



**SEANAD ÉIREANN**

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

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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

### CHILDREN AND FAMILY RELATIONSHIPS BILL 2015 —COMMITTEE STAGE

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

#### SECTION 4

1. In page 11, to delete lines 35 and 36 and substitute the following:

“(a) a child born in the State, as a result of a DAHR procedure which was carried out after the commencement of this section, or”.

—*Senator John Crown.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

#### SECTION 5

2. In page 13, line 5, to delete “, civil partner or cohabitant, as the case may be,”.

—*Senators Rónán Mullen, Feargal Quinn.*

3. In page 13, to delete lines 6 to 8 and substitute the following:

“(2) A child born as a result of a DAHR procedure shall have two parents.”.

—*Senators Rónán Mullen, Feargal Quinn.*

4. In page 13, after line 36, to insert the following:

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

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

#### SECTION 6

5. In page 14, line 4, to delete “18 years” and substitute “21 years”.

—*Senators Rónán Mullen, Feargal Quinn.*

6. In page 14, between lines 6 and 7, to insert the following:

“(d) provides appropriate documentation certifying that they have received independent counselling on the implications of donating his or her gamete(s).”.

[SECTION 6]

—*Senators Rónán Mullen, Feargal Quinn.*

7. In page 14, between lines 35 and 36, to insert the following:

“(6) Notwithstanding any other part of this Act, an intending mother may decide to use, for the purpose of a DAHR procedure, an anonymously donated of a gamete or embryo.”.

—*Senator John Crown.*

8. In page 14, between lines 35 and 36, to insert the following:

“(6) Notwithstanding any other part of this Act, under this section, a donor may donate a gamete, or embryo, for the purpose of a DAHR procedure, or a further DAHR procedure(s), anonymously, wherein all information pertaining to them in the National Donor-Conceived Person Register, established under *section 33*, will read “ANONYMOUS”.”.

—*Senator John Crown.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 7

9. In page 15, line 17, to delete “desirable” and substitute “mandatory”.

—*Senators Rónán Mullen, Feargal Quinn.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 8

10. In page 15, between lines 31 and 32, to insert the following:

“(3) Where a donor revokes their consent for the use of a gamete under this section, the donor may use that gamete for the purpose of an assisted human reproduction procedure where they are an intending parent.”.

—*Senator John Crown.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 9

11. In page 15, line 36, to delete “21 years” and substitute “18 years”.

—*Senator John Crown.*

12. In page 16, between lines 27 and 28, to insert the following:

“(iv) understands that the child will be contacted by the Minister upon reaching the age of 18 years to advise her/him of her/his rights under this legislation.

(v) agrees to provide the information outlined in *section 24* about the donor’s occupation, hobbies and interests throughout the donor-conceived person’s childhood.”.

[SECTION 9]

—*Senators Averil Power, Thomas Byrne.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 10

**13.** In page 16, between lines 35 and 36, to insert the following:

“(3) Where a gamete of an intending parent, other than the intending mother, has been used to create an embryo which is effected by this section, the intending parent, other than the intending mother, may consent to that embryo being used in a further DAHR procedure, without the consent of the original intending mother.”.

—*Senator John Crown.*

**14.** In page 16, between lines 35 and 36, to insert the following:

“(3) Where a person has consented to be a parent under *section 11*, and the intending mother has revoked her consent under this section then—

- (a) the DAHR facility shall notify this person that consent has been revoked,
- (b) the embryo effected by this section may be used in any further DAHR procedure without the consent of that person who originally gave their consent to be a parent, unless the embryo was created from an egg which derived from the intending mother.”.

—*Senator John Crown.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 11

**15.** In page 17, line 3, to delete “21 years” and substitute “18 years”.

—*Senator John Crown.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 12

**16.** In page 18, between lines 8 and 9, to insert the following:

“(3) Where a person has revoked their consent to be a parent under this section, then—

- (a) the DAHR facility shall notify the intending mother, and
- (b) the intending mother may use an embryo affected by this section in further DAHR where the embryo was created from an egg which derived from the intending mother, without the consent of the person who revoked their consent to be a parent under this section.”.

