compliance with The Hague Convention is essential but there is provision made for truly exceptional cases which are non-compliant.

33. Mr. Carolan S.C. moved on to the principles flowing from that. The first one is that s.92 should be construed narrowly and with great care. I agree. Secondly, there is a very high onus or bar on applicants for relief/for an order under s.92. I agree. Thirdly, the jurisdiction is confined to truly exceptional cases. That is correct. Fourthly, the reason for the very high bar is to prevent a parallel *ad hoc* system becoming routine which is something that cannot be tolerated or facilitated. I agree. The fifth point is that the Court should have regard for the possible adverse impact on other children by reason of the overuse of s.92. This is so. The sixth point – which is already covered in the earlier one concerning the onus - The onus is on the applicants to prove that it is a truly exceptional case. This is correct. The seventh point, the best interests of the child [referred to as the paramount consideration] is not sufficient in itself to justify the making of the order. This is so - the best interests or paramount consideration do not constitute a trump card. The final point is that *bona fides* is not sufficient in itself. The Court agrees that this is so.

34. Reference was also made to the explanatory report which the Court must have regard to when considering the Convention - and the domestic legislation in relation to the Convention. Reference was made to para. 412 which can be taken as read and which is relevant in the context of the application which is before the Court.

35. To my mind having regard to the factual situation here and having regard to what has been referred to the temporal position, these adoptions fell into an interregnum period. There is nothing to my mind in the evidence or indeed in the submissions which would allow me to conclude that granting the orders under s.92 would be contrary to the spirt and principles of the Convention or the domestic legislation. To use the words of Faherty J. in *JB;*

> *"I am satisfied that the order the Court proposes to make can exist in harmony with both the letter and spirit of the Convention. This is so by virtue of the careful test formulated by the majority in the Supreme Court which this Court has adopted in assessing the evidence in this case in order to ascertain whether the circumstances meet the truly exceptional test and by reason of the guidance set out in the explanatory report"*.

I refer also to para. 378 of the Faherty judgment; -

> "*Furthermore, in my consideration of the public policy concern, I also take into account para. 529 of the Guide to Good Practice which states, inter alia, that 'Recognition may be refused, under Article 24, only if the adoption is manifestly contrary to public policy, taking into account the best interests of the child.' As is clear from the findings of fact made by this Court, there is no suggestion in the present case that the children were trafficked into this jurisdiction or adopted by the second named applicant for any nefarious purpose."*

36. There is nothing untoward in any of the evidence here. This was a normal situation of Irish parents completing their family by pursuing and completing adoptions in Russia. This was a common occurrence and a happy decision for adoptive parents and for the children adopted by them. The difference here, as I said earlier, is that the

Irish couple adopting were living in New York and not in Ireland at the time they went through the process.

37. I want to return to the submissions of the Attorney General at para. 5, the conclusion:

> *"For the reason set out above, the Attorney General is content, having regard to the particular circumstances of these cases, to proceed on the basis that there is jurisdiction pursuant to s.92 of the 2010 Act to grant the reliefs sought by the applicants while reserving the right to seek a definitive interpretation of the section as may be necessary in another more appropriate case".*

38. The Adoption Authority in its submissions acknowledged that there were precedents recognising the jurisdiction of the Court under section 92, from the High Court in *JB* and the Court of Appeal in *JM*, that were binding on this Court, but reserved its position to contest the existence of the jurisdiction in a higher Court. The point made by the Adoption Authority is that it is important that any such jurisdiction, if it exists, be very narrowly defined and carefully considered in order to avoid damaging The Hague Convention and the regime under the Adoption Act 2010. In para. 5.2 of the submissions on behalf of the AG it is stated;-

> *"These cases concern the registration of adoptions granted in Russia which were in process at the date of the commencement of the 2010 Act, and which were completed within a relatively short period following such commencement. In regard to that discrete and limited category of adoptions the Attorney General believes that the registration on the Register of Intercountry Adoptions would not be contrary to the scheme and purpose of the 2010 Act."*

39. I agree and I am confining my decision in this case to the discrete and limited category I am dealing with. Adoptions - which are part of the human affairs of adoptive

parents and the children adopted - are complex and different. It seems to me that it is sufficient for me to say in this case that I only find it necessary to make findings of fact in light of the evidence in this case and apply the law to these facts. I am doing so but I'm doing no more than that. I am granting the orders as sought by the applicants under s.92.

40. I will make the orders in both cases. That is 122 and 123M. The orders recited at para. 2 and the order recited at para. 3 of the notice of motion in respect of both M. and S.