



# **DÁIL ÉIREANN**

---

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

### **LEASUITHE TUARASCÁLA REPORT AMENDMENTS**

---



# DÁIL ÉIREANN

---

## AN BILLE UM LEANAÍ AGUS CÓNGAIS TEAGHLAIGH, 2015 —AN TUARASCÁIL

### CHILDREN AND FAMILY RELATIONSHIPS BILL 2015 —REPORT

---

#### *Leasuithe Amendments*

---

1. In page 9, to delete lines 23 to 30, and in page 10, to delete lines 1 to 12 and substitute the following:

#### **“Short title, collective citations and commencement**

1. (1) This Act may be cited as the Children and Family Relationships Act 2015.
- (2) *Part 9* and the Civil Registration Acts 2004 to 2014 may be cited together as the Civil Registration Acts 2004 to 2015.
- (3) *Part 11* and the Adoption Acts 2010 to 2013 may be cited together as the Adoption Acts 2010 to 2015.
- (4) *Section 169* and the Child Care Acts 1991 to 2013 may be cited together as the Child Care Acts 1991 to 2015.
- (5) This Act, subject to *subsections (6) to (9)*, shall come into operation on the day or days that the Minister may appoint by order or orders either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (6) *Parts 2* and *3* shall come into operation on the day or days that the Minister for Health may appoint by order or orders either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (7) *Part 9* shall come into operation on the day or days that the Minister may, after consulting with the Minister for Social Protection, appoint by order or orders either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (8) *Part 10* shall come into operation on the day or days that the Minister for Foreign Affairs and Trade may appoint by order or orders either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (9) *Part 11* shall come into operation on the day or days that the Minister for Children and Youth Affairs may appoint by order or orders either generally or with reference to

a particular purpose or provision and different days may be so appointed for different purposes or different provisions.”.

—An tAire Dlí agus Cirt agus Comhionannais.

2. In page 10, between lines 31 and 32, to insert the following:

“ “birth certificate” means a document issued under section 13(4) of the Act of 2004 in respect of an entry in the register of births;”.

—An tAire Dlí agus Cirt agus Comhionannais.

3. In page 11, between lines 9 and 10, to insert the following:

“ “donation facility” means a place at which a person provides and donates his or her gamete, and includes a DAHR facility;”.

—An tAire Dlí agus Cirt agus Comhionannais.

4. In page 11, between lines 15 and 16, to insert the following:

“and includes a donor of a gamete that is used in the formation of an embryo that is used in a further DAHR procedure;”.

—An tAire Dlí agus Cirt agus Comhionannais.

5. In page 11, to delete lines 17 to 21 and substitute the following:

“(b) in relation to an embryo, means—

(i) a person who has consented under *section 14\** or *14* or in the manner referred to in *section 24(2)(b)(ii)*, to the use of the embryo in a DAHR procedure or a further DAHR procedure, or

(ii) the donor of an embryo to which *section 24(6)* applies;”.

—An tAire Dlí agus Cirt agus Comhionannais.

[\*This is a reference to the section proposed to be inserted by amendment 19.]

6. In page 11, to delete lines 34 to 38, and in page 12, to delete line 1 and substitute the following:

“ “intending mother” means, in relation to a DAHR procedure, a woman who requests the performance of the procedure for the purpose of her becoming the mother of a child born as a result of the procedure;

“intending parent” means, in relation to a DAHR procedure, a person who intends to be the parent, under *section 5*, of a child born as a result of the procedure, and includes an intending mother;”.

—An tAire Dlí agus Cirt agus Comhionannais.

7. In page 12, to delete lines 13 to 15 and substitute the following:

“ “relevant donor” means, in relation to a donor-conceived child—

(a) subject to *paragraph (b)*, the donor of a gamete that was used in the DAHR procedure that resulted in the birth of the donor-conceived child, and

- (b) in the case of a donor-conceived child who is born as a result of a DAHR procedure or a further DAHR procedure in which a donated embryo was used—
- (i) a donor of the embryo who provided a gamete that was used in the formation of the embryo, and
  - (ii) where applicable, the donor of a gamete that was used in the formation of the embryo.”.

—An tAire Dlí agus Cirt agus Comhionannais.

8. In page 13, 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.

9. In page 13, between lines 14 and 15, to insert the following:

“(9) The DAHR procedure should be available and funded by the public health system.”.

—Ruth Coppinger, Paul Murphy, Joe Higgins.

10. In page 13, line 23, to delete “DAHR facility” and substitute “donation facility”.

—An tAire Dlí agus Cirt agus Comhionannais.

11. In page 14, line 13, to delete “DAHR facility” and substitute “donation facility”.

—An tAire Dlí agus Cirt agus Comhionannais.

12. In page 15, to delete lines 1 to 9 and substitute the following:

**“Revocation of consent given under *section 6***

8. (1) Subject to this section, a donor of a gamete may, by notice in writing to the operator of the donation facility to which his or her declaration under *section 6(1)(c)* was made, revoke his or her consent under that section.

- (2) A revocation of consent under *subsection (1)* shall have no effect in respect of a gamete to which the consent relates that has been used at a DAHR facility in the formation of an embryo before the date on which the notice under that subsection is received by the operator of the DAHR facility concerned.”.

