

PARENTING ALONE

# Loud and clear

A new piece of legislation aims to provide clarity about the rights of parents (and children) in non-traditional family units. Does it go far enough? **Arlene Harris** reports

THERE was a time when the word family meant a married heterosexual couple with a brood of their own children. But times have changed and nowadays families come in all shapes and sizes.

However, despite the obvious structural differences that exist, the Constitution hasn't always moved with the times. People in less than "traditional" family units can be more vulnerable, with fewer legal rights than their conventional counterparts.

But the Children and Family Relationships Bill 2014 could change all of this by recognising the many different ways families are constructed in the modern world.

Treoir is a free advice facility for unmarried parents; Beatrice Cronin, who is both a barrister and an information officer for the service, says the passing of this bill will provide legislation for all family types.

"The general scheme of the Children and Family Relationships Bill 2014 is a landmark legislative response to the changing composition of Irish families," she explains. "It provides legal clarity for the realities of the many different reproductive and family types in modern Ireland and the key message is that family types other than the married family may also provide the necessary stability in which to raise a child."

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The bill will address issues relating to lone parents and guardianship rights for cohabiting fathers, which is a subject Treoir has been trying to get clarity on for some time.

"Under current legislation, an unmarried mother is automatically the sole guardian of her child," explains Cronin. "An unmarried father can become a legal guardian either by agreement with the mother or by court order."

"Under the proposed legislation, unmarried fathers can acquire automatic guardianship if they have been cohabiting with the child's mother for at least 12 consecutive months before the child's birth or if they have cohabited for 12 consecutive months and the relationship ended less than 10 months prior to birth."

**IMPROVEMENTS**

Cronin says the proposed bill is positive, and many of its provisions will make substantial improvements to the lives of families currently living in a legal vacuum.

However, while the bill addresses the practical implications of children living in 'blended' families with civil partners or cohabiting parents, Cronin says it significantly fails to address the issue of unmarried non-cohabitant natural fathers and unmarried cohabitant fathers who do not satisfy the requisite cohabitation time.

"We know from calls to our national specialist information service that there are many unmarried fathers who are either not in cohabiting relationships with the mothers of their children - or not for the requisite time - but yet are very committed and wish to be actively involved in the lives of their children," she says.

"Also, under current legislation only the mother and father can become legal guardians of a child. But under the new bill it appears that a child could have

multiple legal guardians."

Cronin says it is important that legislation includes specific provisions compelling the court to have regard to the practical difficulties arising from having multiple guardians. She adds that this is in the best interest of the child.

"The bill also fails to provide for children born through assisted human reproduction to have their identity preserved. It may be necessary to implement a system of dual birth registration - one showing the social parents and a second showing the details of the child's full genetic parental lineage, which can be of great medical importance," says Cronin.

"A lot of issues have been raised but Treoir will continue to provide information to unmarried parents, their families and professionals about any aspects of the new bill when enacted."

The Children and Family Relationships Bill 2014 provides for:

- the extension of automatic guardianship rights for fathers who have been cohabiting with the child's mother for a minimum of 12 months
  - allowing step-parents, grandparents, civil partners and others to apply for guardianship and custody
  - the extension of presumptions of paternity to include cohabiting fathers of 12 months
  - the presumption that a husband is not the father where a married woman gives birth more than 10 months after their last contact
  - the enforcement of orders relating to parenting, particularly custody and access orders
  - the introduction of some legal clarity in relation to assisted human reproduction and surrogacy.
- For more information go to [www.treoir.ie](http://www.treoir.ie) or Local 1890 252 084



## WIN a newborn portrait session and framed print

Following on from our hugely successful competition in February, Dublin-based DOK Photography is teaming up with Mothers & Babies again to give away a newborn portrait session FREE to one lucky reader. Newborn portrait sessions have become a must-have for new parents looking to capture adorable photos of their children in the first few days of their lives. DOK Photography specialises in newborn portraiture, children's portraiture and weddings.

**This fabulous prize includes:**  
 The newborn shoot (taken within the first 10 days of baby's life)  
 A framed 8x10 inch print in DOK Photography's hugely popular studio frame  
 Two 5x7 inch print copies

To be in with a chance to win this great prize, go to the Mothers & Babies Facebook page, like it, share it and make sure you tell us that you did.

To enter go to:  
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Terms and conditions apply. The newborn portrait session must take place within 10 days of the baby's birth. Copyright in all images resulting from this competition remains with the photographer. The winner grants DOK Photography permission to feature any or all of the resulting images in any of their publications, their websites and/or in any promotional material connected to this competition. All prizes are non transferable and there are no cash alternatives. This prize cannot be combined with any other prize or special offer. Closing date for the competition is 31 May 2014. Winners will be picked at random.