—*Senator John Crown.*

*Section opposed.*

[SECTION 12]

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 13

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 14

**17.** In page 20, between lines 2 and 3, to insert the following:

“(10) Notwithstanding any other part of this Act, under this section, a donor, or donors, may donate an embryo, for the purpose of a DAHR procedure, or a further DAHR procedure(s), anonymously, wherein all information pertaining to them in the National Donor-Conceived Person Register, established under *section 33*, will read “ANONYMOUS”.”.

—*Senator John Crown.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 15

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 16

**18.** In page 22, between lines 13 and 14, to insert the following:

“(10) Notwithstanding any other part of this Act, under this section, a donor, or donors, may donate an embryo, for the purpose of a DAHR procedure, or a further DAHR procedure(s), anonymously, wherein all information pertaining to them in the National Donor-Conceived Person Register, established under *section 33*, will read “ANONYMOUS”.”.

—*Senator John Crown.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 17

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 18

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 19

**19.** In page 23, line 30, to delete “any”.

—*Senators Rónán Mullen, Feargal Quinn.*

*Section opposed.*

[SECTION 19]

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 20

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 21

**20.** In page 24, after line 39, to insert the following:

“(4) In proceedings related to this section, *section 22* and any other proceedings in relation to parentage, the court may, by order, do either or both of the following:

- (a) give such directions as it thinks proper for the purpose of procuring from an expert a report in writing on any question affecting the welfare of the child; or
- (b) appoint an expert to determine and convey the child’s views.”.

—*Senators Averil Power, Thomas Byrne.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 22

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 23

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 24

**21.** In page 27, line 17, to delete “The” where it firstly occurs and substitute the following:

“In accordance with the ‘best interests’ principle as set out in Part V of the Guardianship of Infants Act 1964 (as amended by this Act), the”.

—*Senators Averil Power, Thomas Byrne.*

**22.** In page 27, between lines 23 and 24, to insert the following:

- “(f) a photograph;
- (g) the contact details of a person who has consented to be contacted for family information in the event of the donor’s death;
- (h) his or her occupation;
- (i) his or her education level and what was studied;
- (j) his or her hobbies and interests;
- (k) his or her parents’ and grandparents’ occupations;
- (l) his or her marital or civil status;
- (m) number of siblings in his or her family;

[SECTION 24]

- (n) whether the donor parent’s family is aware that the donor is making a donation;
- (o) whether the donor’s family is aware of the existence of any children born as a result of the donated gamete;
- (p) information on the medical history of the donor, including any serious genetically-inherited illnesses that run in their family.”.

—*Senators Averil Power, Thomas Byrne.*

**23.** In page 27, between lines 23 and 24, to insert the following:

“(f) any inheritable diseases and/or conditions which are part of his or her medical history.”.

—*Senators Rónán Mullen, Feargal Quinn.*

**24.** In page 27, between lines 23 and 24, to insert the following:

“(f) any inheritable life-threatening condition, with an obligation to update this information within six months of the diagnosis of such a condition occurring in the future.”.

—*Senator Jim Walsh.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 25

**25.** In page 27, lines 25 to 27, to delete all words from and including “(1) A” in line 25 down to and including line 27.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

**26.** In page 27, to delete lines 28 to 35, and in page 28, to delete lines 1 to 16 and substitute the following:

- “(2) A person shall not perform a DAHR procedure other than on the request of intending parents who are legally married to one another.
- (3) A person shall not perform a DAHR procedure on the request of the intending parents unless—
  - (a) he or she has first obtained the following information in respect of the intending parents—
    - (i) his and her name,
    - (ii) his and her date of birth, and
    - (iii) his and her address and contact details,
  - and
  - (b) (i) the intending mother has consented under *section 9* to the parentage under *section 5* of a child born as a result of the procedure, and her declaration under *section 9(1)(c)* includes a statement referred to in *section 9(3)(d)* in



[SECTION 25]

respect of the husband, and

- (ii) the husband has consented under *section 11* to being the parent, under *section 5*, of a child born as a result of the procedure.”.