—An tAire Dlí agus Cirt agus Comhionannais.

13. In page 16, lines 4 and 5, to delete “the donor referred to in *paragraph (c)(i)*” and substitute “a person who is, in relation to the child, a relevant donor”.

—An tAire Dlí agus Cirt agus Comhionannais.

14. In page 16, to delete lines 6 to 13 and substitute the following:

**“Revocation of consent given under *section 9***

10. (1) Subject to this section, an intending mother may, by notice in writing to the operator

of the DAHR facility to which her declaration under *section 9(1)(c)* was made, revoke her consent under that section.

- (2) A revocation of consent under *subsection (1)* shall have no effect in respect of a DAHR procedure to which the consent relates that has been performed before the notice under that subsection is received by the operator of the DAHR facility at which the procedure was performed.”.

—An tAire Dlí agus Cirt agus Comhionannais.

15. In page 16, lines 15 to 21, to delete all words from and including “(1) This” in line 15 down to and including line 21 and substitute the following:

“(1) A person, being the husband, civil partner or cohabitant of the intending mother concerned, consents under this section to be the parent, under *section 5(1)(b)*, of a child born as a result of a DAHR procedure where, before that procedure is performed—”.

—An tAire Dlí agus Cirt agus Comhionannais.

16. In page 17, line 16, to delete “the donor” and substitute “a person who is, in relation to the child, a relevant donor”.

—An tAire Dlí agus Cirt agus Comhionannais.

17. In page 17, to delete lines 18 to 25 and substitute the following:

**“Revocation of consent given under *section 11***

12. (1) Subject to this section, a person may, by notice in writing to the operator of the DAHR facility to which his or her declaration under *section 11(2)(d)* was made, revoke his or her consent under that section.

- (2) A revocation of consent under *subsection (1)* shall have no effect in respect of a DAHR procedure to which the consent relates that has been performed before the notice under that subsection is received by the operator of the DAHR facility at which the procedure was performed.”.

—An tAire Dlí agus Cirt agus Comhionannais.

18. In page 17, to delete lines 34 to 37, and in page 18, to delete lines 1 to 3, and substitute the following:

“(ii) the donor of a gamete or embryo used in the DAHR procedure shall not be the parent of the child,

(iii) the information specified in *section 31(3)* in respect of the intending parent or parents, the child and a person who is, in relation to the child, a relevant donor, shall be recorded on the Register,

(iv) the child may, in accordance with *section 33*, access the information specified in *section 31(3)(d)* in respect of the donor referred to in *subparagraph (iii)* and seek to contact him or her, and”.

—An tAire Dlí agus Cirt agus Comhionannais.

19. In page 18, between lines 9 and 10, to insert the following:

**“Consent to use of embryo in DAHR procedure**

14. (1) Where—

- (a) an embryo is formed for the purposes of an assisted human reproduction procedure, and
  - (b) the woman and man on whose request the assisted human reproduction procedure is to be performed do not wish for the embryo to be used in such a procedure,
- the woman and man may consent, under this section, to the use of the embryo in a DAHR procedure.
- (2) Subject to *subsection (3)*, the woman and man referred to in *subsection (1)* may consent under this section to the use of the embryo in a DAHR procedure in respect of which neither of them is an intending parent.
  - (3) An embryo referred to in *subsection (2)* may be used in a DAHR procedure to which that subsection applies only where both the woman and the man concerned have consented under that subsection.
  - (4) A man to whom *subsection (1)* applies may consent under this section to the use of the embryo in a DAHR procedure in respect of which—
    - (a) the woman to whom *subsection (1)* applies is the intending mother, and
    - (b) he is not an intending parent.
  - (5) A person consents under this section to the use of an embryo in a DAHR procedure where he or she—
    - (a) receives the information referred to in *section 15\**, and
    - (b) makes a declaration in accordance with *subsections (6) and (7)*.
  - (6) A declaration under *subsection (5)(b)* shall be made before the donation is made and shall be in writing, dated, and signed by the person in the presence of a person authorised in that behalf by the operator of a DAHR facility.
  - (7) A declaration under *subsection (5)(b)* shall include the following statements:
    - (a) that the person has received the information referred to in *section 15\**;
    - (b) subject to *subsection (8)*, that the person consents to the use in a DAHR procedure of the embryo;
    - (c) that the person is aware that he or she shall not be the parent of any child born as a result of the DAHR procedure;
    - (d) that, in the event that the embryo is used in a DAHR procedure, the person consents to the provision to the Minister of the information referred to in *section 26(2)(a)* in respect of him or her;
    - (e) that, in the event that a child is born as a result of a DAHR procedure, the

