

BULLETIN - August 2012

- Father's name on Birth Certificate
- CSO Vital Statistics for 2011
- Public Services Card (PSC)
- Cuts to CE Schemes Partially Reversed
- Childminding Ireland
- Irish Contraception and Crisis Pregnancy Study
- Abortion Statistics 2011
- Shaping Ireland's Future – Securing Economic Development, Social Equity and Sustainability
- Understanding Childhood Deprivation in Ireland
- DADS
- Mediation / Appropriate Dispute Resolution
- Mediation and Children
- Government approves in principle a future Referendum on article 34 of the Constitution
- Children's Law Centre to be Set Up
- Report on Child Protection
- Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012
- Child Relocation – UK
- Shift in focus for Family Resource Centres
- A Series of Masterclasses – Supporting an unplanned pregnancy
- BA in Community and Family Studies – 50% concession on fees for Social Welfare recipients
- Housing Matters

Father's name on Birth Certificate

In May of this year Social Protection Minister John Burton told the Dail that in the future all birth certificates will have to carry the father's name. She said she hoped to bring in the change to the law later this year. Ms. Burton said she was acting in accordance with a Law Reform Commission Report (2010) which recommended "compulsory joint registration of the birth of a child where the parents are not married to each other". This same Law Reform Commission report also recommends that fathers have automatic guardianship of their children. Fine Gael TD Olivia Mitchell in welcoming the Minister's statement said that "the issue of responsibility and guardianship is something that can and should be considered separately from the registration of the father's name".

Treoir believes that it is important for identity purposes that a child has the name of both parents on their birth certificate. We are pursuing this matter with the Minister.

CSO Vital Statistics for 2011

There were 74,650 births registered in 2011, 25,190 were registered as outside marriage. This accounted for 34 per cent of all births, the same as 2010. The highest percentage of births outside marriage occurred in Limerick City at 49%, while the lowest percentage was 25% which occurred both in Galway County and Dun Laoghaire Rathdown. A total of 1,565 unmarried teenagers had babies last year, 40 of these were aged under 16. The greatest percentage of birth outside of marriage were to women between the ages of 25 and 29. Fifty five percent of births outside of marriage were registered by both parents giving the same address.

Public Services Card (PSC)

The Minister for Social Protection, Joan Burton TD, announced in April that her Department has commenced the phased introduction of the new Public Services Card (PSC). The card will act as a key for access to public services in general and for identifying and authenticating individuals. "In the case of social welfare claims the existing legislation is being amended to make it a condition that a claimant's identity is appropriately authenticated. This provision also allows for a photograph and electronic signature to be taken, retained and reproduced," the Minister explained.

Cuts to CE Schemes Partially Reversed

A cut in the training and materials grant paid to community employment schemes from €1,500 to € 500 per participant per annum, was announced in the Budget. However, the Department of Social Protection made a decision in July to partially restore material and training funding to Community Employment (CE) Schemes. The grants given will be based on the individual needs of sponsors rather than the traditional grant model, the department said in a statement. Grants approved were based on discussions with scheme sponsors. Over 1,100 schemes employ 22,000 long-term unemployed and disadvantaged people in local community jobs.

Childminding Ireland

According to a recently conducted survey of the members of Childminding Ireland some 44% of childminders have reported vacancies within their service and 57% report a reduction in hours as many parents are experiencing a cut in their working hours. Childminding Ireland spokeswoman Siobhan Kennedy asked the Minister for Children Frances Fitzgerald, who attended their annual general meeting, to consider using qualified childminders if proposals to limit the lone parents allowance to those with children under age of seven are implemented, she said the capacity at present could be used for those lone parents who may have to go back to work as a result of the changes in the social welfare system.

Irish Times 23/4/2012

Irish Contraception and Crisis Pregnancy Study

ICCP-2010 is the third national study in Ireland in the area of sexual health and pregnancy. The survey provides information on important trends in sexual behaviour, contraceptive use and pregnancy outcomes among adults living in Ireland over the period from 2003 to 2010.

The findings from the report, when compared to findings from the first Irish Contraception and Crisis Pregnancy Study (ICCP 2003) and also the Irish Study of Sexual Health and Relationships 2006 (ISSHR), provide a sound evidence base for the recommendations developed by the HSE Crisis Pregnancy Programme.

