



DÁIL ÉIREANN

**AN BILLE UM LEANAÍ AGUS CÓNGAIS TEAGHLAIGH, 2015
CHILDREN AND FAMILY RELATIONSHIPS BILL 2015**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE UM LEANAÍ AGUS CÓNGAIS TEAGHLAIGH, 2015 —ROGHCHOISTE

CHILDREN AND FAMILY RELATIONSHIPS BILL 2015 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 4

1. In page 10, lines 19 and 20, to delete “to which *section 14* applies”.

—An tAire Dlí agus Cirt agus Comhionannais.

2. In page 10, line 21, to delete “*section 24(5)*” and substitute “*section 24(6)*”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 5

3. In page 12, between lines 14 and 15, to insert the following:

“(9) The intending parents of a donor-conceived child must undergo counselling prior to their initiation of DAHR.”.

—Pádraig Mac Lochlainn.

SECTION 6

4. In page 12, line 34, to delete “and”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 7

5. In page 13, to delete lines 15 to 19 and substitute the following:

“(a) that, in the event that he or she consents under *section 6* to the use in a DAHR procedure of a gamete provided by him or her—

(i) he or she is entitled to seek the information referred to in *section 32(2)*, and

(ii) where such a DAHR procedure is performed, he or she consents to the provision to the Minister of the information referred to in *section 26(2)(a)* in respect of him or her.”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 11

6. In page 16, line 6, to delete “procedure,” and substitute “procedure, and”.

—An tAire Dlí agus Cirt agus Comhionannais.

[SECTION 11]

7. In page 16, line 9, to delete “a” where it thirdly occurs and substitute “the”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 13

8. In page 17, line 5, to delete “*section 32(2)*” and substitute “*section 32(1)*”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 14

9. In page 17, line 13, after “applies,” to insert “the”.

—An tAire Dlí agus Cirt agus Comhionannais.

10. In page 17, line 30, to delete “will be” and substitute “is”.

—An tAire Dlí agus Cirt agus Comhionannais.

11. In page 17, line 31, to delete “will not be” and substitute “is not”.

—An tAire Dlí agus Cirt agus Comhionannais.

12. In page 17, line 37, to delete “relevant intending parent” and substitute “person”.

—An tAire Dlí agus Cirt agus Comhionannais.

13. In page 18, line 21, to delete “the DAHR procedure” and substitute “the further DAHR procedure”.

—An tAire Dlí agus Cirt agus Comhionannais.

14. In page 18, line 23, to delete “his or her gamete” and substitute “an embryo”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 15

15. In page 19, to delete line 6.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 20

16. In page 22, line 13, to delete “*Subsections (4) to (8)*” and substitute “*Subsections (5) to (8)*”.

—An tAire Dlí agus Cirt agus Comhionannais.

17. In page 22, line 17, to delete “*section 18(1)(d)*” and substitute “*section 18(1)(c)*”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 21

18. In page 22, line 37, to delete “order” and substitute “declaration”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 23

19. In page 23, lines 28 to 30, to delete all words from and including “(1) A” in line 28 down to and including line 30.

—Pádraig Mac Lochlainn.

[SECTION 24]

SECTION 24

20. In page 25, line 26, to delete “concerned”.

—An tAire Dlí agus Cirt agus Comhionannais.

21. In page 25, between lines 35 and 36, to insert the following:

“(8) A transition period of 12 months, from the date of enactment, shall be allowed for cases where patients have already selected or paid for anonymous sperm donors or have the donation currently in storage in Irish clinics awaiting use in treatment, to complete their treatment cycles.

(9) A transition period of 12 months, from the date of enactment, shall be allowed for cases where individuals have already initiated the process of anonymous egg donation, to complete their treatment cycles.

(10) A transition period shall be allowed for cases of treatment involving a DAHR procedure resulting in a sibling child from an anonymous donor for a period of 3 years from the birth of the first child or 3 years from the date of enactment, whichever of the two is longer.”.

—Pádraig Mac Lochlainn.

SECTION 25

22. In page 26, line 30, to delete “mother” and substitute “intending mother”.

—An tAire Dlí agus Cirt agus Comhionannais.

23. In page 26, line 32, to delete “mother” and substitute “intending mother”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 26

24. In page 27, to delete lines 1 and 2 and substitute the following:

“(b) a record of the revocation, under *section 8, 10, 12 or 16*, as the case may be, by a person referred to in *paragraph (a)* of his or her consent.”.

—An tAire Dlí agus Cirt agus Comhionannais.

25. In page 27, line 5, to delete “a” and substitute “the”.

—An tAire Dlí agus Cirt agus Comhionannais.