person—

- (i) consents to the recording in the Register of the information specified in *section 31(3)(d)* in respect of him or her, and
  - (ii) understands that the child may, in accordance with *section 33*, access the information referred to in *subparagraph (i)*, and seek to contact him or her.
- (8) In making a statement referred to in *subsection (7)(b)*, a person may state that his or her consent is restricted to the use of the embryo in a DAHR procedure performed on the request of—
- (a) an intending mother specified in the statement, where the DAHR procedure concerned is one to which *section 23(3)(b)(i)* applies, or
  - (b) the intending parents specified in the statement, where the DAHR procedure concerned is one to which *section 23(3)(b)(ii)* applies.
- (9) A person’s consent under this section to the use of an embryo in a DAHR procedure may not be restricted other than as provided for in *subsection (8)*.
- (10) In this section, “assisted human reproduction procedure” means a procedure performed with the objective of it resulting in the implantation of an embryo in the womb of the woman on whose request the procedure is performed, where—
- (a) the embryo has been or will be formed from a gamete provided by the woman and a gamete provided by a man, and
  - (b) the procedure is performed for the purpose of the woman and the man becoming the parents of a child born as a result of the procedure.”.

—An tAire Dlí agus Cirt agus Comhionannais.

[\*This is a reference to the section proposed to be inserted by amendment 20.]

20. In page 18, between lines 9 and 10, to insert the following:

**“Information to be provided for purposes of *section 14\****

15. The operator of a DAHR facility shall, before a person makes a declaration under *section 14(5)(b)\**, inform him or her—
- (a) that, in the event that he or she consents under *section 14\** to the use of the embryo in a DAHR procedure—
    - (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,
  - (b) that, in the event that a child is born as a result of the DAHR procedure referred to in *paragraph (a)*—
    - (i) he or she shall not be the parent of that child,



- (ii) the information specified in *section 31(3)(d)* in relation to him or her shall be recorded on the Register,
  - (iii) the child may, in accordance with *section 33*, access the information specified in *section 31(3)(d)* in respect of him or her and seek to contact him or her,
  - (iv) the person’s entitlement to obtain information recorded on the Register is subject to *section 34* and is otherwise restricted to the information referred to in *section 32(2)*, and
  - (v) having regard to the child’s right to his or her identity, it is desirable that he or she keep updated, in accordance with *section 36(1)*, the information in relation to him or her that is recorded on the Register, and
- (c) of his or her right under *section 16*, in the event that he or she consents under *section 14\** to the use of the embryo in a DAHR procedure, to revoke that consent.”.

—An tAire Dlí agus Cirt agus Comhionannais.

[\*This is a reference to the section proposed to be inserted by amendment 19.]

21. In page 20, to delete lines 1 to 4 and substitute the following:

- “(a) in the event that he or she consents under *section 14* to the use of the embryo in a further DAHR procedure—
- (i) he or she is entitled to seek the information referred to in *section 32(2)*, and
  - (ii) where such a further 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,
- and”.

—An tAire Dlí agus Cirt agus Comhionannais.

22. In page 20, to delete lines 17 to 24 and substitute the following:

**“Revocation of consent given under *section 14\** or *14***

16. (1) Subject to *subsection (2)*, a donor under *section 14\** or *14* of an embryo may, by notice in writing to the operator of the DAHR facility to which his or her declaration under *section 14(5)(b)\*\** or *section 14(5)(b)*, as the case may be, was made, revoke his or her consent under the relevant section.
- (2) A revocation of consent under *subsection (1)* shall have no effect in respect of a DAHR procedure or, as the case may be, a further DAHR procedure to which the consent relates that has been performed before the notice under that subsection is received by the operator of the DAHR facility at which the procedure is performed.”.

—An tAire Dlí agus Cirt agus Comhionannais.

[\*This is a reference to the section proposed to be inserted by amendment 19.]

[\*\*This is a reference to the paragraph proposed to be inserted by amendment 19.]

23. In page 20, line 30, to delete “section 14” and substitute “section 14\* or 14”.

—An tAire Dlí agus Cirt agus Comhionannais.

[\*This is a reference to the section proposed to be inserted by amendment 19.]

24. In page 21, line 33, to delete “enactments.” and substitute “enactments (within the meaning of that Act).”.

—An tAire Dlí agus Cirt agus Comhionannais.

25. In page 22, to delete lines 6 to 8 and substitute the following:

“(3) The child to whom an application for a declaration under this section relates shall be joined as a party to the proceedings.”.

—An tAire Dlí agus Cirt agus Comhionannais.

26. In page 22, line 25, to delete “in the prescribed manner”.

—An tAire Dlí agus Cirt agus Comhionannais.

27. In page 22, lines 39 and 40, to delete “shall be in a form to be prescribed by rules of court and”.

—An tAire Dlí agus Cirt agus Comhionannais.

28. In page 23, lines 4 and 5, to delete “in such manner as may be prescribed by rules of court”.

—An tAire Dlí agus Cirt agus Comhionannais.

29. In page 23, between lines 12 and 13, to insert the following:

“(3) The child to whom an application for a declaration under this section relates shall be joined as a party to the proceedings.”.

—An tAire Dlí agus Cirt agus Comhionannais.

30. In page 23, lines 31 and 32, to delete “shall be in a form to be prescribed by rules of court and”.

—An tAire Dlí agus Cirt agus Comhionannais.

