



DÁIL ÉIREANN

AN BILLE UM CHÚRAM LEANAÍ (LEASÚ) 2009 CHILD CARE (AMENDMENT) BILL 2009

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM CHÚRAM LEANAÍ (LEASÚ) 2009 —AN TUARASCÁIL

CHILD CARE (AMENDMENT) BILL 2009 —REPORT

Leasuithe Amendments

1. In page 5, line 22, to delete “and 44” and substitute “, 44 and 46”.
—Aire Stáit ag an Roinn Sláinte agus Leanaí.

2. In page 5, between lines 27 and 28, to insert the following:

(5) The Adoption Act 2010 and *section 46* may be cited together as the Adoption Acts 2010 and 2011.”

—Aire Stáit ag an Roinn Sláinte agus Leanaí.

3. In page 8, line 35, to delete “detention” and substitute “placement”.

—Jan O'Sullivan, Kathleen Lynch.

4. In page 45, between lines 20 and 21, to insert the following:

“where an order to that effect is made by the High Court pursuant to section 23NF.”

—Jan O'Sullivan, Kathleen Lynch.

5. In page 45, between lines 42 and 43, to insert the following:

“(2) Without prejudice to the obligation of the Executive to have regard to the views of the child, bearing in mind the child’s age and understanding, prior to taking steps under this section, the court shall give such directions as are appropriate where the Health Service Executive proposes to take steps to which the child does not consent.”

—Jan O'Sullivan, Kathleen Lynch.

6. In page 45, between lines 42 and 43, to insert the following:

“(2) The Health Service Executive shall have regard to the views of the child, taking into consideration the child’s age and understanding. Prior to taking steps under this section, the court shall give such directions as are appropriate where the Health Service Executive proposes to take steps to which the child does not consent.”

—Caoimhghín Ó Caoláin.

7. In page 45, line 45, after “shall” to insert the following:

“with the consent of either child’s parent or guardian, a person acting in loco parentis or the child’s Guardian Ad Litem”.

—Charles Flanagan.

8. In page 45, after line 49, to insert the following:

“(3) In any action under this section, regard shall be had to the views of the child having regard to the child’s age and level of understanding. Prior to taking steps under this section, the court shall give such directions as are appropriate in the best interests of the child where the Health Service Executive proposes to take steps to which the child does not consent.”.

—Charles Flanagan.

9. In page 46, line 5, to delete “detained” and substitute “placed in secure care”.

—Charles Flanagan.

10. In page 49, to delete line 1 and substitute the following:

“23NF.—(1) For the avoidance of doubt, a child may not be removed from the jurisdiction by the Health Service Executive for any purpose without an order of the High Court providing such authorization to the Health Service Executive.

(2) Notwithstanding the detention of a”.

—Charles Flanagan.

11. In page 62, line 16, to delete “a fine not exceeding €3,000” and substitute “a class B fine”.

—Aire Stáit ag an Roinn Sláinte agus Leanaí.

12. In page 62, line 45, to delete “a fine not exceeding €3,000” and substitute “a class B fine”.

—Aire Stáit ag an Roinn Sláinte agus Leanaí.

13. In page 63, between lines 10 and 11, to insert the following:

“(2) Section 24 of the principal Act is amended in paragraph (b) by the deletion of the words “in so far as practicable”.”.

—Charles Flanagan.

14. In page 63, to delete lines 23 and 24.

—Charles Flanagan.

15. In page 64, to delete lines 1 to 8 and substitute the following:

“(a) the guardian ad litem appointed may appoint a solicitor to represent them in respect of those proceedings and give directions as to the performance of the solicitor of his or her duties, which may include, if necessary, having regard to the circumstances of the case, directions in relation to the instruction of counsel, and”.

—Charles Flanagan.

16. In page 64, between lines 32 and 33, to insert the following:

“(g) by inserting the following subsection after subsection (4):

“(5) (a) The Minister shall, within three months of the enactment of the *Child Care (Amendment) Act 2011*, publish by regulations in relation to the registration, role, qualifications and training of guardian ad litem.

(b) Regulations made under *paragraph (a)* shall be approved by the Houses of the Oireachtas.”.”.

—Charles Flanagan.

17. In page 67, between lines 25 and 26, to insert the following:

“22.—Section 45 (as amended by the Act of 2004) of the Principal Act is amended by substituting the following section for section 45—

“45.—(1) (a) Where a child leaves the care of the Health Service Executive, the Executive shall, in accordance with subsection (2), assist him for so long as the Executive is satisfied as to his need for assistance and, subject to paragraph (b), he has not attained the age of 21 years.

(b) Where the Health Service Executive is assisting a person in accordance with subsection (2)(b), and that person attains the age of 21 years, the Executive shall continue to provide such assistance until the completion of the course of education in which he is engaged.