26. In page 27, line 8, to delete “*subsection (1)*” and substitute “*subsection (2)*”.

—An tAire Dlí agus Cirt agus Comhionannais.

27. In page 27, to delete lines 13 and 14 and substitute the following:

“(b) the information referred to in *subsection (2)* in respect of the donor and the intending parent;”.

—An tAire Dlí agus Cirt agus Comhionannais.

28. In page 27, line 23, to delete “date of birth” and substitute “date and place of birth”.

—An tAire Dlí agus Cirt agus Comhionannais.

[SECTION 27]

SECTION 27

29. In page 27, line 37, to delete “facility” and substitute “operator”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 29

30. In page 28, line 20, to delete “place of work or”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 30

31. In page 30, line 12, to delete “it” and substitute “him or her”.

—An tAire Dlí agus Cirt agus Comhionannais.

32. In page 30, line 14, to delete “*subsection (5)*” and substitute “*subsection (3)*”.

—An tAire Dlí agus Cirt agus Comhionannais.

33. In page 30, line 29, to delete “its” and substitute “his or her”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 40

34. In page 35, line 14, to delete “(inserted by the Act of 1987)”.

—An tAire Dlí agus Cirt agus Comhionannais.

35. In page 36, line 9, after “child;,” to insert “and”.

—An tAire Dlí agus Cirt agus Comhionannais.

36. In page 36, to delete lines 10 to 18.

—Pádraig Mac Lochlainn.

SECTION 45

37. In page 37, to delete line 38, and in page 38, to delete line 1.

—Pádraig Mac Lochlainn.

38. In page 38, line 1, to delete “woman who gave birth to” and substitute “mother of”.

—An tAire Dlí agus Cirt agus Comhionannais.

39. In page 38, between lines 2 and 3, to insert the following:

“(2) A man who is the biological father of a child shall have an automatically guaranteed guardianship, when deemed suitable in accordance with this Act and he has willingly made his interest known in being a guardian.”

—Finian McGrath.

40. In page 38, to delete line 7.

—Finian McGrath, Pádraig Mac Lochlainn.

[SECTION 45]

41. In page 38, to delete lines 9 to 14.

—Finian McGrath, Pádraig Mac Lochlainn.

42. In page 38, line 12, after “three” to insert “consecutive”.

—An tAire Dlí agus Cirt agus Comhionannais.

43. In page 38, between lines 25 and 26, to insert the following:

“Central Register for Statutory Declarations for Joint Guardianship

- 6C. The Minister shall cause to be established and maintained a register to be known as the Central Register for Statutory Declarations for Joint Guardianship, the purpose of which is to provide protection for the statutory declaration documents which grant guardianship rights to unmarried fathers in respect of their children.”.

—Pádraig Mac Lochlainn.

44. In page 39, line 11, to delete “view” and substitute “views”.

—An tAire Dlí agus Cirt agus Comhionannais.

45. In page 39, line 17, to delete “subsection (4)” and substitute “subsection (7)”.

—An tAire Dlí agus Cirt agus Comhionannais.

46. In page 40, line 5, to delete “interest” and substitute “interests”.

—An tAire Dlí agus Cirt agus Comhionannais.

47. In page 42, line 2, to delete “duties” and substitute “responsibilities”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 46

48. In page 44, line 20, to delete “the surviving parent” and substitute “a parent of the child”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 52

49. In page 47, lines 2 to 4, to delete all words from and including “by—” in line 2 down to and including “(b) the” in line 4 and substitute “by the”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 58

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

“Establishment of Court Welfare System

- 31A. The Minister shall cause to be established a comprehensive court welfare service. The service shall—

- (a) carry out assessments of the child’s welfare and best interests,
- (b) ascertain the views of the child,
- (c) carry out family risk assessments, and

[SECTION 58]

- (d) ensure, where appropriate, that supports and services are available to the child and family including mediation and child contact centres.”.

—Pádraig Mac Lochlainn.

SECTION 75

51. In page 63, line 22, after “subsection (4),” to insert “and”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 88

52. In page 68, between lines 10 and 11, to insert the following:

“88. Section 19 of the Act of 2004 is amended by the insertion of the following after subsection (5A):

“(5B) In circumstances where the mother and father of the child whose birth falls to be registered, are not married to each other, a registrar shall, at the time and place of registration pursuant to section 19, inform the mother and father of the child, about the options relating to the guardianship rights of the father pursuant to section 12 of the Act of 1987.

(5C) In circumstances where the mother and father of the child, whose birth falls to be registered, are not married to each other, a registrar shall, (at the time and place of registration pursuant to section 19), afford the mother and father the opportunity to jointly sign a statutory declaration consenting to the appointment of the father as a joint legal guardian of the child and said statutory declaration shall be in such manner and form as may be prescribed by the Minister, and in so doing, shall have regard to the welfare of the child as the first and paramount consideration.