31. In page 24, to delete lines 16 to 19 and substitute the following:

“(2) The operator of a DAHR facility shall not acquire an embryo for use in a DAHR procedure or a further DAHR procedure unless, at the time of such acquisition, he or she also acquires the information specified in *subsection (3)* in respect of—

(a) the donor or, as the case may be, each donor of the embryo who provided a gamete that was used in the formation of the embryo, and

(b) where applicable, the donor of a gamete that was used in the formation of the embryo.”.

—An tAire Dlí agus Cirt agus Comhionannais.

32. In page 24, 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.

33. In page 25, to delete lines 21 to 36, and in page 26, to delete lines 1 to 35 and substitute the following:

**“Use of gamete or embryo in DAHR procedure**

24. (1) The operator of a DAHR facility shall not use or permit to be used in a DAHR procedure a gamete provided by a donor unless—

- (a) the gamete has been acquired in accordance with *section 22(1)*, and
- (b) the donor of that gamete—
  - (i) has consented under *section 6* to the use of the gamete in a DAHR procedure, or
  - (ii) where the gamete is acquired from outside the State, has consented to the use of the gamete in a DAHR procedure, where that consent is substantially the same as that provided for in *section 6*.

- (2) The operator of a DAHR facility shall not use or permit to be used in a DAHR procedure or a further DAHR procedure an embryo unless—

- (a) it has acquired the embryo in accordance with *section 22(2)*, and
- (b) the donor, or as the case may be, each donor of the embryo—
  - (i) has consented under *section 14\** or *14*, to the use of the embryo in a DAHR procedure or, as the case may be, a further DAHR procedure, or
  - (ii) where the embryo is acquired from outside the State, has consented to the use of the embryo in a DAHR procedure or a further DAHR procedure, where that consent is substantially the same as that provided for in *section 14\** or, as the case may be, *section 14*.

- (3) The operator of a DAHR facility shall not use or permit to be used in a DAHR procedure a gamete provided by a donor, where he or she has become aware that—

- (a) the consent of the donor under *section 6* has been revoked under *section 8*, or
- (b) in the case of a gamete to which *subsection (1)(b)(ii)* or *(5)* applies, the consent of the donor referred to in that subsection has been revoked.

- (4) The operator of a DAHR facility shall not use or permit to be used in a DAHR procedure or a further DAHR procedure an embryo where he or she has become aware that—

- (a) the consent of the donor under *section 14\** or, as the case may be, *section 14*, has been revoked under *section 16*, or
- (b) in the case of an embryo to which *subsection (2)(b)(ii)* or *(6)* applies, the consent of the donor referred to in that subsection has been revoked.

- (5) Notwithstanding *subsection (1)*, for a period of 3 years from the date on which that subsection comes into operation, a gamete to which *paragraph (a)* of that subsection does not apply may be used in a DAHR procedure where—
- (a) the gamete concerned has been acquired before that date by the DAHR facility concerned,
  - (b) the donor of the gamete has consented to the use of the gamete in a DAHR procedure, and
  - (c) the intending parent is the parent of a child born as a result of a DAHR procedure performed before that date, where the gamete used in that procedure was provided by the same donor.
- (6) *Subsection (2)(a)* shall not apply to an embryo where—
- (a) the embryo was formed before the date on which the subsection comes into operation,
  - (b) the embryo was acquired by the DAHR facility before that date, and
  - (c) the donor or, as the case may be, each donor of the embryo has consented to the use of the embryo in a DAHR procedure or a further DAHR procedure.
- (7) Where an embryo to which *subsection (6)* applies is used in a DAHR procedure or a further DAHR procedure, nothing in this section shall operate to prevent the recording on the Register of the information specified in *section 31(3)(d)* in respect of the donor from whose gamete the embryo was formed.
- (8) The operator of a DAHR facility may use or permit to be used in a DAHR procedure an embryo that was formed before the date on which this subsection comes into operation, where—
- (a) the embryo has been formed for the purposes of the DAHR procedure,
  - (b) the donor of the gamete that was used in the formation of the embryo has consented to the use of the gamete in a DAHR procedure, and
  - (c) each person who, at the time of the formation of the embryo, was an intending parent, has consented under *section 9*, or as the case may be, *section 11*, to the parentage under *section 5* of a child born as a result of the procedure.”.

—An tAire Dlí agus Cirt agus Comhionannais.

[\*This is a reference to the section proposed to be inserted by amendment 19.]

**34.** In page 26, between lines 35 and 36, to insert the following:

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

- (10) A transition period will be allowed for cases of treatment 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.

35. In page 26, between lines 35 and 36, to insert the following:

**“Prohibition on use of gamete or embryo of related donor**

25. The operator of a DAHR facility shall not use or permit to be used in a DAHR procedure a gamete or an embryo provided by a donor where—

- (a) the donor of that gamete or embryo, as the case may be, and the intending parent or any one of the intending parents, as the case may be, are within the prohibited degrees of relationship as set out in *Part 1 of the Schedule\**; or
- (b) the donor of that gamete or embryo, as the case may be, and the spouse, civil partner or cohabitant of the intending parent or any one of the intending parents, as the case may be, are within the prohibited degrees of relationship as set out in *Part 2 of the Schedule\**.”.

—Lucinda Creighton.

