



**AN BILLE UM CHEARTA SEANAITHREACHA AGUS
SEANMHÁITHREACHA, 2013
RIGHTS OF GRANDPARENTS BILL 2013**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
 2. Amendment of section 2 of the Act of 1964.
 3. Amendment of section 11B of the Act of 1964.
 4. Day-to-day care.
 5. Short title.
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ACTS REFERRED TO

Children Act 1997

1997, No. 40

Guardianship of Infants Act 1964

1964, No. 7



AN BILLE UM CHEARTA SEANAITHREACHA AGUS
SEANMHÁITHREACHA, 2013

RIGHTS OF GRANDPARENTS BILL 2013

BILL

5 *entitled*

AN ACT TO REMOVE THE OBLIGATION IMPOSED ON THE
GRANDPARENTS OF A CHILD TO FIRST APPLY AND
OBTAIN LEAVE BEFORE EXERCISING THE RIGHT TO
10 APPLY FOR ACCESS TO A GRANCHILD, TO REGU-
LARISE THE DAY-TO-DAY CARE OF CHILDREN IN
ORDER TO FACILITATE THE DEVELOPMENT OF A
RELATIONSHIP OR A BOND BETWEEN A GRAND-
PARENT AND THEIR GRANDCHILDREN AND PER-
SONS IN LOCO PARENTIS WHERE APPROPRIATE, TO
15 AMEND THE GUARDIANSHIP OF INFANTS ACT 1964
AND TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act “the Act of 1964” means the Guardianship of Interpretation.
Infants Act 1964.

20 2.—The Act of 1964 is hereby amended by the insertion in section Amendment of
2 in the Act of 1964 of the following definition: section 2 of the Act
of 1964.

“ ‘Grandparent’, in relation to a child, means a grandparent,
whether of the whole blood, half blood or by affinity, and
includes the spouse of any such person, a parent of a child’s
25 adoptive parent and an adoptive parent of a child’s parent.”.

3.—(1) Section 11B of the Act of 1964 is hereby amended by the Amendment of
substitution for subsection (2) (inserted by section 9 of the Children section 11B of the
Act 1997) of the following subsection: Act of 1964.

30 “(2) A person, other than a grandparent, shall not make an
application under subsection (1) unless that person has first
applied for and has been granted by the court leave to make
the application.”.

(2) Section 11B of the Act of 1964 is hereby amended in subsec-
tion (3) by substituting “subsection (2)” for “subsection (1)”.

Day-to-day care.

4.—The Act of 1964 is hereby amended by the insertion after section 8 of the following sections:

“Appointment
and removal
by court of
persons to
exercise day-
to-day care.

8A.—(1) Any person who is not a guardian but who—

- (a) is a grandparent of a child, 5
- (b) is a relative of a child,
- (c) acts *in loco parentis* to a child, or
- (d) has a bona fide interest in the welfare of the child,

may apply to the court for an order granting that 10
person custody of the child on such terms and con-
ditions as the court may order.

(2) Before granting an order under this section,
the court shall be satisfied that the parents or
guardians of the child are unwilling or unable to 15
exercise custody.

(3) In deciding whether to grant an application
under this section the court shall have regard to
all the circumstances, including in particular—

- (a) the applicant’s connection with the 20
child,
- (b) the risk, if any, of the application dis-
rupting the child’s life to the extent
that the child would be harmed by it,
- (c) the wishes of the parents of the child, 25
- (d) the wishes of the child.

(4) In this section and Part III of this Act, cus-
tody includes the ability of the person to exercise
care and control over a child on a day-to-day basis,
to protect and to supervise the child and to make 30
decisions in respect thereto.

(5) For the avoidance of doubt an Order made
under this section does not permit a person other
than a guardian to make decisions regarding the
adoption of a child or to appoint a testamentary 35
guardian.”.

Short title.

5.—This Act may be cited as the Rights of Grandparents Act 2013.