

TREOIR BULLETIN – May/June 2009

Treoir Annual General Meeting

A very successful Annual General Meeting of Treoir was held in our offices on Thursday 4th June. Leonie Lunny, former CEO of Citizens Information Board, was elected to the Chair of Treoir and the two new ordinary members elected are Thomas Quigley, Bessborough Centre, Cork (Accommodation and support services), and Siobhan Roddy, Teen Parent Support Programme, Doras Bui, Dublin. We look forward to working with the new team and to Leonie's stewardship over the next three years.

Eilis Walsh resigned having served six years as Chairwoman. She has had an involvement with Treoir since its inception over thirty years ago and has contributed greatly to the organisation over the years. Eilis's experience as director of the National Social Work Qualifications Board equipped her well to lead Treoir in developing good governance practices at a time when the regulation of the non-governmental sector was very much to the fore. We will miss Eilis's contribution and commitment to Treoir and wish her well in the future. Niamh McHale and Deborah Sutcliffe also resigned during the year. Both contributed greatly to the organisation and we look forward to a continued good working relationship with both of them.

Following the business of the meeting members had the opportunity of updating each other with information on their activities and in particular on new ventures. Members are certainly very active and inventive and services are clearly adapting to the changing needs of unmarried parents and their children.



Eilis Walsh outgoing Chairwoman of Treoir, Justice Catherine McGuinness

We were most honoured to have a presentation by Justice Catherine McGuinness, President of the Law Reform Commission, on **Family Relationships: the changing landscape**. Listening to Justice McGuinness as she quoted judges in cases concerning unmarried mothers and their children,

adoption, the Constitutional position of the family, unmarried fathers etc it is clear that a major change in attitude has taken place. However, unmarried families still have no recognition in the Constitution and unmarried fathers have no automatic rights to their children. It is gratifying to know that the Law Reform Commission has begun a project on the legal aspect of family relationships. This project will examine the rights and duties of fathers in relation to guardianship, custody and access to their children. It will also examine the rights and duties (if any) of grandparents. The Commission intends to publish a Consultation Paper on this area by the end of 2009.

TREOIR Information Pack 2009

The 'New Look' 2009 edition of Treoir's Information Pack, funded by the Crisis Pregnancy Agency, is now available free of charge from the Treoir National Information Centre. Order at info@treoir.ie or 01-6700120.



Civil Partnership Bill

Minister for Justice Dermot Ahern published the Civil Partnership Bill in June 2009. This Bill gives people in same-sex relationships who register their civil partnership many of the rights of married couples. It does not allow same sex couples to marry.

The Bill provides, for unmarried opposite sex couples and unregistered same sex couples, a redress scheme to give protection to a financially dependent person. This redress scheme may be activated at the end of a long-term cohabiting relationship, whether by break-up or death, and allows a financially dependent cohabitant to apply to court for certain remedies, including maintenance, property or pension adjustment orders, or provision for the estate of a deceased cohabitant. This Bill recognises cohabitant agreements drawn up to regulate the shared financial affairs of cohabiting couples and/or to enable couples to opt out of the redress scheme. Cohabitant Agreements are only valid where both parties have received independent legal advice or have waived the right to such advice. Section 203 of the Bill amends the Domestic Violence Act 1996 to allow a cohabitant apply for a safety order with no requirement as to duration of cohabitation.

It is not expected that the implementation of this Bill will involve significant additional Exchequer spending. It would be most unfortunate however were Revenue not to address the current situation whereby cohabitants on inheriting

from their partners will face an onerous tax burden. Currently where a cohabiting person inherits from their partner they are treated like a stranger for tax purposes. Since the enactment of the Finance Act 2009 the maximum amount a stranger can inherit without paying tax has been lowered to €21,700. Any amount over this sum is taxed at a rate of 25%. A spouse does not pay tax on inheritance.

Adoption Bill

The Irish Association of Social Workers has called for amendments to the draft of the Adoption Bill 2009. While the Association largely welcomes this Bill its members have some concerns. Members of the Association are of the opinion that legislation contained in the Bill will not reflect best practices as applied by social workers working in adoption agencies in Ireland. Declan Coogan, spokesperson for the Association said that “social workers in adoption agencies provide intermediary, information and tracing services to birth parents, adopted adults and to adoptive families, but there is no legislative basis for this essential work. We are calling for amendment to the draft of the Adoption Bill 2009 to reflect the realities of practice and to provide legislative basis for the work that is highly valued by people using adoption agencies.”

