

TREOIR BULLETIN

June/July/August 2008

The Civil Partnership Heads of Bill 2008

On the 24th June, the Minister for Justice, Equality and Law Reform, Mr. Dermot Ahern T.D., announced that the Government had approved the Heads of a Civil Partnership Bill. Detailed provisions of the Bill will now be drafted by the Office of the Attorney General. The General Scheme of Civil Partnership Bill may be viewed on the Department's website, www.justice.ie.

This Bill offers the most comprehensive reform of family law in many years. It parts company with the well-worn tradition of treating couples outside marriage as strangers at law. The main provisions of the Heads of Bill are:

1. A scheme of civil registration of same-sex partnerships together with a range of rights and duties consequent on registration.
2. Qualified cohabitants will have access to a redress scheme (presumption scheme) giving protection to a vulnerable party at the end of a long-term opposite-sex or same-sex relationship. Qualified cohabitants are adults who have lived together as a couple in an intimate relationship for 3 years or 2 years if there are children.
3. Recognition of cohabitant agreements enabling cohabitants to regulate their joint financial affairs.

While Treoir broadly welcomes the draft proposals contained in this Bill we have a number of concerns which we have put forward in our submission to the Department. Among concerns are the following:

- Dealing with proposals for Civil Partnership and Cohabitants in the same bill will result in confusion
- There is no provision in the Bill for children of either civil partners or of

cohabitants. Some children may be left in a very vulnerable position where only one partner in a cohabiting relationship has legal rights in relation to a child they are rearing. Treoir's full submission is available for viewing at www.treoir.ie.

Statute Law Restatement

Attorney General Paul Gallagher recently launched two Law Reform Commission(LRC) documents aimed at making the law more accessible. The first is a report on statute law restatement which contains legislation to be included in the Commission's first Programme of Restatement, covering law for restatement in 2008/2009. Statute Law Restatement involves the administrative consolidation of all amendments to an Act into a single text, making legislation more accessible. See www.lawreform.ie.

The second report launched is a consultation paper on a legislation directory. This is a publicly available database of all primary legislation and some secondary legislation, which will document modifications made to primary legislation by later legislation. The current database is at www.irishstatutebook.ie. Treoir welcomes the launch of these two reports. Treoir stated in its submission on Statute Law Restatement to the Law Reform Commission in 2006 that "we believe a contributory factor to the mis-information among professionals is the fact that legislation on any particular family law matter may be spread across a series of Acts, each amending its predecessor. Searching through these is time consuming and challenging and is not helped by the fact that there are no up-to-date indices to the legislation and there is no means of knowing if a particular piece of legislation has been amended".

Consultation Paper on Alternative Dispute Resolution (ADR)

The Law Reform Commission's Consultation Paper was launched on 30th July 2008 by the Hon Mr. Justice Peter Kelly, Judge of the High Court. This paper forms part of the Commission's Third Programme of Law Reform 2008-2014, under which the Commission is committed to examining the main processes of alternative dispute resolution (ADR) and associated key principles and to exploring options for their reform. The Consultation paper makes 50 provisional recommendations on ADR, in particular on mediation and conciliation.

The main recommendations in the Consultation Paper are that:

- There should be a general statutory framework that defines clearly what is meant by mediation (mainly facilitating agreement) and conciliation (facilitating agreement and sometimes also advising the parties about an agreed resolution)
- Mediation and conciliation should be seen as very different from litigation but should also be considered as part of a fully integrated civil justice system that includes litigation. Each process plays its appropriate role in meeting the needs of the parties involved and fundamental principles of justice

- The key principles of mediation and conciliation should be set out, including their voluntary nature, the ability of the parties to control the process, the need for confidentiality, and the need for transparency and quality control of the process
- A court should be able to enforce an agreement made at mediation or conciliation
- The training and accreditation of mediators should be based on agreed international standards, building on existing accreditation structures already in place in Ireland.

The Consultation Paper is available at www.lawreform.ie and those wishing to make submissions are requested to do so by 31st October 2008.

Crisis Pregnancy Counselling Services

Two new crisis pregnancy outreach services, funded by the Crisis Pregnancy Agency, opened in June 2008 both offering services free of charge. They are as follows:

CURA crisis pregnancy counselling outreach service is available in Dingle, Co. Kerry. The centre is located at the Dingle Primary Care Centre on Green Street, Dingle and is open from 2pm – 4pm on Saturdays. ☎ 066-7127355 or LoCall 1850 622626.

The Irish Family Planning Association (IFPA) opened a new crisis pregnancy counselling service in Wexford. The service operates from Gorey town. Appointments can be made for Tuesdays although this may vary and appointments may be available on alternative days. LoCall 1850 495051.

CSO Statistics for 3rd Quarter 2007

There were 18,554 births registered in Quarter 3 of 2007. There were 6,019 births registered as outside marriage in this Quarter, this accounted for 32.4% of all births. The highest percentage of births outside marriage occurred in Limerick City at 51%, while the lowest percentage was in Galway County at 20%. Of births outside marriage, 52% were registered by parents giving the same address.