Among the findings are the following:

- Increasing numbers of young people (18-25 years) are waiting until they are older to have sex for the first time and are more inclined to use contraception the first time they have sex, 90% compared to 80% in 2003. A larger proportion of young women experienced sex for the first time before the legal age of consent in the 2010 survey.
- It was demonstrated that economic hardship and educational disadvantage remain as clear risk factors for not using contraception at first sex.
- Of all pregnancies reported in ICCP-2010, 74% ended in live birth, 18% in miscarriage, 4% in abortion, 1% in stillbirth or adoption, and 3% of pregnancies were on-going. The lifetime occurrence of miscarriages and abortions among adults living in Ireland is higher now than in 2003.
- Just over one in three pregnancies (35%) experienced by women surveyed in 2010 can be defined as a crisis pregnancy - a small increase from 28% in 2003. Whilst the two main reasons for a crisis pregnancy in 2010 were the same as in 2003 (pregnancy not planned and being too young), financial reasons were more commonly reported in 2010 compared to 2003. What is surprising is that a considerable and increasing proportion of both men and women who experienced a crisis pregnancy and who did not use contraception and were at risk of unintended pregnancy did not actually think they were at risk of becoming pregnant on that occasion.

The study's findings highlighting the negative emotional impact that crisis pregnancy can have on an individual's mental health are of particular concern. The study also shows that while knowledge of crisis pregnancy counselling services is high, the proportion of people availing of these services is low. Many issues arise from consideration of these findings. It is important to consider what this data suggests regarding the support needs and the role of support services for women, their partners and families when experiencing crisis pregnancy. Clearly, more women are in need of services than the number actually availing of them.

Download report at <http://www.crisispregnancy.ie/publication/research-reports/>

Abortion Statistics 2011

4,149 females giving an Irish address travelled to England or Wales for an abortion in 2011, a 7 per cent decrease on 2010 figures. More than half that number were women in their 20's 1,289 were in their 30's and 257 were over the age of 40. The breakdown of abortion to teenagers is as follows:

- 37 girls under the age of 16, a 10 per cent drop compared to 2010 statistics.
- 111 girls between the ages of 16 and 17, a 3.5 percent drop on statistics for the previous year.

The HSE Crisis Pregnancy Programme noted that between 2001 and 2011 the number of women giving Irish addresses at UK abortion clinics dropped from 6,673 to 4,149. The Programme also gathers data on the number of women travelling from Ireland to countries other than the UK for abortion procedures. A HSE spokeswoman said the Netherlands had emerged as the only other jurisdiction to which women from Ireland were travelling in significant numbers for abortion procedures. Figures for those travelling to the Netherlands in 2011 are not yet available, but preliminary indications suggest the number is low and decreasing. The number of women heading for clinics in the Netherlands stood at 461 in 2006; 451 in 2007; 351 in 2008; 134 in 2009; and 31 in 2010.

In a response to an Irish Times query to the Spanish health ministry, a spokeswoman said it expected the number of Irish women recorded as having had abortions in Spain last year to be about 30 – similar to previous years. (*Irish Times* 30/5/2012)

Shaping Ireland's Future – Securing Economic Development, Social Equity and Sustainability

The report states that approximately 706,000 people, including 200,000 children, are living in poverty in Ireland which is an increase of 92,000 in two years. The Shaping Ireland's Future report by Social Justice Ireland (SJI) said the Government needed to acknowledge Ireland's poverty problem and called for an overhaul of the social welfare system, saying it is not "fit for purpose". It recommends a basic income system to replace social welfare and income tax credits. "By making tax credits refundable, almost 113,300 low-income individuals would receive a refund and would see their disposable income increase as a result of the proposal. SJI director Fr Seán Healy called for an increase of total tax-take from just under 30 per cent of gross domestic product to 34.9 per cent by broadening the tax base. He said the country could do so and still remain a low-tax economy.

View this report at <http://www.socialjustice.ie/content/socio-economic-review-2012>

Understanding Childhood Deprivation in Ireland,

This report was launched by Joan Burton TD, Minister for Social Protection, in April. The report is based on the national Survey of Income and Living Conditions (SILC) 2009 of 1,800 households with children.