—*Senators Rónán Mullen, Feargal Quinn.*

- 27.** In page 27, to delete lines 28 to 35, and in page 28, to delete lines 1 to 16 and substitute the following:

“(2) A person shall not perform a DAHR procedure other than on the request of intending parents who are legally married to one another or in a civil partnership with one another or in a cohabiting relationship with one another.

- (3) A person shall not perform a DAHR procedure on the request of the intending parents unless—

- (a) he or she has first obtained the following information in respect of the intending parents—

- (i) their names,

- (ii) their dates of birth, and

- (iii) their address and contact details,

and

- (b) (i) the intending mother has consented under *section 9* to the parentage under *section 5* of a child born as a result of the procedure, and her declaration under *section 9(1)(c)* includes a statement referred to in *section 9(3)(d)* in respect of the husband, civil partner, or cohabitant, as the case may be, and

- (ii) the husband, civil partner, or cohabitant, as the case may be, has consented under *section 11* to being the parent, under *section 5*, of a child born as a result of the procedure.”.

—*Senators Rónán Mullen, Feargal Quinn.*

- 28.** In page 27, to delete lines 28 and 29 and substitute the following:

“(2) A person shall not perform a DAHR procedure other than on the request of a married male-female couple.”.

—*Senator Jim Walsh.*

- 29.** In page 28, between lines 16 and 17, to insert the following:

“(4) A person shall not perform a DAHR procedure unless account has been taken of the welfare and best interests of any child who may be born as a result of the treatment.”.

—*Senators Rónán Mullen, Feargal Quinn.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

[SECTION 26]

SECTION 26

30. In page 28, between lines 26 and 27, to insert the following:

“(c) the operator of a DAHR facility is certain that the use of the gamete would not exceed the limit on the number of children who may be born as a result of donor gametes from one individual donor. That limit should be a maximum of three births per individual donor.”.

—*Senator Jim Walsh.*

31. In page 28, line 36, after “*section 16*” to insert “and where the information about the donor is substantially the same as provided for in *section 24*”.

—*Senators Averil Power, Thomas Byrne.*

32. In page 29, lines 16 to 19, to delete all words from and including “, and” in line 16 down to and including “donor” in line 19.

—*Senator John Crown.*

33. In page 29, line 29, after “formed” to insert “if the donor gives consent for this to occur”.

—*Senator John Crown.*

34. In page 29, lines 35 to 38, to delete all words from and including “procedure,” in line 35 down to and including line 38 and substitute the following:

“procedure.”.

—*Senator John Crown.*

35. In page 29, after line 38, to insert the following:

“(9) 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.

(10) 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.

(11) 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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

36. In page 29, after line 38, to insert the following:

“(9) (a) The operator of a DAHR facility commits an offence if he or she makes or permits to be made an appointment or any other arrangement for or on behalf of an intending parent or parents with a person or facility that provides anonymous gamete donation services outside the State.

(b) A person who commits an offence under this subsection is liable—

[SECTION 26]

- (i) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, and
- (ii) on conviction on indictment to a fine not exceeding €70,000 or imprisonment for a term not exceeding 2 years or both.”.

—*Senators Rónán Mullen, Feargal Quinn.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 27

37. In page 30, before line 1, to insert the following:

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

27. 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#*.”.

—*Senators Rónán Mullen, Feargal Quinn.*

[# *This is a reference to the Schedule proposed to be inserted by amendment 112.*]

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 28

38. In page 31, lines 17 to 26, to delete all words from and including “with” in line 17 down to and including line 26 and substitute the following:

“with the information referred to under *subsection (3)* where the procedure has resulted in the pregnancy of the intending mother, the date on which the intending mother is expected to give birth or, where applicable, the information specified in *subsection (5)*.”.

