



SEANAD ÉIREANN

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

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

SEANAD 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, line 16, after “the” to insert “educational welfare”.
—*Senators Terry Leyden, Diarmuid Wilson, David Cullinane, Trevor Ó Clochartaigh.*
2. In page 12, line 17, 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”.
—*Senators Terry Leyden, Diarmuid Wilson, David Cullinane, Trevor Ó Clochartaigh.*
3. In page 12, between lines 26 and 27, to insert the following:
“(h) ensure the prevention of harm to a child from all forms of neglect and abuse.”.
—*Senators David Cullinane, Trevor Ó Clochartaigh.*
4. In page 13, to delete lines 2 and 3.
—*Senators Jillian van Turnhout, Fiach Mac Conghail, Mary Ann O'Brien, Katherine Zappone.*
5. In page 13, between lines 12 and 13, to insert the following:
“(6) In the performance of its functions, the Agency shall have regard to the principles of equality and non-discrimination.”.
—*Senators David Cullinane, Trevor Ó Clochartaigh.*
6. In page 13, line 17, after “inter-agency” to insert “and intraagency”.
—*Senators David Cullinane, Trevor Ó Clochartaigh.*
7. In page 13, lines 30 to 32, to delete all words from and including “when” in line 30 down to and including “matters” in line 32 and substitute the following:
“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 the primary consideration”.
—*Senators Terry Leyden, Diarmuid Wilson, David Cullinane, Trevor Ó Clochartaigh.*
8. In page 13, lines 30 to 32, to delete all words from and including “when” in line 30 down to and including “matters” in line 32 and substitute the following:
“when making decisions in relation to the performance of 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”.

—*Senators Jillian van Turnhout, Fiach Mac Conghail, Mary Ann O'Brien, Katherine Zappone.*

9. In page 13, line 35, after “2010,” to insert “whether in proceedings before a court or otherwise,”.

—*Senators Terry Leyden, Diarmuid Wilson, David Cullinane, Trevor Ó Clochartaigh.*

10. In page 13, lines 37 to 39, to delete all words from and including “, when” in line 37 down to and including “children” in line 39 and substitute the following:

“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”.

—*Senators David Cullinane, Trevor Ó Clochartaigh.*

11. In page 13, lines 38 and 39, to delete “*section 8(1)(a), (b) or (c)*, ensure that consideration is given to the views of children” and substitute the following:

“*section 8(1)*, ensure that due consideration is given to the views of children as part of any consultation processes undertaken”.

—*Senators Terry Leyden, Diarmuid Wilson.*

12. In page 14, to delete lines 1 to 4 and substitute the following:

“*section 8(1)(a), (b), or (c)*, whether in proceedings before a court or otherwise ensure that the views of that individual child, where that child is capable of forming and expressing his or her own views, be ascertained and given due weight in accordance to the age and maturity of the child”.

—*Senators Terry Leyden, Diarmuid Wilson.*

13. In page 14, to delete lines 1 to 4 and substitute the following:

“*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”.

—*Senators David Cullinane, Trevor Ó Clochartaigh.*

14. In page 15, lines 35 and 36, to delete “the Minister after consulting the Minister for Health and the Minister for Education and Skills” and substitute “any Minister”.

—*Senators David Cullinane, Trevor Ó Clochartaigh.*

15. In page 15, after line 37, to insert the following:

“(g) the report required by *section 39*,”.

—*Senators Jillian van Turnhout, Fiach Mac Conghail, Mary Ann O'Brien, Katherine Zappone.*

16. In page 18, between lines 22 and 23, 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.”

—*Senators David Cullinane, Trevor Ó Clochartaigh.*

17. In page 31, between lines 4 and 5, to insert the following:

“(3) The Agency shall submit to the Minister, as part of the Agency’s annual report, a list of gifts accepted during the previous year that are above the value of €500.”

—*Senators Jillian van Turnhout, Fiach Mac Conghail, Mary Ann O'Brien, Katherine Zappone.*

18. In page 31, lines 28 and 29, to delete “the Minister for Health or the Minister for Education and Skills” and substitute “any Minister”.

—*Senators David Cullinane, Trevor Ó Clochartaigh.*

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

—*Senators David Cullinane, Trevor Ó Clochartaigh.*

20. In page 35, line 8, to delete “judgment” and substitute “judgement”.

—*Senators Jillian van Turnhout, Fiach Mac Conghail, Mary Ann O'Brien, Katherine Zappone.*

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

—*Senators David Cullinane, Trevor Ó Clochartaigh.*

22. 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*.”

—*Senators David Cullinane, Trevor Ó Clochartaigh.*

23. 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.”

—*Senators David Cullinane, Trevor Ó Clochartaigh.*

24. 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.”

—*Senators David Cullinane, Trevor Ó Clochartaigh.*

25. 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.”

—*Senators David Cullinane, Trevor Ó Clochartaigh.*

26. 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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh.*

27. In page 48, line 31, after “Children” to insert “or the Health Information and Quality Authority”.

—*Senators Terry Leyden, Diarmuid Wilson.*

28. In page 48, between lines 35 and 36, to insert the following:

“(3) The Health Information and Quality Authority shall have an oversight role in the performance of the Agency and its functions as set out in *section 8* of this Act.”.

—*Senators Terry Leyden, Diarmuid Wilson.*

29. In page 55, line 10, after “day-care” to insert “naíonra”.

—*Senators Terry Leyden, Diarmuid Wilson.*

30. In page 55, line 20, after “day-care” to insert “naíonra”.

—*Senators Terry Leyden, Diarmuid Wilson.*

31. In page 59, line 20, to delete “and welfare” and substitute “, welfare and promote the development”.

—*Senators Terry Leyden, Diarmuid Wilson, Jillian van Turnhout, Fiach Mac Conghail, Mary Ann O'Brien, Katherine Zappone .*

32. In page 60, to delete lines 34 to 39.

—*Senators Terry Leyden, Diarmuid Wilson.*

33. In page 62, between lines 6 and 7, to insert the following:

“**96.** 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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh.*