(2) (a) The Health Service Executive shall assist a person under this section in one or more of the following ways—

(i) by causing him to be visited or assisted;

(ii) by arranging for the completion of his education and by contributing towards his maintenance while he is completing his education;

(iii) by placing him in a suitable trade, calling or business and paying such fee or sum as may be requisite for that purpose;

(iv) by providing a residential aftercare programme for him;

(v) by co-operating with housing authorities in planning accommodation for children leaving care on reaching the age of 18 years;

(vi) by arranging for any existing or emerging health care needs to be addressed by appropriate qualified persons;

(b) For the purposes of this section, the Minister shall prescribe the manner in which aftercare is to be provided by regulation.

(3) Any arrangement made by a health board under section 55(4) or (5) of the Health Act, 1953, in force immediately before the commencement of this section shall continue in force as if made under this section.

(4) In providing assistance under this section, a health board shall comply with any general directions given by the Minister.

(5) For the purposes of this section, the reference in subsection (1)(a) to the care of the Health Service Executive includes special care provided under Part IVA (as amended by the *Child Care (Amendment) Act 2011*).”.”.

—Charles Flanagan.

18. In page 67, between lines 25 and 26, to insert the following:

“Amendment of section 45 of Principal Act.

22.—Section 45 (as amended by the Act of 2004) of the Principal Act is amended by substituting the following section for section 45—

“45.—(1) (a) Where a child leaves the care of the Health Service Executive, the Executive shall, in accordance with subsection (2), assist him or her for so long as the Executive is satisfied as to his or her need for assistance and, subject to paragraph (b), he or she has not attained the age of 21 years.

(b) Where that person attains the age of 21 years, the Executive shall continue to provide such assistance until the completion of the course of education in which he or she is engaged.

(2) (a) The Health Service Executive shall assist a person under this section in one or more of the following ways—

(i) by causing him or her to be visited or assisted;

(ii) by arranging for the completion of his or her education and by contributing towards his or her maintenance while he or she is completing his or her education;

(iii) by placing him or her in a suitable trade, calling or business and paying such fee or sum as may be requisite for that purpose;

(iv) by providing a residential aftercare programme for him or her;

(v) by co-operating with housing authorities in planning accommodation for children leaving care on reaching the age of 18 years;

(vi) by arranging for any existing or emerging health care needs to be addressed by appropriate qualified persons.

(b) For the purposes of this section, the Minister shall prescribe the manner in which aftercare may be provided.

(3) In providing assistance under this section, the Executive shall comply with any general directions given by the Minister.

(4) For the purposes of this section, the reference in subsection (1)(a) to the care of the Health Service Executive includes special care provided under Part IVA (as amended by the *Child Care (Amendment) Act 2011*).”.”.

—Caoimhghín Ó Caoláin.

19. In page 67, to delete lines 26 to 32 and substitute the following:

“Amendment of section 45 of Principal Act.

22.—Section 45 (as amended by the Act of 2004) of the Principal Act is amended by substituting the following section for section 45:

“45.—(1)

(a) Where a child leaves the care of the Health Service Executive, the Executive shall, in accordance with subsection (2), assist him or her for so long as the Executive is satisfied as to his or her need for assistance and, subject to paragraph (b), he or she has not attained the age of 21 years.

(b) Where that person attains the age of 21 years, the Executive shall continue to provide such assistance until the completion of the course of education in which he or she is engaged.

(2) (a) The Health Service Executive shall assist a person under this section in one or more of the following ways—

(i) by causing him or her to be visited or assisted;

(ii) by arranging for the completion of his or her education and by contributing towards his or her maintenance while he or she is completing his or her education;

(iii) by placing him or her in a suitable trade, calling or business and paying such fee or sum as may be requisite for that purpose;

(iv) by providing a residential aftercare programme for him or her;

(v) by co-operating with housing authorities in planning accommodation for children leaving care on reaching the age of 18 years;

(vi) by arranging for any existing or emerging health care needs to be addressed by appropriate qualified persons;

(b) For the purposes of this section, the Minister shall prescribe the manner in which aftercare may be provided.

(4) In providing assistance under this section, the Executive shall comply with any general directions given by the Minister.

(5) For the purposes of this section, the reference in subsection (1)(a) to the care of the Health Service Executive includes special care provided under Part IVA (as amended by the *Child Care (Amendment) Act 2011*).”.”.

—Jan O'Sullivan, Kathleen Lynch.

20. In page 70, to delete lines 23 and 24 and substitute the following:

“(5) Section 75 of the Act of 2007 is amended—

(a) in subsection (2)(a), by deleting “or special care unit”, and

(b) in subsection (2)(b)(iii), by deleting “or (d)”.”.

—Aire Stáit ag an Roinn Sláinte agus Leanaí.

21. In page 70, to delete lines 31 and 32.

—Jan O'Sullivan, Kathleen Lynch.