—*Senator John Crown.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 29

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

[SECTION 30]

SECTION 30

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 31

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 32

**39.** In page 34, line 35, after “ability” to insert “and intention”.

—*Senators Rónán Mullen, Feargal Quinn.*

**40.** In page 34, to delete lines 37 to 40 and substitute the following:

“(6) An operator of a DAHR facility commits an offence if he or she fails in their obligations to comply with *section 28* to the extent of causing the Circuit Court to make an order under *subsection (3)*.

(7) A person who commits an offence under this section is liable—

(a) on summary conviction to a fine not exceeding €3,000, and

(b) on conviction on indictment to a fine not exceeding €100,000.”.

—*Senators Rónán Mullen, Feargal Quinn.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 33

**41.** In page 35, between lines 18 and 19, to insert the following:

“(5) In the case of children and adults born as a result of a DAHR procedure that was performed before the date on which this section comes into operation, the Minister shall—

(a) permit persons who provided a gamete or embryo that was used in a DAHR procedure that resulted in the birth of the child to register their particulars on the National Donor-Conceived Person Register to assist donor-conceived persons in establishing their genetic identity, and

(b) assist all such donor-conceived persons in establishing their genetic identity.”.

—*Senators Averil Power, Thomas Byrne.*

**42.** In page 35, between lines 18 and 19, to insert the following:

“(5) Where a DAHR procedure has not resulted in a live birth, and information has been provided to the Minister under *section 28*, then the Minister shall ensure that records pertaining to this DAHR treatment are destroyed.”.

—*Senator John Crown.*

*Section opposed.*

[SECTION 33]

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 34

43. In page 35, line 20, to delete “18 years” and substitute “16 years”.

—*Senators Rónán Mullen, Feargal Quinn.*

44. In page 35, line 21, to delete “18 years” and substitute “16 years”.

—*Senators Rónán Mullen, Feargal Quinn.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 35

45. In page 35, lines 35 to 37, to delete all words from and including “(1) A” in line 35 down to and including line 37 and substitute the following:

“(1) A donor-conceived child who has attained the age of 18 years may request from the Minister the name, date of birth, contact details and up-to-date full medical history of a relevant donor, as recorded and updated in the Register.”.

—*Senator Jim Walsh.*

46. In page 35, line 35, to delete “18 years” and substitute “16 years”.

—*Senators Rónán Mullen, Feargal Quinn.*

47. In page 35, line 36, after “birth” to insert the following:

“, medical history, including information in respect of any serious genetically-inherited illnesses that run in their family”.

—*Senators Averil Power, Thomas Byrne.*

48. In page 36, lines 5 to 19, to delete all words from and including “requested,” in line 5 down to and including line 19 and substitute the following:

“requested.”.

—*Senators Averil Power, Thomas Byrne.*

49. In page 36, line 13, to delete “sufficient” and substitute “sufficiently grave”.

—*Senators Rónán Mullen, Feargal Quinn.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 36

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 37

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

[SECTION 38]

SECTION 38

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 39

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 40

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 41

**50.** In page 39, line 6, after “regulations” to insert the following:

“, having first consulted with the Minister for Justice, the Minister for Children, and the Children’s Ombudsman”.

—*Senator John Crown.*

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 42

*Section opposed.*

—*Senators Rónán Mullen, Feargal Quinn, Jim Walsh.*

SECTION 43

**51.** In page 41, lines 11 to 17, to delete all words from and including “, and” in line 11 down to and including “child” in line 17.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

SECTION 49

**52.** In page 43, to delete lines 14 to 18 and substitute the following:

“**6B.** (1) 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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

**53.** In page 43, to delete line 16.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

**54.** In page 43, to delete line 23.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

**55.** In page 43, to delete lines 25 to 31.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

[SECTION 49]

