



DÁIL ÉIREANN

BILLE NA LEANAÍ (LEASÚ), 2015 CHILDREN (AMENDMENT) BILL 2015

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

BILLE NA LEANAÍ (LEASÚ), 2015 —AN TUARASCÁIL

CHILDREN (AMENDMENT) BILL 2015 —REPORT

Leasuithe Amendments

1. In page 8, between lines 3 and 4, to insert the following:

“(a) by the insertion of the following subsection after subsection (2):

“(2A) The maximum total period that a child may spend remanded in custody is three months from the date of being remanded in custody by the Court.”.”.

—Clare Daly.

2. In page 9, between lines 35 and 36, to insert the following:

“(3) Where an inquiry is held under subsection (1) the child shall be provided with an opportunity to be heard and to respond to any allegation of disciplinary breach orally or in writing.”.

—Sandra McLellan.

3. In page 10, line 9, to delete “offence.” and substitute the following:

“offence, and may be less. The Court shall have regard to the age, level of maturity, best interests of the child and the principle of detention as a last resort in determining the nature of any penalty imposed.”.

—Clare Daly, Sandra McLellan.

4. In page 10, to delete lines 10 to 12 and substitute the following:

“(2) The court shall not impose a period of detention in excess of three years.”.

—Clare Daly.

5. In page 10, between lines 12 and 13, to insert the following:

“(3) Where a court imposes any period of detention on a child it shall give its reasons for doing so in writing in language that is appropriate to the age and level of understanding of the child.”.”.

—Clare Daly.

6. In page 10, between lines 12 and 13, to insert the following:

“(3) The Court shall not impose a period of detention in excess of three years. Where a court imposes any period of detention on a child it shall give its reasons for doing so in writing.”.

—Sandra McLellan.

7. In page 24, between lines 36 and 37, to insert the following:

“(2A) Where an inquiry is held under subsection (1) the child shall be provided with an opportunity to be heard and to respond to any allegation of disciplinary breach orally or in writing.”.

—Clare Daly.

8. In page 25, between lines 6 and 7, to insert the following:

“(5) At the conclusion of the inquiry, if a finding of a disciplinary breach under section 201 has been made and/or if a sanction has been imposed under section 201A, the child shall be informed of his or her right to send to the Director, for transmission to the Minister, a petition concerning the finding or sanction or both the finding and sanction, and he or she shall be informed of the time limit of 7 days after the date of being informed of the finding and the imposition of any sanction for the submission of such a petition, as provided in section 201B(1).

(6) At the conclusion of the inquiry, if a finding of a disciplinary breach under section 201 has been made and if a sanction of forfeiture of remission of portion of a period of detention has been imposed, the child shall be informed of his or her right to notify the Director of his or her intention to appeal against the finding or sanction, or both finding and sanction, to an Appeal Tribunal, and he or she shall be informed of the time limit of 21 days after notification of the finding or sanction to notify the Director as such, as provided for in section 201C(1)(b).”.

—Clare Daly.

9. In page 25, between lines 31 and 32, to insert the following:

“(1A) Any child who breaches the rules of a children detention school may be sanctioned on the instructions of the Director of the school in a way that is both reasonable, proportionate and within the prescribed limits.

(1B) Without prejudice to the power of the Minister to prescribe limits for the disciplining of children detained in children detention schools, the following forms of sanction shall be prohibited:

- (a) corporal punishment or any other form of physical violence;
- (b) deprivation of food or drink;

- (c) treatment that could reasonably be expected to be detrimental to physical, psychological or emotional well-being; or
- (d) treatment that is cruel, inhuman or degrading.”.

—Clare Daly.

10. In page 26, to delete lines 14 to 18 and substitute the following:

“(7) When the Director informs a child under subsection (1) of a finding that the child has committed a disciplinary breach and whether or not the Director imposes a sanction on the child under that subsection in respect of the disciplinary breach, the Director shall explain in ordinary language to the child the content of section 201B(1) and, if any sanction imposed consists of or includes forfeiture of remission of portion of his or her period of detention, of section 201C(1).”.

—An tAire Leanaí agus Gnóthaí Óige.

11. In page 26, to delete line 24 and substitute “**Petition by child against finding of disciplinary breach or sanction or both**”.

—An tAire Leanaí agus Gnóthaí Óige.

12. In page 26, line 40, after “sanction” to insert “and/or finding”.

—Clare Daly.