The report, published by the Department and the Economic and Social Research Institute (ESRI), finds that over a quarter of children aged 2 to 15 are experiencing deprivation. It also shows that parents are diverting household resources to protect children.

Dorothy Watson, one of the authors of the report, said: "We knew already that children were at a higher risk of poverty than adults. Now we have a better understanding that a range of factors are important in enabling parents to protect their children. An adequate income is clearly the basic requirement. Beyond this, mother's education, employment – especially of the mother – and family stability are also important." Minister Burton concluded: "The report supports international and national evidence that addressing poverty requires a multi-dimensional long-term strategy that cuts across many policy domains. I look forward to working with colleagues across Government, to not only address child poverty but also promote the longer-term well-being of children and improve children's life chances."

The report can be downloaded from ['www.socialinclusion.ie'](http://www.socialinclusion.ie) or from ['www.esri.ie'](http://www.esri.ie).

DADS

The Irish Dad's Survival Guide to Pregnancy and Beyond

David Caren, the founder of website Dad.ie, has authored this pregnancy guide for Irish expectant dads – all from a dad's perspective.

Combining real-life experiences from a fraternity of Irish fathers, tried-and-tested dad tips and 'what the expert says', *The Irish Dad's Survival Guide to Pregnancy [& Beyond]* accompanies the expectant dad through:

- each trimester
- every mood swing (his and hers)
- the headline event in the labour ward
- those first few weeks of new family life

The publication can be viewed online at <http://obrien.ie/book975.cfm>

Postnatal depression in men

Two large studies published in the US and Australia have shown that up to 10 per cent of fathers experience depression on the arrival of a new baby. This is twice the normal rate of depression for men at other times and similar to the rates of depression for mothers. Men may experience depression with a cluster of symptoms that is different from those experienced by women. As well as low mood, negative thoughts and self-judgments, these symptoms can include irritability, detachment and emotional withdrawal. The Australian study, published in the journal of [Social Psychiatry and Psychiatric Epidemiology](#), shows postnatal depression hits fathers and mothers equally in the first 12 months of a newborn's life. Young fathers are particularly vulnerable, with those aged under 30 facing a 40 per cent increase in the risk of developing postnatal depression compared with fathers aged over 30.

The studies recommend that this condition in men be more widely recognised and for specific supports to be offered to new fathers as well as to mothers.

Read article and 'Tips for Dads Experiencing Deperession' at
http://www.irishtimes.com/newspaper/health/2012/0703/1224319257783.html#.T_K-6d0kFqU.email

Read abstract of US study at
<http://jama.jamanetwork.com/article.aspx?articleid=185905>
Read abstract of Australian study at
<http://www.springerlink.com/content/90601250533m5402/>

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My New Baby – A guide for first-time parents

The aim of this new online guide, produced by the National Consumer Agency, is to help first-time parents budget for a baby. The guide is divided into three stages: planning for the arrival of your baby, managing your money when you have your child and planning for the future. You will also find a list of useful contacts and websites

Download at <http://www.nca.ie/nca/having-children> or if you don't have access to a computer you can get free access at your local library

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Mediation / Appropriate Dispute Resolution

Minister for Justice Alan Shatter TD recently launched ***Appropriate Dispute Resolution in Ireland***. This book is by Dublin based solicitor Josepha Madigan. It is anticipated that the book will be a useful reference for family lawyers and their clients. The publication deals with mediation and other ADR mechanisms, while there is a full discussion of the recently introduced Mediation Bill 2012.

In an article in the Irish Times (20/6/2012) in which this author highlights the benefits of mediation and ADR as against court procedures the author says - "The overriding emotion for any litigant embarking on the court process is fear, and the prevailing atmosphere in a court is one of intimidation for most litigants. The destructive conflict caused by protracted and lengthy litigation and the enormous suffering caused to families as a result shouts out loud that this process is not appropriate for the majority of cases". "Any process that serves to promote communication between co-parents must be encouraged".