[\*This is a reference to the Schedule proposed to be inserted by amendment 90.]

36. In page 27, between lines 35 and 36, to insert the following:

“(1) An operator of a donation facility shall retain—

- (a) a written consent of a person made under *section 6*, and
- (b) a record of the revocation, under *section 8*, by a person referred to in *paragraph (a)* of his or her consent.”.

—An tAire Dlí agus Cirt agus Comhionannais.

37. In page 27, line 37, to delete “*section 6, 9, 11 or 14*” and substitute “*section 9, 11, 14\* or 14*”.

—An tAire Dlí agus Cirt agus Comhionannais.

[\*This is a reference to the section proposed to be inserted by amendment 19.]

38. In page 28, line 1, to delete “*section 8, 10, 12 or 16*” and substitute “*section 10, 12 or 16*”.

—An tAire Dlí agus Cirt agus Comhionannais.

39. In page 32, between lines 26 and 27, to insert the following:

“(3) The Minister shall comply with a request made in accordance with *subsection (1) or (2)*.”.

—An tAire Dlí agus Cirt agus Comhionannais.

40. In page 32, line 36, to delete “or well-being”.

—An tAire Dlí agus Cirt agus Comhionannais.

41. In page 33, to delete lines 1 to 8 and substitute the following:

- “(3) Where a relevant donor to whom *subsection (2)* applies makes representations to the Minister in accordance with that subsection, the Minister shall consider those representations, having regard to the right of the donor-conceived child to his or her identity, and—
- (a) if satisfied that sufficient reasons exist to withhold the information concerned from the donor-conceived child, shall refuse the request under *subsection (1)* and notify the donor-conceived child of the refusal and, in doing so, may inform him or her of the content of the representations of the relevant donor under *subsection (2)*, or
  - (b) if not so satisfied, shall release the information to the donor-conceived child concerned.”.

—An tAire Dlí agus Cirt agus Comhionannais.

42. In page 34, to delete lines 1 to 21 and substitute the following:

**“Information in respect of other persons to be provided to donor-conceived child**

35. (1) A donor-conceived child who has attained the age of 18 years may request the Minister to record on the Register a statement of his or her name, date of birth and contact details and confirming that he or she consents, on the making by a person of a request under *subsection (2)*, to the release, in accordance with this section, to that person of that information.
- (2) A donor-conceived child who has attained the age of 18 years (in this section referred to as a “requesting person”) may request from the Minister the name, date of birth and contact details of a relevant person.
- (3) Where the Minister receives a request under *subsection (2)*, and the donor-conceived child to whom the requested information relates has made a statement under *subsection (1)* that is recorded on the Register, the Minister shall send the donor-conceived child a notice informing him or her that—
- (a) a request under *subsection (2)* has been made by the requesting person, and
  - (b) unless the donor-conceived child informs the Minister, within 12 weeks of the date of the sending of the notice, that he or she objects to the release to the requesting person of the information contained in the statement under *subsection (1)*, the Minister shall release that information to the requesting person.
- (4) Where a donor-conceived child to whom a notice under *subsection (3)* has been sent does not, in accordance with that subsection, object to the release of the information concerned, the Minister shall release that information to the requesting person.
- (5) In this section, “relevant person” means, in relation to a requesting person, a donor-conceived child in relation to whom a relevant donor is also a relevant donor in relation to the requesting person.”.

—An tAire Dlí agus Cirt agus Comhionannais.

43. In page 35, between lines 9 and 10, to insert the following:

**“Jurisdiction (*Parts 2 and 3*)**

38. (1) The jurisdiction conferred on the District Court by *section 19* shall be exercised by—
- (a) a judge of the District Court who is assigned to the district court district in which an applicant under that section ordinarily resides or carries on any profession, business or occupation, or
  - (b) where no applicant under that section ordinarily resides or carries on any profession, business or occupation in the State, a judge who is assigned to the Dublin Metropolitan District.
- (2) The jurisdiction conferred on the Circuit Court by *sections 20 and 33* shall be exercised by—
- (a) the judge of the circuit in which an applicant under the section concerned ordinarily resides or carries on any profession, business or occupation, or
  - (b) where no applicant under the section concerned ordinarily resides or carries on any profession, business or occupation in the State, by a judge of the court for the time being assigned to the Dublin Circuit.
- (3) The jurisdiction conferred on the Circuit Court by *section 30* shall be exercised by the judge of the circuit in which the DAHR facility concerned is located.”.

—An tAire Dlí agus Cirt agus Comhionannais.

44. In page 35, after line 35, to insert the following:

- “40. The Minister shall report to Dáil Éireann 6 months after the enactment of this Act on DAHR services in Ireland and in that report shall give a comparative analysis with other European Union Member States in regard to access to, and affordability of, DAHR.”.

—Ruth Coppinger, Paul Murphy, Joe Higgins.

45. In page 36, after line 36, to insert the following:

“ ‘enactment’ means a statute or an instrument made under a power conferred by statute;  
‘enforcement order’ shall be construed in accordance with section 18A(1);”.

—An tAire Dlí agus Cirt agus Comhionannais.

