

## Treoir's New Website

Apologies to those of you who have been experiencing difficulty in accessing Treoir's website over the last 4-5 weeks. We hope you came across our 'under construction notice' but if not that was what was happening! Treoir's new website is now available! We hope you will enjoy this new, comprehensive, easy to use website. If you have any comments, suggestions etc. we will be very happy to receive your feedback. The site can be found, as usual, at [www.treoir.ie](http://www.treoir.ie).

## Treoir's New Information

### ➤ Information Pack 2011

Treoir's Information Pack 2011 will be available to order from our offices as of 4th April next. It is currently available to download from our website. [www.treoir.ie](http://www.treoir.ie).

### ➤ Cohabitants – new legal rights and obligations

This booklet explains the rights and obligations of cohabitants under The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010. This Act came into force on 1st January 2011. The Act contains two very different schemes which will dramatically alter the landscape of family law in Ireland. The first scheme deals with civil partnership for same sex couples. The second scheme deals with cohabitants which includes both same sex and opposite sex couples. Ireland's last census in 2006 identified that over 121,000 couples (opposite sex) were cohabiting. Under Irish law such relationships did not give rise to rights or obligations. Under the 2010 Act certain cohabitants will now have rights and obligations.

A draft of this booklet is currently available to download from the Treoir website and copies may be ordered from Treoir, [info@treoir.ie](mailto:info@treoir.ie) or 01-6700120, from the end of April.

Treoir will be running a media campaign in April 2011 to raise awareness of the new changes made to the law in relation to cohabiting couples. Both the booklet and

campaign are being funded by the Family Support Agency.

### ➤ Cohabiting Parents

This leaflet updates our previous 'Cohabitation' leaflet to include changes in the legislation arising from implementation of The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010. The publication is available to download at [www.treoir.ie](http://www.treoir.ie).

### ➤ International Child Abduction – where parents are not married to each other

Section 16 of the Non-Fatal Offences Against the Person Act 1997 establishes the offence of international child abduction in Irish legislation. This leaflet sets out the rules that govern child abduction and answers questions like 'What can I do when my child has been abducted?' and 'What can I do where there is a perceived threat of abduction?'.

### Members Meeting

Treoir is hosting an information session for its members on Thursday 7th April. The guest speaker on the day will be Dr. Anne Egan, Law Lecturer, NUI, Galway. Dr. Egan will give a talk on the 'Law Reform Commission's final report on 'Legal Aspects of Family Relationships'. The issues addressed in the Report e.g. guardianship, birth registration, rights for grandparents and step parents are really significant for those working with unmarried parents and we encourage members to attend. The meeting will take place in Treoir's National Information Centre, Dublin 1 at 2:15 – 4pm. RSVP to [bella@treoir.ie](mailto:bella@treoir.ie)

## **CSO Statistics**

### **Quarter 1 2010**

There were 18,535 births registered in quarter 1 of 2010. There were 6,309 births registered as outside marriage in the same quarter. This accounted for 34.0% of all births, a decrease of 0.1% on quarter 1 2009. 54% of births registered as outside of marriage were registered by cohabiting couples. The highest percentage of birth outside marriage occurred in Limerick City at 62%, while the lowest percentage was 24%, which occurred in both Cork County and Galway County. 7.8% of births registered as outside of marriage were to teen parents.

### **Quarter 2 2010**

There were 18,844 birth registered in quarter 2 of 2010. There were 6,205 births registered as outside of marriage in this quarter. This accounted for 32.9% of all births, an increase of 0.5% on quarter 2 of 2009. 54% of births registered as outside of marriage were registered by cohabiting parents. The highest percentage of births outside marriage occurred in Limerick City at 50%, while the lowest percentage occurred in Galway County at 21%. 6.8% of births registered as outside of marriage were to teen parents.

## **Emergency Contraception**

One of the two brands of licensed morning after pill available in Ireland can now be dispensed over the counter without prescription. The morning after pill must be taken within 72 hours of unprotected sex to be effective in preventing pregnancy, but the earlier it is taken the more effective it is. There have been many calls from the Irish Family Planning Association and other groups for the medicine to be made available over the counter in order to make it more accessible to women.

