

Press Release – 18th January 2016

Treoir

Good news for some unmarried dads

Treoir, the national specialist information service for unmarried parents, welcomes the commencement of significant sections of the Children and Family Relationships Act 2015 today, Monday 18th January.

Unmarried fathers will for the first time in Ireland become automatic guardians of their children but only when they have lived with the mother of their child for a period of one year, three months of which must be following the birth of the child. Unfortunately this provision is **not** retrospective – the cohabitation period will only be calculated going forward from the commencement date (18/1/2016), irrespective of how long the couple has cohabited.

“From Treoir’s perspective, basing guardianship rights of unmarried dads on cohabitation denies significant numbers of children the right to have two guardians and excludes many fathers from their child’s life. Also having to prove cohabitation of one year, for guardianship purposes, will result in unnecessary and inappropriate use of the courts” said Margaret Dromey, CEO.

It is particularly disappointing that the provision enabling unmarried couples to become joint guardians of their children by agreement at the point of birth registration will not be commenced at this time. It would not only serve the purpose of facilitating guardianship but it would also alert unmarried parents to the fact that even where the father’s name is on the child’s birth certificate it does not give him any legal rights in respect of his child. Dr. Ruth Barrington, Chair of Treoir said *“we call on Minister Joan Burton T.D., Minister for Social Protection, to make every effort to resolve the issues in the Civil Registration System causing the delay so that a greater number of children will have the opportunity of having both their parents as their legal guardians, which is very much in their interest”*.

The legislation also allows for grandparents, step-parents, same or opposite sex, to apply for guardianship rights for children in their care or for whom they have acted in loco parentis, provided they satisfy qualifying conditions. Treoir particularly welcomes the fact that a grandparent will for the first time be legally entitled to seek guardianship rights. This is very significant for those grandparents who, for various reasons, are the primary carers of their grandchildren. See www.treoir.ie.

Minister Frances Fitzgerald, T.D. and her officials in the Department of Justice and Equality, must be commended for their efforts in developing and bringing the legislation to this stage. However the remaining sections of the Act must be commenced as soon as possible.

We would like 2016 to be memorable in Ireland, not only because we celebrate the Centenary of the Rising but because significant and comprehensive family legislation will be in place.

For further information contact Treoir:

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Notes to the Editor

About Treoir

Treoir is celebrating its 40th year

Treoir is a membership organisation that promotes the rights and best interests of unmarried parents and their children through providing specialist information and advocating for their rights.

Treoir believes that unmarried families should have the same right to respect, support, protection and recognition as families based on marriage.

Treoir, the national federation of services for unmarried parents and their children, is a company limited by guarantee not having a share capital, registered in Dublin, Ireland, registered company number 82321. It is also a charity with CHY number 8877

- Births outside of marriage account for approximately 36% of all births
- In excess of 55% of births outside of marriage are to couples who are living together (cohabiting).

For further information:

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Directors: R Barrington, Chair, B Collins, A Dowling-Deignan, A Egan, L Graham, C. Hughes, M McCarthy, C McKenna, M Naughton, D Ní Riordáin, T Quigley, S Roddy.