46. In page 37, between lines 8 and 9, to insert the following:

- “(b) in subsection (4)—
- (i) in paragraph (c), by the deletion of “child,” and substitution of “child, and”, and
  - (ii) by the deletion of paragraph (d).”.

—An tAire Dlí agus Cirt agus Comhionannais.

47. In page 37, lines 14 to 18, to delete all words from and including “, and” in line 14 down to and including “child” in line 18.

—Pádraig Mac Lochlainn.

48. In page 37, line 15, to delete “months,” and substitute “months occurring after the date on which this subsection comes into operation.”.

—An tAire Dlí agus Cirt agus Comhionannais.

49. In page 37, between lines 18 and 19, to insert the following:

“(2) The Minister shall report to Dáil Éireann 12 months following the enactment of this Act on the impact of the changes to guardianship outlined in this section, and in the drafting of the report to consult with groups and organisations concerned with the welfare and safety of children and women.”.

—Ruth Coppinger, Paul Murphy, Joe Higgins.

50. In page 37, between lines 18 and 19, to insert the following:

**“References in enactments to guardians appointed under section 6C or 6E**

41. The Act of 1964 is amended by the insertion of the following section after section 2:

**“References in enactments to guardians appointed under section 6C or 6E**

2A. (1) Subject to subsection (2), a reference in a provision of an enactment specified in section 6C(12) to a person who is a guardian of a child pursuant to this Act shall include a reference to a person who is appointed as guardian of the child under that section if the court so appointing the person orders that he or she is to enjoy the rights and responsibilities of a guardian under the provision concerned.

(2) Subsection (1) shall apply subject to such limitations (if any) as may be specified under section 6C(9) in the order of the court under that section appointing the person concerned as guardian of the child concerned.

(3) A reference in a provision of an enactment to a person who is a guardian of a child pursuant to this Act shall, in the case of a temporary guardian appointed under section 6E, be construed subject to such limitations (if any) as are imposed under subsection (6) or (11) of that section on the exercise by him or her of the rights and responsibilities of a guardian under the provision.”.

—An tAire Dlí agus Cirt agus Comhionannais.

51. In page 38, to delete lines 36 to 38, and in page 39, to delete lines 1 and 2 and substitute the following:

“**6B.**A man who is, under *section 5(1)(b)* of the *Act of 2015*, the parent of the child, shall be a guardian of the child.”.

—Pádraig Mac Lochlainn.



52. In page 38, to delete line 38.

—Pádraig Mac Lochlainn.

53. In page 39, line 5, to delete “the” where it secondly occurs and substitute “a”.

—An tAire Dlí agus Cirt agus Comhionannais.

54. In page 39, to delete line 7.

—Pádraig Mac Lochlainn.

55. In page 39, to delete lines 9 to 14.

—Pádraig Mac Lochlainn.

56. In page 39, line 11, to delete “months,” and substitute “months occurring after the date on which this subsection comes into operation.”.

—An tAire Dlí agus Cirt agus Comhionannais.

57. In page 39, lines 19 and 20, to delete “as guardian of the child,” and substitute “as a guardian of the child, and”.

—An tAire Dlí agus Cirt agus Comhionannais.

58. In page 39, to delete lines 21 to 23.

—An tAire Dlí agus Cirt agus Comhionannais.

59. In page 39, line 24, to delete “(d) have” and substitute “(c) have”.

—An tAire Dlí agus Cirt agus Comhionannais.

60. In page 39, 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.

61. In page 41, to delete lines 6 to 17 and substitute the following:

“(11) The rights and responsibilities referred to in subsection (9) are the rights and responsibilities of a guardian:

- (a) to decide on the child’s place of residence;
- (b) to make decisions regarding the child’s religious, spiritual, cultural and linguistic upbringing;
- (c) to decide with whom the child is to live;
- (d) to consent to medical, dental and other health related treatment for the child, in respect of which a guardian’s consent is required;

- (e) under an enactment specified in subsection (12);
- (f) to place the child for adoption, and consent to the adoption of the child, under the Adoption Act 2010.

(12) The enactments referred to in subsection (11)(e) are:

- (a) section 2A(2) of the Firearms Act 1925;
- (b) section 5 of the Protection of Young Persons (Employment) Act 1996;
- (c) sections 50 and 50A of the International Criminal Court Act 2006;
- (d) sections 79, 79A and 79B of the Criminal Justice (Mutual Assistance) Act 2008;
- (e) section 14 of the Passports Act 2008;
- (f) the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014.”.

—An tAire Dlí agus Cirt agus Comhionannais.

62. In page 42, line 39, to delete “through” and substitute “through serious”.

—An tAire Dlí agus Cirt agus Comhionannais.

63. In page 44, line 16, to delete “views.” and substitute “views.”.

—An tAire Dlí agus Cirt agus Comhionannais.