56. In page 43, after line 39, to insert the following:

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

—*Senators Averil Power, Thomas Byrne.*

57. In page 44, before line 1, 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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

58. In page 44, line 33, after “child” to insert “and the parent”.

—*Senators Averil Power, Thomas Byrne.*

SECTION 63

59. In page 59, between lines 32 and 33, 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
- (d) ensure, where appropriate, that supports and services are available to the child and family including mediation and child contact centres.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

60. In page 59, line 34, to delete “may” and substitute “shall”.

—*Senator Jillian van Turnhout.*

61. In page 59, line 35, to delete “do either or both” and substitute “do one or all”.

—*Senator Jillian van Turnhout.*

62. In page 59, between lines 39 and 40, to insert the following:

“(c) appoint a Guardian ad Litem in cases of exceptional circumstances.”.

—*Senator Jillian van Turnhout.*

[SECTION 63]

63. In page 60, to delete lines 12 and 13 and substitute the following:

“(e) the views of the child, where relevant;”.

—*Senator Jillian van Turnhout.*

64. In page 61, line 22, to delete “may” and substitute “shall”.

—*Senator Jillian van Turnhout.*

65. In page 61, line 29, to delete “may” and substitute “shall”.

—*Senator Jillian van Turnhout.*

SECTION 98

66. In page 78, between lines 1 and 2, to insert the following:

**“National Register of Joint Guardianship Statutory Agreements**

98. (1) The Minister shall cause to establish and maintain a register to be known as the National Register of Joint Guardianship Statutory Agreements.

(2) The Minister shall make an entry in the Register in respect of each joint guardianship agreement issued under the Guardianship of Children (Statutory Declaration) Regulations, 1998 (S.I. No. 5/1998).

(3) The Minister may prescribe the manner in which the joint guardianship agreements referred to in *subsection (2)* are to be recorded.

(4) The National Register of Joint Guardianship Statutory Agreements will also record registration of guardianship for fathers who meet the cohabitation criteria in section 6B(3) of the Act of 1964.”.

—*Senator Jillian van Turnhout.*

SECTION 102

67. In page 80, to delete lines 12 to 16.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 106

68. In page 81, between lines 15 and 16, to insert the following:

**“Amendment of section 14 of Principal Act**

106. Section 14 of the Principal Act is amended by the insertion of the following paragraph after paragraph (c):

“(d) request from the birth mother or guardian her or his preference, if any, for the category of applicant as outlined under section 33(1)(a) (i), 33(1)(a)(i)(ia), 33(1)(a)(i)(ib), 33(1)(a)(ii) and 33(1)(a)(iii) to which the child shall be placed.”.

—*Senators Fidelma Healy Eames, Feargal Quinn.*



[SECTION 110]

SECTION 110

69. In page 83, lines 19 and 20, to delete “a married couple, a couple who are civil partners of each other or a cohabiting couple” and substitute “a married couple or a couple who are civil partners of each other”.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 111

70. In page 83, between lines 21 and 22, to insert the following:

“111. Section 20(4) of the Principal Act is amended by the insertion of the following paragraph after paragraph (b):

“(c) the relevant stated preference, if any, indicated under section 14(d).”.

—*Senators Fidelma Healy Eames, Feargal Quinn.*

SECTION 113

71. In page 84, lines 19 and 20, to delete “a married couple, a couple who are civil partners of each other or a cohabiting couple” and substitute “a married couple or a couple who are civil partners of each other”.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 114

72. In page 84, between lines 20 and 21, to insert the following:

“114. The Principal Act is amended by the insertion of the following section after section 32:

**“Requirement of informed consent in respect of certain applicants**

32A. Notwithstanding section 20, the Authority shall not make an adoption order in favour of an applicant or applicants, as the case may be, other than an applicant or applicants referred to in section 33(1)(a)(i) or section 33(1)(a)(ii), unless every person whose consent to the making of the adoption order is necessary under section 26 knows, when consenting, that the applicant or applicants, as the case may be, are not of the kind referred to in the said subparagraphs of section 33(1)(a).”.