It is estimated that engaging in the process of ADR rather than litigation can have the effect of reducing costs by as much as 60%. This was borne out recently by a review of a pilot project operated by the Family Mediation Service and the Legal Aid Board in the district court in Dublin which showed a savings to the State of an estimated €113,808. Between March 2011 and March 2012 more than 800 people were provided with information on

mediation, of whom half (399) were referred to mediation. By the end of the review period in March, 293 had finalised agreements and a considerable number of mediations were still in progress and likely to lead to agreement.

More than 90 per cent of the cases involved people who would have been eligible for legal aid. Similar savings could be made in the private family law sector.

Full details of the book at the link below:

<http://www.jordanpublishing.co.uk/publications/family-law/-appropriate-dispute-resolution-adr-in-ireland-a-handbook-for-family-lawyers-1st-edition->

Mediation and Children...

Connie Health, solicitor and PhD candidate at NUI Galway, says that we are missing out on an opportunity of making progressive legislation in relation to involving children in the mediation process. Discussion in the Dail following the newly published Mediation Bill has focused solely on the procedural and commercial implications of the proposed Bill for mediators. At present, children have little or no role in the mediation process in Ireland. However, research carried out internationally has shown that there are direct benefits in child-inclusive mediation. If we are to comply with the international standards laid down in the United Nations Convention on the Rights of the Child, it is essential that mediators are trained in order that they are competent to facilitate a role for children, and that children are given an opportunity to participate and express their views as part of this process, should they wish to do so.

Irish Times 20/8/2012

Government approves in principle a future Referendum on article 34 of the Constitution

The Minister For Justice, Equality and Defence Alan Shatter has announced the intention of the Government to hold a referendum for a number of major reforms to the courts system. One of the proposed amendments is in relation to article 34 of the constitution which contains provisions which set out the court structure for the State. The proposed amendment of this article would allow for the creation of a new civil court of appeal and a new family court structure.

Children's Law Centre to be Set Up

Earlier this year a steering committee secured funds to establish a law centre for children in Ireland. There are similar law centres around the world. In Ireland, children cannot initiate legal action without a 'next friend' and they have difficulty in accessing legal remedies for violations of their rights.

The aim of the law centre is to advance the implementation and the exercise of children's rights through increased and enhanced use of the law and the legal system nationally and internationally. It will pursue this aim by

undertaking strategic litigation; improving the quality of representation in children's cases and providing children and those who work with and for them with general and specialist legal information about their rights. In conjunction with partners, it will also advocate for the progressive reform of the law relating to children and their rights.

(Irish Times 11/6/2012)

Report on Child Protection

Minister for Children, Frances Fitzgerald, published the 2011 Report of the Special Rapporteur for Child Protection. This is the 5th such report by Dr. Geoffrey Shannon.

The report makes many recommendations ranging from the need for constitutional reform to the need for service reform, and includes detailed recommendations in relation to the Government's ongoing legislative programme, specifically in the areas of Garda vetting, putting Children First on a statutory footing and the withholding of information in relation to offences against children and vulnerable adults. Among the recommendation are the following:

- Non-Irish national parents of Irish citizen children should be given permission to reside and remain in Ireland and this should be recognised as giving effect to recent case law (the *Zambrano* judgment) and not as a matter of discretion.
- Research is needed on the matter of the various bases on which children are taken into care and whether adequate levels of family support at an early stage are currently being provided to prevent the taking of children into care. In exceptional circumstances and where a child has already come to the attention of social services, any person who has 'reasonable grounds' should be able to apply to court to seek to have a child at risk placed in the care system
- The UN Convention on the Rights of the Child should be incorporated into Irish law. This would ensure that children's rights are considered when policy is being drafted. It would also permit individuals to invoke the convention in the court system and permit the courts to apply it as a matter of Irish law.
- A referendum to include children's rights in the Constitution should be held as soon as possible.

Read Report here

<http://www.dcy.gov.ie/documents/publications/5RapporteurRepChildProtection.pdf>

Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012

Under existing legislation it is an offence to withhold information in relation to a serious criminal offence but the Offences Against the State (Amendment) Act 1998 specifically excludes sexual offences. The Criminal Justice

(Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012, enacted in July 2012, amends the current law and closes this loophole in the legislation.

