

Press Release (Monday 23rd March 2015)

There is something now in the Bill for non-cohabiting fathers!

Discussion on the ground breaking Children and Family Relationships Bill 2015 will commence in the **Seanad on Tuesday 24th of March**. Treoir very much welcomes the amendment to the Bill, introduced at report stage in the Dail, by Frances Fitzgerald, Minister for Justice and Equality, to enable Birth Registrars to inform unmarried parents about their legal rights at the point of birth registration, i.e. the father does not have automatic guardianship rights. Registrars will be empowered to witness a statutory declaration for joint guardianship, signed by the mother and father, appointing the father as a guardian. This can be done when the birth of the child is being registered (or re-registered) or within 14 days of the registration.

While this is a very significant step forward it does not go far enough. It is a huge disservice to this very worth piece of legislation that there will be no onus on the Registrar to keep a record of the fact that the father is a guardian. If the declaration is lost or destroyed there will be no evidence that he is a guardian.

Treoir has, for many years, promoted the setting up of a Central Register for Guardianship Agreements because of the hardship caused to unmarried fathers by not being able to prove guardianship. This could result in a child losing all contact with his/her father.

The Minister has committed to doing a scoping exercise/report on the feasibility of setting up a Central Register. Dr. Ruth Barrington, Chair of Treoir said “while the commitment to investigate the setting up of the Register is very positive we would like this to be embedded in the legislation. Guardianship of a child is a particularly important as it confers rights and duties in relation to children. We are concerned that if it is not legislated for at this time the possibility of political pressures or indeed a change of government could result in the Minister’s commitments not being met”. The CEO, Margaret Dromey, added “it is imperative that the Central Register is included in the legislation as it likely to be many years before the opportunity of amending the legislation will arise again”.

While many amendments to the Bill were introduced at both Committee and Report stages it needs further adjusting, particularly in relation to guardianship matters. We hope these will be addressed at Senate stage.

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