—*Senators Rónán Mullen, Feargal Quinn.*

73. In page 84, line 24, to delete “subparagraphs” and substitute “subparagraph”.

—*Senators Rónán Mullen, Feargal Quinn.*

74. In page 84, to delete lines 25 and 26 and substitute the following:

“(ia) the applicants are civil partners of each other who are living together and satisfy the Authority that, in the particular circumstances, the adoption is desirable and in the best interests of the child,”.

—*Senators Rónán Mullen, Feargal Quinn.*

[SECTION 114]

75. In page 84, to delete line 27.

—*Senators Rónán Mullen, Feargal Quinn.*

76. In page 84, line 31, to delete “subsections” and substitute “subsection”.

—*Senators Rónán Mullen, Feargal Quinn.*

77. In page 85, to delete lines 15 to 23.

—*Senators Rónán Mullen, Feargal Quinn.*

78. In page 85, lines 25 and 26, to delete “a married couple, a couple who are civil partners of each other or a cohabiting couple” and substitute “a married couple or a couple who are civil partners of each other”.

—*Senators Rónán Mullen, Feargal Quinn.*

79. In page 85, lines 28 and 29, to delete “a married couple, a couple who are civil partners of each other or a cohabiting couple” and substitute “a married couple or a couple who are civil partners of each other”.

—*Senators Rónán Mullen, Feargal Quinn.*

80. In page 85, lines 31 to 33, to delete “a married couple living together, a couple who are civil partners of each other living together or a cohabiting couple” and substitute “a married couple living together or a couple who are civil partners of each other living together”.

—*Senators Rónán Mullen, Feargal Quinn.*

81. In page 85, lines 34 to 36, to delete “a married couple living together, a couple who are civil partners of each other living together or a cohabiting couple” and substitute “a married couple living together or a couple who are civil partners of each other living together”.

—*Senators Rónán Mullen, Feargal Quinn.*

82. In page 85, between lines 36 and 37, to insert the following:

“(f) in subsection (7), by the substitution of “applicants referred to in subsection (1)(a)(ia) or an applicant referred to in subsection (1)(a)(iii)” for “an applicant referred to in subsection (1)(a)(iii)”.”.

—*Senators Rónán Mullen, Feargal Quinn.*

83. In page 85, between lines 36 and 37, to insert the following:

“(f) by inserting after subsection (7) the following subsection:

“(8) In making an order the Authority must act in the best interest of the child (having a mother and a father) and will give preference, in the first instance to married male-female couples, subject to paragraphs (a), (b), (c) and (d) of section 34.”.”.

—*Senator Jim Walsh.*

[SECTION 115]

SECTION 115

- 84.** In page 85, lines 38 to 40, to delete “a married couple living together, a couple who are civil partners of each other living together or a cohabiting couple” and substitute “a married couple living together or a couple who are civil partners of each other living together”.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 116

- 85.** In page 86, lines 2 to 4, to delete “a married couple married to each other, a couple who are civil partners of each other or a cohabiting couple” and substitute “a married couple married to each other or a couple who are civil partners of each other”.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 118

- 86.** In page 86, lines 10 and 11, to delete “a person, a married couple married to each other, a couple who are civil partners of each other or a cohabiting couple” and substitute “a person, a married couple married to each other or a couple who are civil partners of each other”.

—*Senators Rónán Mullen, Feargal Quinn.*

- 87.** In page 86, lines 13 to 15, to delete “a married couple living together, a couple who are civil partners of each other living together or a cohabiting couple” and substitute “a married couple living together or a couple who are civil partners of each other living together”.

—*Senators Rónán Mullen, Feargal Quinn.*

- 88.** In page 86, lines 16 and 17, to delete “the person, married couple, civil partners or cohabiting couple” and substitute “the person, married couple or civil partners”.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 119

- 89.** In page 86, lines 19 and 20, to delete “the person, the married couple, the civil partners or the cohabiting couple” and substitute “the person, the married couple or the civil partners”.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 121

- 90.** In page 87, line 7, after “wedlock;” to insert “or”.