## **MEDIATION**

### **Dolphin House Family Mediation**

A new 12 month project has been commenced in Dublin's Family Law District Court. This is a joint initiative between the Family Support Agency, the Legal Aid Board

and the Courts Service. The aim of this project is to encourage parties whose relationships have broken down and who are applying to court in relation to custody, access, guardianship etc. to first consider attending mediation. This service is offered free of charge. A mediator will work with the parties to see if they can reach their own solution while looking at the needs and interests of all involved including in particular the needs and interests of the child. While going through the mediation process parties will have access to legal advice at very little cost. Any agreement reached by the parties can then be formalised by the Courts with the assistance of a Legal Aid Board solicitor. To contact the mediation service at Dolphin House, 01-8886192 or [fms.dolphinhouse@fsa.ie](mailto:fms.dolphinhouse@fsa.ie).

### **Mediation Service closes**

The Family Mediation Service in Waterford which was run by the Family Support Agency (FSA) has closed and has been integrated into the Wexford Mediation Service. The Mediation Service now has 15 services, four of which are full-time, around the country. It is generally recognised that mediation should be encouraged to help separating couples reach mutually acceptable agreements in the best interest of themselves and their children rather than have arrangements imposed upon families by the courts.

At a time when there are unacceptable waiting lists for those wishing to access mediation it is regrettable that the very valuable service provided by the Family Mediation Service be diminished in any way.

### **Compulsory Mediation – UK**

Under a new protocol agreed with the Judiciary in the UK couples contesting the terms of their separation will first be required to consider mediation before accessing the courts. Both parties will attend a mediation awareness session where they will find out what mediation has to offer. Mediation means the couple can decide the terms of their separation with the help of a trained and impartial mediator rather than fighting each other through lawyers and with a judge making the key decisions which will shape

their lives. The Justice Minister is hoping that more cases will be resolved through mediation, avoiding the stress and cost of contested Court proceedings, saying “Mediation is proven to be a quicker, cheaper and more amicable alternative, particularly where children are concerned”.

### **Research on Family Law**

Dr. Anne Egan who is currently employed as a university fellow in teaching and research at the School of Law, NUI, Galway was recently granted permission to attend the family courts for the purpose of her PhD research. She observed 158 cases in the District and Circuit Family Courts.

The most common cases she observed in the Circuit Court were in relation to Divorce and Separation. Before the District Court the most common applications she observed were to make or vary a maintenance order. Half of the applications made in relation to maintenance were enforcement applications for non-compliance to existing maintenance orders. The average prison sentence imposed was for a period of two months, with a stay of up to one month to allow the father time to pay the arrears. Only 10 percent of fathers actually attended the committal applications to explain to the judge why they were unable to pay the arrears. In those cases the judge adjourned the case to give them leave to pay the amount owed and suggested that the fathers apply to vary the maintenance order if they were unable to pay the amount on the original order.

The second most common application to the District Court were applications to either make or vary an access order. Access was never denied although in 14 cases supervised access was ordered where there were some concerns about the safety of children. In such cases, the judge ordered a section 20 report under the Child Care Act 1991 from the local Health Service Executive in order to examine the child’s circumstances and the proceedings were adjourned until such report was received. Ms Egan found no bias in favour of either parent but observed that the courts considered there is a responsibility on parents to support their

children both emotionally, by means of regular access visits, and financially by means of maintenance or other financial provisions. (Irish Times 22/11/2011)

### **Non-EU parents of citizens entitled to residency, Court rules**

Recently the European Court of Justice ruled that, while a member state has sole jurisdiction to lay down the conditions for the acquisition of citizenship, EU law precludes member states from refusing residency and a work permit to third country nationals upon whom minor children who are EU citizens are dependent.

Following this ruling Minister for Justice Alan Shatter has called for an urgent examination of the rights of non-Irish parents of Irish citizen children to live and work in Ireland. There are approximately 120 cases currently before the courts where such parents are fighting deportation. The Department of Justice will also have to look at a number of cases where non-Irish parents of Irish children have already been deported. Mr. Shatter told the Irish Times that in most simple cases Irish citizen children were entitled to have both parents live with them in Ireland. “Where there is an intact and real relationship there is very little doubt the child is entitled to both parents living with them in the State”. He said that there may be exceptions where the father has been involved in serious crime but that this would require further clarification from the European Court of Justice. (Irish Times March 2011)

