



## **Unmarried fathers – winners and non-winners**

On the occasion of making a presentation on the General Scheme of a Children and Family Relationships Bill 2014 to the Joint Oireachtas Committee on Justice, Defence and Equality, Treoir, the specialist information service for unmarried parents, welcomed the proposal to grant automatic guardianship rights to unmarried fathers who have been cohabiting for one year before the birth of their child. However, the Bill does not include any procedure to verify whether in fact a couple has been cohabiting for the requisite time.

Margaret Dromey, CEO, warned that “where a relationship breaks down and parents are not in agreement about when cohabitation commenced they will have to go to court to determine if the father is a guardian. The cost and stress could be avoided if the fact of cohabitation could be affirmed or noted at the point of birth registration. Also every effort must be made to ensure children and their fathers are not denied a relationship while waiting for long periods for a case to be heard.”

The Bill does nothing to improve the legal position of non cohabiting unmarried fathers vis a vis their children. They will still require either the agreement of the mother (statutory Declaration SI 5 of 1998) or to apply to court for guardianship. Many of these fathers are very involved in the lives of their children and take their responsibilities as fathers very seriously. Treoir recommends that there should be an opportunity for unmarried fathers who are not cohabiting to acquire guardianship rights at the point of birth registration where both parents agree.

Treoir has been campaigning for many years for the establishment of a Central Register for Joint Guardianship Agreements. At present, if a Declaration (agreement) is lost, there is no evidence that the father is a guardian and no possibility of acquiring a copy. Treoir recommends the establishment of a Central Register for Guardianship Agreements where all agreements are recorded. In addition those fathers acquiring automatic rights through the cohabitation condition could also be recorded in the Central Register.

There are many aspects of the Bill which are very welcome e.g. the possibility of grandparents who are providing full-time care to their grandchildren and step-parents applying for guardianship rights in respect of children living with them.

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**Notes to Editor:**

Treoir is the National Federation of Services for Unmarried Parents and their Children. We

1. Operate the free, confidential **National Specialist Information and Referral Service** on all aspects of unmarried parenthood for
  - unmarried expectant parents
  - unmarried parents living apart
  - unmarried parents cohabiting
  - teen parents
  - opposite and same sex parents
  - grandparents and other relatives
  - those working with unmarried parents and their families.
2. Advocate on behalf of unmarried parents and their children.
3. Coordinate nationally the Teen Parent Support Programme

Treoir is a registered charity, a company limited by guarantee and is funded by the HSE, the HSE Crisis Pregnancy Programme, the Citizens Information Board and other grants.

Founded in 1976, Treoir, is the national federation of services for unmarried parents and their children. Its main aim is to promote the rights and welfare of unmarried families in Ireland. Membership of Treoir is open to professional agencies providing services to unmarried parents. Members include statutory and non-statutory bodies, including specialist agencies, HSE, maternity hospitals, adoption societies, self-help groups.

## **Births outside marriage Ireland – the statistics<sup>1</sup>**

- There were 25,190 births registered as outside marriage in 2012
- This accounts for 34% of all births in 2012
- Almost 55% of births outside of marriage in 2012 were the parents are registered at the same address
- 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 1,720 teenagers had babies in 2012, 40 of these were aged under 16 years.

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<sup>1</sup> (CSO Vital Statistics 4th quarter 2012 and yearly summary).