The Association is recommending that legislation be enshrined in this Bill to allow for the following:

- a right of access to original birth certificates for adopted adults
- the maintenance of meaningful contacts and access of an adopted child to natural parents where this is seen to be in the best interest of the child
- a guarantee of post-adoption health or education services for children adopted from other countries
- the appointment of an adopted person, over the age of 18 years, on to the board of the Adoption Board

(Irish Times 20/5/2009)

Enforcement of family maintenance payments

In a test case before the High Court in June 2009, Justice Mary Laffoy ruled that committing a person to prison for their inability to repay a debt was unconstitutional. She found Section 6 of the Enforcement of Court Orders Act 1940 breached the right to fair procedures and personal liberty under the Constitution. Family lawyer Geoffrey Shannon said that this ruling could have a significant impact on the enforcement of maintenance payments. Currently the Maintenance Recovery Unit of the Department of Social and Family Affairs can seek contributions from a ‘liable relative’. Where a court order for maintenance is not being complied with it may apply to the District Court for an order directing the arrest and imprisonment of the ‘liable relative’. (Irish Times 22/6/2009).

Sex offence trial of minor stayed pending constitutional case

The criminal trial of a minor under the Criminal Law (Sexual offences) Act 2006 will not go ahead until a constitutional challenge to the 2006 Act has been heard. It was alleged that the applicant (D) in this case was guilty of sexual offences against a 14 year old girl when he was aged 15. He was charged under the 2006 Act, and she was not charged with any offence. The applicant challenged the legislation specifically where s3 of the Act states that any person who engages in a sexual act with a child under the age of 17 shall be guilty of an offence. S5 states that a female child under 17 shall not be guilty of an offence by reason only of her engaging in an act of sexual intercourse.

Thus the original offence is not gender-specific, but s5 provides an exemption for a female child. This meant that where consensual sex took place between two under-age people, the male was guilty of an offence, but the female was not. D argued that the Act was therefore discriminatory, and sought to challenge its constitutionality and its compatibility with the European Convention on Human Rights. A stay on the criminal trial was made with the strict condition that the constitutional case be heard at the earliest possible date. (Irish Times 15/6/2009)

Numbers travelling to Britain for abortions drop

Statistics from the Department of Health for England and Wales for 2008 revealed that 4,600 abortions were carried out on women giving addresses in the Republic of Ireland. This figure shows a decrease by 86 cases on the number of Irish women seeking a termination in 2007. 167 of these abortions were performed on girls under the age of 18. 54% of women were in their 20s. The statistics show that women from Ireland were more likely to have an abortion at a later stage in their pregnancy

Community Employment Schemes to retain funding

Despite an earlier announcement of planned cuts to community employment schemes FÁS has confirmed that there will be no changes made to the funding of these schemes. However, in light of the worsening state of the public finances FÁS said it was being asked by the Department of Enterprise, Trade and Employment to find other potential savings.

Marriage and Relationship Counselling Services (MRCS) - Annual Report 2008

21% of couples who availed of counselling in 2008 were cohabiting, reflecting the information from the Central Statistics Office that this is one of the fastest growing family units in Ireland. Most clients were under 40 years of age and had been in a relationship for less than 10 years. Among the issues discussed in 2008 were communication, work and financial pressures, infidelity, parenting, separation and alcohol abuse.

The MRCS provide a national counselling service on an ability to pay basis. For further information see www.mrcs.ie or 1890 380 380.

The MRCS also provides a specialised support service aimed at teens whose parents are separating. See www.teenbetween.ie.



Back to School Clothing and Footwear Allowance

Eligible parents are being urged to apply for this Allowance now as it can take between 6-8 weeks to process applications and receive payment. To be eligible for the payment the weekly income limit for a lone parent with one child is €407. The rate for a child aged 2-11 is €200 and the rate for a child aged 12-17 is €305. For an 18yr old in full time education for whom the half rate of Child Benefit is now paid an additional allowance of €215 is payable. This makes the total back to school payment in respect of children aged 18 to €520.

Application forms are available from the following: text message – Text – FORM BTSCFA – to 51909 followed by your name and address or download at www.welfare.ie or LoCall 1890 20 23 25.