(5D) The Minister may, by way of regulation, make provision for the establishment of a national register of joint guardianship statutory declarations.”.

—Niall Collins.

53. In page 69, line 4, to delete “sub-paragraphs (i) to (iii) of section 19(1)(b)” and substitute “paragraphs (i) to (iii) of section 19(1)”.

—An tAire Dlí agus Cirt agus Comhionannais.

54. In page 69, between lines 36 and 37, to insert the following:

“19B. (1) A registrar who registers a child under the terms of this Act shall in all cases cause to be provided to the parents or parent of such child, irrespective of the marital status of the parents, information on their legal rights and responsibilities toward the child being registered.

(2) The registrar shall take all reasonable steps to ensure that information provided under subsection (1) shall be transmitted to the parents or

[SECTION 88]

parent concerned within one month of the registration of their child.””.

—Finian McGrath.

SECTION 90

55. In page 70, line 10, to delete “*section 20*” and substitute “*section 19*”.

—An tAire Dlí agus Cirt agus Comhionannais.

56. In page 70, line 11, to delete “*section 21*” and substitute “*section 20*”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 134

57. In page 86, line 23, to delete “(in this Act referred to as a maintenance order)”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 143

58. In page 92, to delete lines 30 to 32 and substitute the following:

“(a) in subsection (1)—

(i) in the definition of “lump sum order”, by the substitution of “paragraph (c) or (ca) of section 117(1)” for “section 117(1)(c)”,

(ii) in the definition of “periodical payments order”, by the substitution of “paragraph (a) or (aa) of section 117(1)” for “section 117(1)(a)”,

(iii) in the definition of “secured periodical payments order”, by the substitution of “paragraph (b) or (ba) of section 117(1)” for “section 117(1)(b)”, and

(iv) by the insertion of the following definition:

“ ‘Act of 1964’ means the Guardianship of Infants Act 1964;”,”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 144

59. In page 93, line 24, to delete “who is a child” and substitute “who is under the age of 18 years”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 145

60. In page 93, between lines 25 and 26, to insert the following:

“Amendment of section 113 of Act of 2010

145. Section 113 of the Act of 2010 is amended—

(a) by designating the section as subsection (1), and

(b) by the insertion of the following subsection after subsection (1):

“(2) For the avoidance of doubt, it is hereby declared that the grant of a decree of dissolution shall not affect the rights of the parents of a child, under section 6 or 6B of the Act of 1964, to be guardians of the

[SECTION 145]

child jointly.”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

[*Acceptance of this amendment involves the deletion of section 145 of the Bill.*]

SECTION 148

61. In page 95, line 23, to delete “is” and substitute “was”.

—An tAire Dlí agus Cirt agus Comhionannais.

62. In page 95, line 24, to delete “is” and substitute “was”.

—An tAire Dlí agus Cirt agus Comhionannais.

63. In page 95, to delete lines 26 and 27 and substitute the following:

“(d) in subsection (7), by the substitution of “paragraph (a) or (aa) of subsection (1)” for “subsection (1)(a)” wherever it occurs.”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 151

64. In page 97, line 28, to delete “a” and substitute “the”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 154

65. In page 99, line 11, to delete “is” and substitute “was”.

—An tAire Dlí agus Cirt agus Comhionannais.

66. In page 99, line 15, to delete “is” and substitute “was”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 164

67. In page 102, line 15, to delete “makes an order for the grant of a decree of dissolution” and substitute “grants a decree of dissolution (within the meaning of Part 12)”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 171

68. In page 104, between lines 31 and 32, to insert the following:

“ “ ‘Act of 2010’ means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;”.

—An tAire Dlí agus Cirt agus Comhionannais.

69. In page 104, line 32, to delete “ “ ‘Act of 2015’ ” and substitute “ ‘Act of 2015’ ”.

—An tAire Dlí agus Cirt agus Comhionannais.

70. In page 104, between lines 33 and 34, to insert the following:

“ ‘civil partner’ shall be construed in accordance with section 3 of the Act of 2010;

‘cohabitant’ shall be construed in accordance with section 172(1) of

[SECTION 171]

the Act of 2010;

‘cohabiting couple’ has the same meaning as it has in section 3(1) (amended by *section 96* of the *Act of 2015*) of the Adoption Act 2010;”.

—An tAire Dlí agus Cirt agus Comhionannais.

- 71.** In page 106, lines 12 to 22, to delete all words from and including “adopter.” in line 12 down to and including “2010.”” in line 22 and substitute “adopter.””.

—An tAire Dlí agus Cirt agus Comhionannais.