—*Senators Rónán Mullen, Feargal Quinn.*

- 91.** In page 87, line 9, to delete “or”.

—*Senators Rónán Mullen, Feargal Quinn.*

- 92.** In page 87, lines 10 and 11, to delete all words from and including “(iii) where” in line 10 down to and including “adopters,” in line 11.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 123

- 93.** In page 87, line 24, after “wedlock;” to insert “or”.

—*Senators Rónán Mullen, Feargal Quinn.*

[SECTION 123]

94. In page 87, line 26, to delete “or”.

—*Senators Rónán Mullen, Feargal Quinn.*

95. In page 87, lines 27 and 28, to delete all words from and including “(iii) where” in line 27 down to and including “and” in line 28.

—*Senators Rónán Mullen, Feargal Quinn.*

96. In page 87, line 35, after “wedlock;” to insert “or”.

—*Senators Rónán Mullen, Feargal Quinn.*

97. In page 88, line 2, to delete “or”.

—*Senators Rónán Mullen, Feargal Quinn.*

98. In page 88, lines 3 and 4, to delete all words from and including “(iii) where” in line 3 down to and including “and” in line 4.

—*Senators Rónán Mullen, Feargal Quinn.*

99. In page 88, line 8, to delete “subparagraphs” and substitute “subparagraph”.

—*Senators Rónán Mullen, Feargal Quinn.*

100. In page 88, lines 12 to 14, to delete all words from and including “(ib) where” in line 12 down to and including “and” in line 14.

—*Senators Rónán Mullen, Feargal Quinn.*

101. In page 88, lines 24 to 30, to delete all words from and including “(9) In” in line 24 down to and including “concerned.” in line 30.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 124

102. In page 88, line 36, after “wedlock;” to insert “or”.

—*Senators Rónán Mullen, Feargal Quinn.*

103. In page 88, line 39, to delete “or”.

—*Senators Rónán Mullen, Feargal Quinn.*

104. In page 89, lines 1 and 2, to delete all words from and including “(c) where” in line 1 down to and including “couple.” in line 2.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 130

105. In page 89, between lines 17 and 18, to insert the following:

**“Amendment of section 89(2) of Principal Act**

- 130.** Section 89(2) of Principal Act is hereby deleted.”

—*Senators Averil Power, Thomas Byrne.*

[SECTION 131]

SECTION 131

106. In page 89, to delete line 31 and substitute the following:

“(ii) in subparagraph (iii), by the substitution of “child, or” for “child.”, and”.

—*Senators Rónán Mullen, Feargal Quinn.*

107. In page 89, line 32, to delete “subparagraphs” and substitute “subparagraph”.

—*Senators Rónán Mullen, Feargal Quinn.*

108. In page 89, line 33, to delete “child, or” and substitute “child.”.

—*Senators Rónán Mullen, Feargal Quinn.*

109. In page 90, lines 1 and 2, to delete all words from and including “(v) the” in line 1 down to and including “couple.” in line 2.

—*Senators Rónán Mullen, Feargal Quinn.*

110. In page 90, line 6, to delete “paragraphs” and substitute “paragraph”.

—*Senators Rónán Mullen, Feargal Quinn.*

111. In page 90, lines 8 and 9, to delete all words from and including “(cb) the” in line 8 down to and including “or” in line 9.

—*Senators Rónán Mullen, Feargal Quinn.*

SCHEDULE

112. In page 113, after line 18, to insert the following:

“SCHEDULE

*Section 27#*

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 below. Relationships 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.

[SCHEDULE]

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 below. Relationships 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.”.

—*Senators Rónán Mullen, Feargal Quinn.*

[# *This is a reference to the section proposed to be inserted by amendment 37.*]