The Act creates an offence of withholding information on serious offences where those offences are committed against a child or a vulnerable adult.

The Act applies to all persons, to all organisations and to all sectors of society. A person may claim any defence they so wish, but it will be a matter for a court to determine in the circumstances of a particular case, the extent to which that defence does or does not exist. Penalties vary from fines and up to 12 months in prison to sentences of five or more years for serious offences such as assault causing harm; causing serious harm; cruelty to a child; child abduction and manslaughter. This legislation will not be retrospective.

Inspection of Services working with Children

Taoiseach Enda Kenny officially launched new National Standards for Protection and Welfare of Children. They set out clear requirements for Health Service Executive managers, social workers and other professionals on how to deliver a consistent, high-quality and responsive service for young people at risk. The Health Information and Quality Authority (HIQA) will be in charge of ensuring services meet these Standards. Describing the Standards as part of an ongoing reform agenda, Children & Youth Affairs Minister Frances Fitzgerald welcomed them and stated "From now on, the Health Information and Quality Authority will constantly and consistently monitor and interrogate the services being provided to our nation's children. The critical aspect of these Standards is that they will be tested, checked, assessed and audited". The inspections will begin from November onwards and the first reports into outcomes are likely from early next year.

Read Standards here - <http://hiqa.ie/standards/social/children-and-young-people>.

Child Relocation – UK

Recent case law in the UK indicates that where both parents share significantly the care of a child the courts are unwilling to allow permission for either parent to relocate a child abroad. Prior to this the courts in the UK were unlikely to refuse permission as it was considered by the court that to do so would have a detrimental effect on the psychological health of the (usually) departing mother and as a consequence on the child's welfare.

Current guidance to the court says judges must remember the welfare of the child as the paramount consideration, and therefore, the effect of the move on the child. Maintaining contact with both parents will therefore now be a more important factor in many cases.

The following themes are emerging as a result:

- More fathers are seeking shared care regimes rather than accepting contact on alternate weekends only, as has been a pattern previously. The courts will scrutinise the motives for such arrangements.
- The court timetable can have an impact. Slow timetables can favour fathers who want to show shared care has become the norm. This can lead to tactics over “slow” court appointed welfare experts, or “fast” private experts.
- Historically, mothers wanting to relocate have been encouraged to offer frequent contact prior to the final hearing to show they promote the child's relationship with the other parent. However, that may now harm their relocation chances.
- Mothers expecting better financial circumstances abroad have usually used this as an argument to move. Fathers can increase their chances of refusal of relocation if they provide proper financial support to the mother

(Lexology 27//.2012)

Shift in focus for Family Resource Centres

The Family Resource Centres' Annual Report 2011 shows a shift in focus from giving people information about jobs and social welfare entitlements to helping them access education and community projects. According to chairwoman Claire Dineen “many people are now looking to us for ways to connect with their community. In particular, people are seeking to be involved in initiatives such as ‘men’s sheds’ [in which men get together and make things] and support groups for people in long-term unemployment or with mental health issues. “Last year, we delivered 24 per cent more training and development courses than in 2010 and, collectively, we helped to form over 300 new community groups,” said Ms Dineen. “These interventions are ensuring that individuals and families don’t become isolated and unsupported as the impact of the recession deepens.”

The centres are funded by the Family Support Agency, which operates under the Department of Children and Youth Affairs. There are 106 centres across the State. To contact your local Family Resource Centre see www.familyresource.ie

BA in Community and Family Studies – 50% concession on fees for Social Welfare recipients

This 4 year part-time distance learning course offered by NUI Galway is taught in numerous locations throughout the country (e.g. Galway, Mullingar, Tullamore and Lucan) caters for those in the community and voluntary sector. Students are awarded an NUI Diploma in Arts: Community and Family Studies upon successful completion of 2 years and a Bachelor of Arts: Community and Family Studies on completion of the 4 year cycle. A 50% concession on fees is available for those in receipt of Social Welfare. Closing date for application is 21st September.

