

Treoir (National Information Centre for Unmarried Parents)

“Do I have a daddy?”

Children whose parents are not married do not have their rights in relation to their fathers protected in Irish law. In its response to the Law Reform Commission’s report on Legal Aspects of Family Relationships Treoir strongly argues that children should have a right to a relationship with *both* their parents irrespective of their parents’ marital status.

Treoir has been campaigning for the rights of non-marital families since its foundation. Margaret Dromey, CEO, said “legislation should be introduced to protect children’s rights to identity, to contact with their father and to have their father as their guardian but of course safeguards must be put in place for those situation where the rights could be abused”. Treoir also supports extending some parental responsibilities to step-parents and others who act in loco parentis.

As part of its commitment to shared parenting Treoir has produced a series of leaflets the purpose of which Dromey says, “is to alert unmarried parents to the fact that they are both important to their children and they have responsibilities in relation to their children”. Topics include guardianship, access, custody, unmarried fathers rights and responsibilities, explaining family relationships, step-parenting, maintenance etc.

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About Treoir:

Treoir, national federation of services for unmarried parents and their children, was founded in 1976 to promote the welfare of unmarried families. It operates the National Information Service for parents and professionals **LoCall 1890 252 084**. It is involved in research and lobbying as well as producing numerous information publications on rights and entitlements of unmarried parents. In excess of 50% of calls to the Treoir National Information Centre concern parenting issues - custody, access, guardianship, maintenance and establishing paternity. www.treoir.ie

Summary of Recommendations

Terminology

Treoir agrees with the Commission's recommendation that the terminology pertaining to Guardianship, Access and Custody should be changed and that the terms should be defined. In relation to the term 'parental responsibility', Treoir is of the view that the definition should be detailed but non-exhaustive.

Registration of the birth of a child/Encouraging Joint Registration

Treoir supports the introduction of a statutory clarification to the effect that the registration of a birth is not currently linked to the allocation of guardianship/parental responsibility.

Treoir does not at present support the introduction of compulsory registration of the names of both parents.

Treoir supports the imposition upon the GRO of the duty to make enquiries of a mother in relation to naming the child's father on the birth certificate.

The Responsibilities and Rights of Non-Marital Fathers

Treoir does not support the introduction of a system of automatic acquisition of guardianship/parental responsibility based on a genetic link only, for reasons outlined in the submission. However, Treoir believes further research and discussion is required on this issue and the Commission should review again the law as it pertains to unmarried fathers and assess its Convention compatibility. Treoir believes legislation should be introduced to protect children's rights to have a father as a guardian and ensure that safeguards are put in place for those situations in which these rights could be abused.

Treoir considers as very sensible the recommendation by the Commission that the birth registration form could contain an additional section which would replicate the statutory declaration form which would allow the parents to register the birth of the child and confirm the legal rights and responsibilities of the father at the same time, if they so wished.

Treoir welcomes the provisional recommendation of the Commission that a statutory presumption be introduced that a non-marital father be granted an order for guardianship/parental responsibility unless to do so would be contrary to the best interests of the child or would jeopardise the child's welfare.

Treoir welcomes the recommendation on the establishment of a Central Register to keep account of the existence of statutory declarations agreeing guardianship/parental responsibility and considers that it should be maintained by the CRO and should be subject to public search.

The Responsibilities and Rights of Members of the Extended Family

Treoir supports the removal of the leave stage of applications on behalf of grandparents to gain access/contact with their grandchildren. Treoir also supports the possibility of extending the right to apply for access/contact to include the child.

Treoir supports the extension of some parental responsibilities to be conferred on step-parents or another person acting in loco parentis. However, Treoir is of the view that the species of rights which are allocated to a step-parent or another person acting in loco parentis would be of a lesser level than those of the parent who is a guardian. Similarly, the idea of linking guardianship/parental responsibility to custody/day to day care orders is supported on the proviso that it is possible to afford a lesser species of rights to the day to day carer.