### **Delay in Welfare Appeals**

It has been claimed that parents awaiting appeals on social welfare applications now face up to 16 months for a decision. Approximately 33,000 appeals were lodged in 2010 after initial claims for social welfare were turned down. The former Minister for Social Protection, Eamon O Cuiv, admitted earlier this year that the number of appeals is now double what they were on average each year up to and including 2007. As of November 15 last there were 20,344 cases being processed through various stages of

the appeals system. The Minister revealed that the average time to process a summary decision is 28 weeks, while the average time to process an oral hearing is 44.5 weeks. Irish Times 9/2/2011)

### **Birth fathers wishing to get in touch**

The Barnardos post-adoption service regularly holds support meetings for birth mothers, but on the 10th March it hosted a confidential meeting for birth fathers. The service currently sees only about 10 birth fathers a year compared to between 150 and 200 birth mothers. According to Andrew Walker who is a project coordinator with the post adoption service fathers face many difficulties in contacting their children. Up to the 1980s very little information was recorded about birth fathers in adoption cases and they can carry a lot of guilt and regret about having little or no say in relation to the adoption. "Their memories are of being sidelined that it was very much beyond their control", explains Walker. Barnardos confidential post-adoption service may be contacted at 01-4546388 (Tues/Thurs) or [adoption@barnardos.ie](mailto:adoption@barnardos.ie)

### **HSE National Director for Child and Family Services**

Mr. Gordon Jeyes was appointed by the HSE as the new National Director for Children and Family Services in December 2010. This is a two-year post that has been established to lead organisational and cultural change in the Child and Family Services in the HSE. The National Director will report directly to the HSE Chief Executive, Cathal Magee.

A critical role for Mr. Jeyes is the delivery of a clear service model that focuses on providing a safe and high quality child protection service which is consistent with the HSE's statutory obligations. This will involve the development of national structures to ensure social workers and other professionals in the area are supported to provide quality services.

### **Our Children First: A Parent's Guide to the National Child Protection Guidelines**

This guide aims to provide parents with information on child protection and welfare. The information given is based on Children First: National Guidelines for the Protection and Welfare of Children which was first produced by the Department of Health and Children in 1999. Included in the guide is information on what parents should know about child abuse, the different types of child abuse, what do you do if you are worried that your child is being abused and much more. The Guide is published by Barnardos' Training and Resource Service and is available at Tel: 01 4549699, E: [resources@barnardos.ie](mailto:resources@barnardos.ie), [www.barnardos.ie](http://www.barnardos.ie).

### **Baby Steps: Guide to help expectant parents manage finances**

The National Consumer Agency has launched this guide to help expectant parents manage their money. The guide is divided into three stages – planning your baby's arrival, money matters when you have children and planning for your children's future. An information section includes a jargon buster and a list of useful contacts and websites, including the NCA's personal finance website [itsyourmoney.ie](http://itsyourmoney.ie). The guide is available to download from [nca.ie](http://nca.ie) and 60,000 copies will be distributed to expectant mothers at their 12-week hospital appointments.

### **Shaping Your Future**

OPEN, the national network of one parent families is running a series of 7 session programmes for lone mothers. The programmes provide the opportunity of

- Exploring your options for the future
- One-to-one mentoring to help you develop a plan of action
- Learning more about yourself and building self confidence
- An opportunity to have fun and meet other lone parents
- Provision of accurate information about your entitlements and supports

These programmes are offered free of charge with a contribution of €11.50 provided towards cost of childcare.

Contact OPEN at 01-8148860, Email

[asmyth@oneparent.ie](mailto:asmyth@oneparent.ie) or

[fkeeshan@oneparent.ie](mailto:fkeeshan@oneparent.ie).

### **Child law clinic opens in Cork City University**

A new child law clinic has been launched at the faculty of law, University College Cork.

The clinic, whose director is Dr. Ursula Kilkelly is supported by the National Academy for Integration of Research, Teaching and Learning. The clinic aims to support lawyers in litigating children's issues while providing students with practical experience of child law and litigation and advancing evidence-based reform in all areas of child law. Contact the clinic at [childlawclinic@ucc.ie](mailto:childlawclinic@ucc.ie). Further details are on the law department website.

### **Families, Fathers and Friends**

This charity which aims to support and promote fatherhood has opened a new service at the Guinness Enterprise Centre in Dublin. The charity also has offices in Galway and Carlow. The service offers counselling, mediation, advice and information to fathers as well as hosting seminars on emotional awareness. For contact details see [www.fathers.ie](http://www.fathers.ie).