64. In page 44, between lines 16 and 17, to insert the following:

**“Declaration that person is guardian**

- 6F.** (1) A person specified in subsection (2) may apply to the court for a declaration under this section that a person named in the application is or is not a guardian by virtue of the circumstances set out in section 2(4A) or 6B(3) of a child named in the application (in this section referred to as the ‘child concerned’).
- (2) An application for a declaration under this section may be made, in relation to a child concerned, by—
- (a) a guardian of the child concerned, or
  - (b) a person seeking a declaration that he or she is or is not a guardian by virtue of the circumstances set out in section 2(4A) or 6B(3) of the child concerned.
- (3) An application for a declaration under this section shall not be made in relation to a child concerned other than—
- (a) where the application is made by a person referred to in subsection (2)(a), on notice to each other guardian of the child and the person named in the application in relation to whom the declaration is sought, and

- (b) where the application is made by a person referred to in subsection (2)(b), on notice to each guardian of the child.
- (4) The court may direct that notice of any application for a declaration under this section shall be given to such other persons as the court thinks fit and where notice is so given or where notice is given under subsection (3) to any person the court may, either of its own motion or on the application of that person or any party to the proceedings, order that that person shall be added as a party to those proceedings.
- (5) Where on an application for a declaration under this section it is proved on the balance of probabilities that a person named in the application is or is not a guardian by virtue of the circumstances set out in section 2(4A) or 6B(3) of the child concerned, the court shall make the declaration accordingly.”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

**65.** In page 44, between lines 16 and 17, to insert the following:

“**6F.** The Minister shall report 12 months following the enactment of this Act on the waiting times for access to courts for those in receipt of Legal Aid.”.”.

—Ruth Coppinger, Paul Murphy, Joe Higgins.

**66.** In page 44, to delete lines 20 to 27 and substitute the following:

“**7.** (1) On the death of the guardian (‘deceased guardian’) of a child, a guardian (‘surviving guardian’) surviving the deceased guardian, if any, shall be guardian of the child jointly, where applicable, with—

- (a) any other surviving guardian, and
- (b) any person or persons appointed testamentary guardian by the deceased guardian in accordance with this section.”.

—An tAire Dlí agus Cirt agus Comhionannais.

**67.** In page 44, line 36, to delete “the” and substitute “a”.

—An tAire Dlí agus Cirt agus Comhionannais.

**68.** In page 45, line 1, to delete “the” and substitute “a”.

—An tAire Dlí agus Cirt agus Comhionannais.

**69.** In page 45, line 3, to delete “the” where it secondly occurs and substitute “a”.

—An tAire Dlí agus Cirt agus Comhionannais.

**70.** In page 45, line 34, after “section 6D,” to insert “and subject to subsection (2) of that section,”.

—An tAire Dlí agus Cirt agus Comhionannais.

71. In page 52, between lines 13 and 14, to insert the following:

**“Amendment of section 27 of Act of 1964**

58. Section 27 of the Act of 1964 is amended in subsection (1) by the substitution of “section 6A, 6C, 6E, 11, 11B or 11E” for “section 6A, 11 or 11B”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

72. In page 52, to delete line 29 and substitute the following:

“(b) the views of the child concerned that are ascertainable (whether in accordance with section 32 or otherwise);”.

—An tAire Dlí agus Cirt agus Comhionannais.

73. In page 53, line 9, to delete “family” and substitute “household”.

—An tAire Dlí agus Cirt agus Comhionannais.

74. In page 53, to delete lines 27 to 35 and substitute the following:

“(3) For the purposes of subsection (2)(h), the court shall have regard to household violence that has occurred or is likely to occur in the household of the child, or a household in which the child has been or is likely to be present, including the impact or likely impact of such violence on:

(a) the safety of the child and other members of the household concerned;

(b) the child’s personal well-being, including the child’s psychological and emotional well-being;

(c) the victim of such violence;

(d) the capacity of the perpetrator of the violence to properly care for the child and the risk, or likely risk, that the perpetrator poses to the child.”.

—An tAire Dlí agus Cirt agus Comhionannais.

75. In page 53, line 37, to delete “extent, if any,” and substitute “extent”.

—An tAire Dlí agus Cirt agus Comhionannais.

76. In page 54, line 9, to delete “ ‘family violence’ ” and substitute “ ‘household violence’ ”.

—An tAire Dlí agus Cirt agus Comhionannais.

77. In page 54, between lines 14 and 15, to insert the following:

**“Establishment of Court Welfare System**

31A. The Minister shall cause to be established a comprehensive court welfare service that 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,
- (d) ensure, where appropriate, that supports and services are available to the child and family including mediation and child contact centres, and
- (e) ensure that the Minister shall report to Dáil Éireann 12 months following the enactment of this section and the services provided by this section.”.

—Ruth Coppinger, Paul Murphy, Joe Higgins.

78. In page 56, lines 3 and 4, to delete “such party to the proceedings, as the court may determine” and substitute “the Exchequer”.

—Ruth Coppinger, Paul Murphy, Joe Higgins.

79. In page 56, between lines 19 and 20, to insert the following:

“(12) The Minister shall report 12 months following the enactment of this Act on the accessibility and affordability of child experts and psychologists and on the investment required to provide services that are accessible to all those that require it.”.

—Ruth Coppinger, Paul Murphy, Joe Higgins.

80. In page 63, line 21, to delete “in such manner as may be prescribed”.

—An tAire Dlí agus Cirt agus Comhionannais.

