

# SEANAD ÉIREANN

## AN BILLE MEABHAIR-SHLÁINTE, 2024 LEASUITHE COISTE

### MENTAL HEALTH BILL 2024 COMMITTEE AMENDMENTS

*Leasuithe Breise agus Ionadach  
Additional and Substitute Amendments*

*\*Government amendments are denoted by an asterisk*

#### SECTION 13

**52a.** In page 26, between lines 2 and 3, to insert the following:

#### **“Report on right to independent advocacy**

**13.** Within nine months of the passing of this Act the Minister shall lay before both Houses of the Oireachtas a report outlining how a right to independent advocacy can be guaranteed. The report shall set out how every person receiving mental health services will have a statutory right to access independent advocacy for the purpose of understanding and exercising his or her rights under this Act. It shall also explain how the Minister will ensure the provision of independent, adequately resourced advocacy services. For the purposes of this Act, “independent advocacy” means a service provided by a person or body that—

- (a) is independent of the Health Service Executive and of any service involved in the person’s care,
- (b) is accredited by a body recognised by the Minister for the purposes of this Act, and
- (c) meets prescribed standards relating to training, competence, professional conduct and safeguarding,

and that, with the person’s consent, an advocate may access the person, relevant information, and any meeting or process relating to decisions affecting the person’s rights or treatment.”.

*Senators Victor Boyhan, Nicole Ryan.*

#### SECTION 82

**\*286.** In page 91, between lines 33 and 34, to insert the following:

- “(4) Where an application is made to the Family High Court under *subsection (1)*, the Executive shall immediately notify—
- (a) the guardian *ad litem* appointed for the child,
  - (b) subject to *paragraph (c)*, where the child is under 16 years of age or has been assessed as lacking necessary capacity under section 61, his or her parents or

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guardian or the Agency,

- (c) where the child is under 16 years of age or has been assessed as lacking necessary capacity under section 61 and is the subject of a voluntary care arrangement, an emergency care order or an interim care order, his or her parents or guardian and the Agency,
- (d) where the child is aged 16 years or older, has capacity to make decisions about his or her treatment and is the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, the Agency, and
- (e) any other person specified by the Family High Court,

of the making of the application and any treatment provided under *subsection (6)#*.”.

*[#This is a reference to a subsection proposed to be inserted by amendment No. 288.]*

*[This amendment is in substitution for amendment No. 286 on the principal list of amendments dated 2nd December, 2025.]*

**\*288.** In page 91, after line 39, to insert the following:

- “(5) An application may be made by the Executive to the Family High Court to renew a treatment order made under this section, subject to any directions of the Court, where the involuntarily admitted child the subject of the treatment order continues to satisfy the relevant criteria in *subsection (2)*.
- (6) Where an application to the Family High Court has been made under *subsection (1)* or (5) in relation to an involuntarily admitted child under 16 years of age or an involuntarily admitted child aged 16 years or older who has been assessed as lacking capacity under *section 61*, treatment may be administered to the involuntarily admitted child prior to the hearing of the application, for a period of 72 hours after its initiation or until the hearing of the application by the Family High Court, whichever is sooner, where, in the opinion of the responsible consultant psychiatrist, all of the relevant criteria in *subsection (2)* apply.
- (7) Where treatment is administered to a child without consent pursuant to a treatment order under *subsection (1)* or prior to the hearing of the application under *subsection (6)*, the absence of consent and details of the treatment or treatments shall be noted in his or her medical records.
- (8) A treatment order shall, subject to any directions of the Family High Court, have effect for a period not exceeding 3 months.”.

*[This amendment is in substitution for amendment No. 288 on the principal list of amendments dated 2nd December, 2025.]*