Births registered as outside marriage, by age of mother

Age of Mother	Births Reg.	Same Address	% at same Address
Under 20	541	94	17
20-24	1760	756	43
25-29	1899	1141	60
30-34	1134	738	65
35-39	562	353	63
40 and over	123	72	64
TOTAL	6019	3154	52

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Apply before September 30th for the The Back to School Clothing and Footwear Allowance

This Allowance is designed to help meet the cost of uniforms and footwear for students in Ireland attending school. To be eligible for the Back to School Clothing and Footwear Allowance, the applicant (parent or guardian) must meet a number of conditions:

- You must be receiving certain social welfare payments or payments for training, employment schemes or adult education
- Your total household income must be below a certain amount
- The child/student must be between 2 and 22 years before 1 October of the year you apply and must be in full-time education at a recognised school or college.

The payments for back to school costs are funded by the Department of Social and Family Affairs. Parents receive €200 for each eligible child aged between 2 and 11 years and €305 for each child in full-time education aged between 12 and 22 years. Parents can apply to their local Health Service Executive (HSE) office for funding under the scheme until the end of September.

Lone Parents to be Allocated Welfare Advisers

Minister for Social and Family Affairs Mary Hanafin said 50 welfare facilitators would be available from September to work with lone parents and other groups on social welfare to provide one-to-one advice and support. Ms. Hanafin said "If a mother has a child on her own, she should be advised on all her options, like training, education, back to education support and basics like confidence, self-esteem, because many parents lose that very quickly when they're on their own." This move relates to wider reforms being drawn up by the Government which are aimed at moving thousands of lone parents from welfare to work by making it obligatory for them to seek employment or training once their youngest child reaches the age of seven or eight. However, Ms Hanafin said this was too young and should be raised upwards. (Irish Times 11/8/2008)



UK - White Paper on Birth Registration

The responsibility to register a new baby for unmarried parents currently lies predominantly with the mother. In England and Wales around 7% of births each year are registered solely by mothers, which means every year up to 45,000 children do not have their father named on their birth certificates. This White Paper sets out plans to address this through three key changes to the law:

1. **Requirement to joint register** unless it is "impracticable, impossible or unreasonable to do so"
2. **Fathers' obligation to register.** Where the father does not wish to register the mother can provide contact information for the father who may then be obliged to take a paternity test. If he is proven to be the father then the child will be jointly registered.
3. **Fathers' right to register.** Where the mother does not acknowledge that the father is the father, he will have the right to ask to take a paternity test.

Secretary of State for Work James Purnell in announcing the proposed changes said "We want to ensure that while continuing to protect vulnerable women and children, we promote parental responsibility and child welfare by significantly increasing the number of birth registrations which hold the details of both mother and father."

(eGov monitor)

AIM Family Services

...have moved, their new address is 64 Dame Street, Dublin 2. AIM provides a comprehensive and affordable counselling and mediation service together with a free drop-in and telephone helpline, Mon-Fri 10:00-1:00pm, providing legal information on separation and family law issues.
☎ 01-6708363. www.aimfamilyservices.ie

House of Lords outlaw ban on unmarried adopters in Northern Ireland

The House of Lords has ruled, by a four-to-one majority, that unmarried couples – including same-sex civil partners – may adopt children in the North. The House of Lords ruling relates to an appeal by an unmarried heterosexual couple who have been living together for more than ten years and jointly want to adopt the woman's ten-year old child. Lord Hoffman said that the state was entitled to take the view that it was better for children to be brought up by parents who were married to each other, but it was another thing altogether to assume that unmarried couples could not be suitable adoptive parents. He said that, if the case went to the European Court of Human Rights in Strasbourg, it was "not at all unlikely" that the court would rule that the North's law violated the European Human Rights Convention. Baroness Hale of Richmond said that the Strasbourg Court might also strike down the special position of marriage in the Irish Constitution.

(The Sunday Business Post, June '08)

Call for Legalising Abortion

The Council of Europe's parliamentary assembly has called on member states including Ireland to legalise abortion. The assembly adopted a resolution calling on members to decriminalise abortion and to guarantee women's rights to access safe and legal abortion by 102 votes to 69. The parliamentarians said abortion should be avoided as far as possible and "in no circumstances be regarded as a family planning method". They said a total ban would not result in fewer abortions, leading instead to traumatic clandestine abortions and abortion "tourism". Pro-choice activist Senator Ivana Bacik said that while the vote is not legally binding, it could have both political and social repercussions.

(Times/Ind. 17/4/2008)

Fathers' Family Time

Treoir was most disappointed to hear of the closure of the 'access centre' Fathers' Family Time in Wesley House, Dublin. This service which was set up by the Rev. George Ferguson in 1987 provided parents who have been given supervised access to their children a safe environment where they could spend time with their child. Unlike the UK where there are many such centres there is a serious lack of these facilities available in Ireland. It is very unfortunate that due to a lack of human resources this centre has been forced to close its doors.

One Family is currently carrying out research on the need for Child & Family Contact Centres in Ireland and on how best this need can be met. This research has been funded by the Family Support Agency and is supported by the Department of Social and Family Affairs. We await the outcome with interest.



Families with Children in Care - A guide to your rights if your child is in care

This information booklet has been compiled by the following projects all of which support parents who have children in care - Clare Advocacy Service, Limerick Family Advocacy Service and The Partnership with Families Project.

The booklet gives clear information to families who have children in the care of the Health Service Executive (HSE). It tells you:

- what your rights are if you have children in care
- what you can and cannot do in relation to your child in care
- who can help you
- what kind of help different people can give you
- the role of the advocacy worker, the social worker, the foster carers and other people involved with your child.

The booklet can be ordered by telephone or text at: ☎ 061-314111 / 086-8258818 / 086-8066199