Early Childhood Care and Education (ECCE)

From January 2010 a new free Pre-School Year will commence. The new scheme will be implemented by the Office of the Minister for Children and Youth Affairs (OMYCA) and will be open to all private and voluntary pre-school services which meet the requirements of the scheme. The capital grant is set at over €2,425 p.a. and is a payment made to participating services for each child enrolled. The following questions and answers section is taken from the Irish Preschool Play Association's website (IPPA.ie) and clearly shows how this system will affect parents.

I am a parent. How do I apply?

Details of pre-school services which have entered the scheme will be available from your local Childcare Committee by October 2009. You can then contact a local service to enrol your child. If you are using a service already you can ask your provider if they plan to enter the scheme.

Is it only for community providers?

No, all pre-school services which are notified to the HSE (or registered with the IMEB) can apply to participate.

What if my childcare provider is not taking part in the scheme?

The scheme is not obligatory so it is up to childcare providers to apply if they so wish. Details of participating services in your area will be available by October 2009.

I am a parent. Can I get the money sent to me instead?

No. The capitation fee will be paid to the provider.

What ages are eligible?

Any child that, on 1 January 2010, is aged between 3 yrs 7mths and 4 yrs 10mths is an eligible child. This may be appealed where a child has special needs that make this limit inappropriate to them.

My child will be 3yrs 7mths in December 2009. Is she eligible?

Yes. On 1 January 2009, she will be between 3yrs 7mths and 4 yrs 10mths, so she will be eligible.

My child will be 5 years old on 1 January 2010. He will not start school until September. Is he eligible?

The scheme does not cover a child over 4 years 10mths on 1 January 2010, unless there are special circumstances

How much will providers get?

Playschools in the scheme - providing three hours a day, 5 days a week for 38 weeks of the year - will get a grant basis on €64.50 per child a week for providing a free playschool service.

Full-time or part-time services operating on a 50 week a year basis will be able to provide 2hrs 15min a day free pre-school for eligible children, and they will receive a grant based on €48.50 per child per week for this. Parents will benefit by a reduction in their childcare costs of this amount.

Do I have a right to free pre-school for my child? My local centre says it is booked out. Do they have to take my child?

No, the scheme is subject to availability and a free pre-school place cannot be guaranteed in every case. However, it is expected that almost all parents will be accommodated. If you have difficulty finding a place for your child, you should contact your local City/County Childcare Committee for advice.

Will the scheme be means-tested?

No, it will not be means-tested, and will be available to all parents based on local availability.

Integration of Combat Poverty Agency

On 1st July 2009, the Combat Poverty Agency was integrated with the Office for Social Inclusion to form a new division on poverty and social inclusion within the Department of Social and Family Affairs. The location of the new division will be Gandon House, Amiens St. Dublin 2. For an interim period up to the 30th September the Combat Poverty Agency will remain at their current location and contact details will remain the same. Combat Poverty has donated its records to the National Archives of Ireland (NAI). These records are available for consultation in the National Archives www.nationalarchives.ie. All of the Combat Poverty's publications are available from their archived website, see www.archive-it.org.

Integration of four education services under the National Education Welfare Board (NEWB)

Starting in September, the Home School Community Liaison Scheme, the School Completion Programme and the Visiting Teacher Supports for Traveller pupils will all be integrated under the remit of the NEWB. This efficiency move was announced by Minister of State Sean Haughey on 18 May. It aims to see more coordination between the services involved and ensure more effective delivery, as part of the Government's plan to modernise its public services.

One Family merges with Gingerbread Ireland

In June of this year, One Family announced its merger with Gingerbread Ireland. In its press release announcing the merger One Family says that *this move will ensure the continuity and development of essential support services for one-parent families throughout Ireland. In particular the immediate effect of the merger will be to support the development of One Family's well known national telephone and email helpline service – askonefamily. One Family also plans to develop a range of social support services for one-parent families building on Gingerbread's well established name and reputation to compliment One Family's recognised progression and parenting services.*

www.teenparents.ie This newly launched website for teen parents provides information and guidance on issues from pregnancy to coping with toddler tantrums.

www.barnardos.ie/parentingcourses This new database funded by the Family Support Agency contains details of more than 60 parenting courses in the Republic. The database directs parents towards courses in their locality which are relevant to their own children and family situation.