



DÁIL ÉIREANN

AN BILLE FÁN NGNÍOMHAIREACHT UM LEANAÍ AGUS AN TEAGHLACH, 2013 CHILD AND FAMILY AGENCY BILL 2013

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE FÁN NGNÍOMHAIREACHT UM LEANAÍ AGUS AN TEAGHLACH, 2013 —AN TUARASCÁIL

CHILD AND FAMILY AGENCY BILL 2013 —REPORT

Leasuithe Amendments

1. In page 12, between lines 10 and 11, to insert the following:

“(2) The Agency shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name.”.

—An tAire Leanaí agus Gnóthaí Óige.

2. In page 12, line 14, after “the” to insert “educational welfare,”.

—Caoimhghín Ó Caoláin.

3. In page 12, line 15, to delete “families” and substitute the following:

“all families and the role of parents or guardians therein as integral to the achievement of *paragraph (b)* above”.

—Caoimhghín Ó Caoláin.

4. In page 12, between lines 24 and 25, to insert the following:

“(h) ensure the prevention of harm to a child from all forms of neglect and abuse.”.

—Caoimhghín Ó Caoláin.

5. In page 13, line 10, to delete “and accountability” and substitute “, accountability and consistency”.

—Caoimhghín Ó Caoláin.

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

“(6) In the performance of its functions, the Agency shall have regard to the principles of equality and non-discrimination.”.

—Caoimhghín Ó Caoláin.

7. In page 13, line 15, after “shall” to insert “facilitate and”.

—An tAire Leanaí agus Gnóthaí Óige.

8. In page 13, line 15, after “inter-agency” to insert “and intra-agency”.

—Caoimhghín Ó Caoláin.

9. In page 13, to delete lines 28 to 30 and substitute the following:

“9. (1) The Agency shall, in performing its functions under *section 8(1)(a), (b) or (c)* in respect of an individual child or family, regard the best interests of the child as a primary consideration.”.

—Caoimhghín Ó Caoláin.

10. In page 13, to delete lines 28 to 30 and substitute the following:

“9. (1) The Agency shall, in performing its functions under *section 8(1)* in respect of an individual child or family, regard the best interests of the child as a primary consideration.”.

—Joan Collins.

11. In page 13, line 33, after “2010,” to insert “whether in proceedings before a court or otherwise”.

—Caoimhghín Ó Caoláin.

12. In page 13, to delete lines 35 to 40, and in page 14, to delete lines 1 and 2 and substitute the following:

“(3) The Agency shall consult when planning and reviewing the provision of services in connection with the performance of functions under *section 8(1)(a), (b) or (c)* where relevant, and ensure that due consideration is given to the views of children as part of any consultation processes undertaken.

(4) The Agency shall, in performing its functions in respect of an individual child under *section 8* ensure that the views of that individual child, where that child is capable of forming his or her own views, be ascertained and given due weight with regard to the age and maturity of the child.”.

—Caoimhghín Ó Caoláin.

13. In page 15, line 34, to delete “the Minister for Education and Skills” and substitute “any Minister”.

—Caoimhghín Ó Caoláin.

14. In page 18, between lines 19 and 20, to insert the following:

“(5) The Board shall always include three individuals with experience or knowledge of the legal environment as it pertains to children and families; the disciplines of child protection, psychology, family support and therapeutic services.”.

—Caoimhghín Ó Caoláin.

15. In page 31, lines 27 and 28, to delete “the Minister for Education and Skills” and substitute “any Minister”.

—Caoimhghín Ó Caoláin.

16. In page 34, line 34, after “to” to insert “the Board of”.

—Caoimhghín Ó Caoláin.

17. In page 35, line 9, after “functions” to insert “and must be in accordance with *section 8* and *section 9*”.

—Caoimhghín Ó Caoláin.

18. In page 35, between lines 22 and 23, to insert the following:

“(4) A direction given by the Minister under *subsection (1)* shall not interfere with the exercise of professional judgement in a particular case in the performance by the Agency of its functions and must be in accordance with *section 8* and *section 9*.”.

—Caoimhghín Ó Caoláin.

19. In page 41, between lines 22 and 23, to insert the following:

“(16) A service provider shall operate in compliance with *section 9* where applicable.”.

—Caoimhghín Ó Caoláin, Robert Troy.

20. In page 42, between lines 7 and 8, to insert the following:

“(7) A service provider shall operate in compliance with *section 9* where applicable.”.

—Caoimhghín Ó Caoláin, Robert Troy.

21. In page 43, between lines 2 and 3, to insert the following:

“(11) A service provider shall operate in compliance with *section 9* where applicable.”.

—Caoimhghín Ó Caoláin, Robert Troy.

22. In page 43, line 16, to delete “by voluntary bodies”.

—An tAire Leanaí agus Gnóthai Óige.

23. In page 43, line 18, to delete “by the person concerned”.

—An tAire Leanaí agus Gnóthai Óige.

24. In page 43, between lines 31 and 32, to insert the following:

“(9) A service provider shall operate in compliance with *section 9* where applicable.”.

—Caoimhghín Ó Caoláin, Robert Troy.

25. In page 53, between lines 19 and 20, to insert the following:

“(2) Notwithstanding *subsection (1)*, where a contract, agreement or arrangement relates to a service required in connection with the performance of a function transferred under *section 82* and also relates to a service required in connection with the performance of a function which, after the establishment day, remains a function of the Health Service Executive, the Health Service Executive and the Agency may agree in writing that such contract, agreement or arrangement shall continue in force as if the name of the Agency were included therein with that of the Health Service Executive or, as may be appropriate, its trustee or agent, and the contract, agreement or arrangement concerned shall be enforceable by or against the Agency in so far as the service the subject matter of the contract, agreement or arrangement is required in connection with the performance of a function transferred under *section 82* and by or against the

Health Service Executive in so far as the service the subject matter of the contract, agreement or arrangement is required in connection with the performance of a function of the Health Service Executive.”.

—An tAire Leanaí agus Gnóthaí Óige.

26. In page 56, line 40, to delete “3 years” and substitute “1 year”.

—Robert Troy.

27. In page 57, line 10, to delete “a condition” and substitute “conditions”.

—Robert Troy.

28. In page 57, line 30, to delete “12 months” and substitute “36 months”.

—Robert Troy.

29. In page 59, line 10, to delete “from time to time” and substitute “annually”.

—Robert Troy.

30. In page 60, to delete lines 20 to 25.

—Robert Troy.

31. In page 60, between lines 25 and 26, to insert the following:

“93. Section 45(1) of the Childcare Act 1991 is amended by the insertion of the following paragraph after paragraph (b):

“(c) where a child is the subject of a care order, the Child and Family Agency shall, in preparation for that child leaving care, work with that child to assess their support needs and develop a support plan with a view to their needs when they leave care.”.”.

—Caoimhghín Ó Caoláin.