81. In page 64, to delete lines 3 to 7 and substitute the following:

“(1B) Where an application for a declaration under this section is made by a person referred to in paragraph (b) or (c) of subsection (1A) of this section in relation to a person concerned, the person concerned shall be joined as a party to the proceedings.”.

—An tAire Dlí agus Cirt agus Comhionannais.

82. In page 70, line 28, after “child” to insert “(within the meaning of *Part 2*)”.

—An tAire Dlí agus Cirt agus Comhionannais.

83. In page 72, between lines 14 and 15, to insert the following:

**“Registrar may take and receive statutory declaration under Guardianship of Infants Act 1964**

92. The Act of 2004 is amended by the insertion of the following section after section 27:

“27A. For the purposes of section 1(1)(d) of the Statutory Declarations Act 1938, a registrar may, during the period of 14 days immediately following the date on which the birth of a child is registered or re-registered, take and receive a statutory declaration made under section 2(4)(e) or 6B(4)

(c)\* of the Guardianship of Infants Act 1964 in respect of the child.”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

[\*This is the correct reference if amendment 58 is accepted.]

84. In page 75, line 5, to delete “(inserted by *section 45* of the *Act of 2015*)”.

—An tAire Dlí agus Cirt agus Comhionannais.

85. In page 75, line 10, to delete “(inserted by *section 45* of the *Act of 2015*)”.

—An tAire Dlí agus Cirt agus Comhionannais.

86. In page 75, line 13, to delete “a child” and substitute “a child.”.

—An tAire Dlí agus Cirt agus Comhionannais.

87. In page 100, to delete lines 23 and 24 and substitute the following:

“(c) in subsection (9)—

(i) by the substitution of “person in whose favour the order was made” for “civil partner who is not the member”, and

(ii) by the substitution of “that person” for “that civil partner”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

88. In page 103, lines 2 and 3, to delete “or (bb)” and substitute “or (ba)”.

—An tAire Dlí agus Cirt agus Comhionannais.

89. In page 107, after line 33, to insert the following:

**“Amendment of section 3 of Protection of Children (Hague Convention) Act 2000**

173. Section 3 of the Protection of Children (Hague Convention) Act 2000 is amended in subsection (2) by the deletion of paragraph (e).”.

—An tAire Dlí agus Cirt agus Comhionannais.

90. In page 107, after line 33, to insert the following:

**“Amendment of section 2 of Student Support Act 2011**

174. Section 2 of the Student Support Act 2011 is amended in the definition of “parent” by the substitution of “guardian appointed under the Guardianship of Infants Act 1964, other than a temporary guardian appointed under section 6E of that Act” for “guardian appointed under the Guardianship of Children Acts 1964 to 1997”.”.

—An tAire Dlí agus Cirt agus Comhionannais.

91. In page 107, after line 33, to insert the following:

“SCHEDULE

*Section 25\**

PART 1

### Prohibited Degrees of Relationship between donor and intending parent

The operator of a DAHR facility shall not use or permit to be used in a DAHR procedure a gamete or an embryo provided by a donor where the donor of that gamete or embryo, as the case may be, and the intending parent or any one of the intending parents, as the case may be, or the spouse, civil partner or cohabitant, as the case may be, of the intending parent are within the prohibited degrees of relationship as set out in the table below. Relationships within that table should be construed as including relationships in the half-blood (e.g. sibling includes a sibling where there is only one parent in common, etc.), and all the relationships include relationships and former relationships by adoption.

#### *Prohibited Degrees of Relationship with respect to the intending parent*

Donor is a parent of the intending parent.

Donor is a brother or sister of the intending parent.

Donor is a son or daughter of the intending parent.

Donor is a grandson or granddaughter of the intending parent.

Donor is a brother or sister of a parent of the intending parent.

Donor is a son or daughter of a brother or sister of the intending parent.

## PART 2

### *Prohibited Degrees of Relationship between Donor and Spouse, Civil Partner or Cohabitant of Intending Parent*

The operator of a DAHR facility shall not use or permit to be used in a DAHR procedure a gamete or an embryo provided by a donor where the donor of that gamete or embryo, as the case may be, and the spouse, civil partner or cohabitant, as the case may be, of the intending parent or any one of the intending parents, as the case may be, are within the prohibited degrees of relationship as set out in the table below. Relationships within that table should be construed as including relationships in the half-blood (e.g. sibling includes a sibling where there is only one parent in common, etc.), and all the relationships include relationships and former relationships by adoption.

#### *Prohibited degrees of relationship with respect to the intending parent*

Donor is a parent of the spouse, civil partner or cohabitant of the intending parent.

Donor is a brother or sister of the spouse, civil partner or cohabitant of the intending parent.

Donor is a son or daughter of the spouse, civil partner or cohabitant of the intending parent.

Donor is a grandson or granddaughter of the spouse, civil partner or cohabitant of the intending parent.

Donor is a brother or sister of a parent of the spouse, civil partner or cohabitant of the intending parent.

Donor is a son or daughter of a brother or sister of the spouse, civil partner or cohabitant of the

intending parent.”.

—Lucinda Creighton.

*[\*This is a reference to the section proposed to be inserted by amendment 35.]*