For further details contact:

Community Education Centre, NUI Galway

Tel: 091495472, E-mail: community.ed@nuigalway.ie,
www.nuigalway.ie/communityeducation

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- **8 out of 10 Irish adults entitled to free annual dental exam**
- **But new figures show that of the 3.3 million people covered, less than 20% have availed of offer**

Although 3.3 million Irish adults are entitled to a free oral examination once a year, fewer than 600,000 of them availed of the offer in 2011 according to new figures from the Irish Dental Association.

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HOUSING MATTERS

Mortgage interest relief

The Finance Act 2012 provides for changes for first-time buyers who took out their first mortgage, for their principal private residence, in the period 2004-2008 or made their first mortgage interest payment in that period. They will now qualify for the increased relief at 30% up to and including the 2017 tax year. This will also apply if they have moved to a second or subsequent home during that period. You will not have to make a claim for this relief your lender and revenue will do it.

See www.revenue.ie/en/press/budget/2012/mortgage-interest-faqs.pdf for more information.

Phasing out Mortgage Interest Supplement

Minister for Social Protection Joan Burton has introduced a statutory instrument which will have the effect of phasing out mortgage interest supplement. This move has been defended by Taoiseach Enda Kenny who says that this was a recommendation of the Keane Report. He said "It is an incentive for banks to sit down with their borrowers to work out solutions for people who are getting into mortgage interest arrears." From 18 June 2012 new applicants for MIS must show that they have availed of an alternative payment arrangement with their lender for at least 12 months under the [Mortgage Arrears Resolution Process \(MARP\)](#). This change does not affect people getting MIS before 18 June 2012. **The provision applies to all MIS applications received on or after 18 June 2012.**

Mortgage to rent scheme launched

Housing Minister Jan O'Sullivan recently launched (28/6/2012) the 'Mortgage to Rent' Scheme. The scheme is specifically targeted at those low income families whose mortgage situation is unsustainable and where there is little or no prospect of a significant change in circumstances in the foreseeable future. It ensures that the family remains in the home, paying rent, while ownership is transferred to an approved housing body.

The mortgage to rent scheme is an option for families who:

- Have had their mortgage position deemed unsustainable
- Are eligible for social housing
- Agree to the voluntary repossession of the property

Do not have significant positive equity

Those on the scheme must have tried to resolve their mortgage difficulties through the official mortgage arrears resolution process (MARP – see above). The mortgage has to be deemed unsustainable under the MARP process, which outlines rules on how lenders and borrowers in arrears engage with each other. The housing charity Cluid, are currently involved in buying some of these houses with funding from the State, at the current market value. Local authorities are also expected to get involved in buying-up some of the houses under the scheme and renting them back.

The balance owed on the mortgages is written off but the deals are only for those on low incomes and who would qualify for social housing. The value of the house must be under €220,000.

AIB, GE Money and Start Mortgages are taking part in the scheme. Other banks are set to take up the scheme, including [Ulster Bank](#) and [Bank of Ireland](#).

To read more about this scheme see www.environ.ie or www.cluid.ie.

Minister O'Sullivan launches Consultation Document for the regulation of Approved Housing Bodies

Jan O'Sullivan, Minister for Housing and Planning, has (8/8/2012) launched a draft voluntary code for the regulation of approved housing bodies. [The draft code](#), which is available on the Department's website, www.environ.ie, is available for public consultation until 21 September, and will be formally launched thereafter. The draft code outlines minimum regulatory standards that will apply to all and additional standards and requirements that apply to larger bodies.

Carbery Housing Association

This voluntary housing association has recently launched a new initiative aimed at leasing privately-owned properties throughout the county for social housing. The move reportedly has the backing of the Government and Cork County Council. Although the project is in its infancy, the housing association has already been promised 11 properties.

Carbery Housing Association secretary Jose Ospina said once suitable properties have been identified by his association, it will liaise with the local

authority which will then identify suitable tenants from its housing waiting list to occupy them. "We intend to lease privately-owned homes for 10-20 years and rent them out to single people and families on the council housing list" he said. The initiative will benefit single people on the local authority housing list who cannot afford to buy or rent on the open market and who cannot secure permanent council housing due to public spending cuts. The association is looking for suitable vacant properties all over Co. Cork but primarily in West Cork where it is based.

Carbery Housing can be contacted at Tel: 028 21890, e-mail: carberyha@iol.ie