DÁIL ÉIREANN

AN BILLE MEABHAIR-SHLÁINTE, 2024
[BILLE DÁLA ARNA LEASÚ AG AN SEANAD]

MENTAL HEALTH BILL 2024
[DÁIL BILL AMENDED BY THE SEANAD]

Leasuithe Breise agus Ionadach
Additional and Substitute Amendments

[The page and line references in this list of amendments are to the text of the Bill as passed by Dáil Éireann]

SECTION 5

46a. In page 20, to delete lines 23 to 36.

SECTION 59

185. In page 71, to delete lines 10 and 11 and substitute the following:

"Interpretation

59. For the avoidance of doubt, in this Part, a child that is the subject of an emergency care order, an interim care order, a supervision order or a voluntary care arrangement shall be treated the same as a child who is not the subject of a care order, unless otherwise provided.".

[*This amendment is in substitution for amendment No. 185 on the principal list of amendments dated 22nd April, 2026.*]

SECTION 70

261. In page 79, to delete lines 11 to 38 and in page 80, to delete lines 1 to 39 and substitute the following:

"Discharge of involuntarily admitted children

70. (1) Subject to *subsection (2)*, where a responsible consultant psychiatrist becomes of the opinion that a child no longer fulfils the criteria for involuntary admission of a child, the responsible consultant psychiatrist shall as soon as possible meet with the child concerned and—

(a) inform the child of his or her intention to notify the Executive under *subsection (4)* of his or her proposal to discharge the child and of the right of the child, if discharged, to leave the registered acute mental health centre or, with the responsible consultant psychiatrist's agreement—

(i) remain as a voluntarily admitted child if—

(I) in the case of a child aged 16 years or older, the child wishes, or

(II) in the case of a child under 16 years of age, the child's parents, or either

of them, or guardian, wishes,

or

(ii) in the case of a child aged 16 years or older assessed as lacking capacity under *section 61*, remain as a child aged 16 years or older lacking necessary capacity admitted with parental consent if his or her parents, or either of them, or guardian wishes,

and

(b) provide the child with all relevant information from the child's care plan prepared in accordance with *section 180* and information regarding—

(i) what will occur if the child leaves the registered acute mental health centre, and

(ii) what will occur if the child remains in the registered acute mental health centre in accordance with *paragraph (a)(i)* or *(ii)*.

(2) Where a child referred to in *subsection (1)*—

(a) is under 16 years of age or is assessed as lacking capacity under *section 61*, and

(b) is the subject of a care order,

that subsection shall apply in relation to the child with the modification that the child may remain as a voluntarily admitted child in the registered acute mental health centre with the responsible consultant psychiatrist's agreement where an order is made by the Family District Court or the District Court, as the case may be, authorising the admission under *section 62(2)** or *64(2)***.

(3) The meeting referred to in *subsection (1)* may also be attended by—

(a) the child's relevant consulted carers, if any, and

(b) any nominated person.

(4) Where, following a meeting under *subsection (1)*, a responsible consultant psychiatrist proposes to discharge a child under that subsection, the responsible consultant psychiatrist or another mental healthcare professional who is involved in the child's care and treatment shall—

(a) notify—

(i) the Executive,

(ii) the child's guardian *ad litem*,

(iii) the child's relevant consulted carers, if any, and

(iv) in relation to a child who is the subject of a voluntary care arrangement, an emergency care order, an interim care order or a supervision order, if not already notified under *subparagraph (iii)*, the Agency,

of the proposal to discharge the child, together with a report of his or her opinion that the child no longer fulfils the criteria for involuntary admission of a child, for

the purpose of *subsection (6)*, and

(b) engage with the child concerned and, in so far as is practicable, where appropriate, liaise with the persons referred to in *paragraph (a)* or *(b)* of *subsection (3)* as they apply in respect of the child concerned for the purposes of planning the child's discharge.

(5) Where the Family District Court or the District Court, as the case may be, refuses an application for a renewal order under *section 67* in relation to a child, *subsections (1)* to *(4)* shall apply to the child concerned and his or her responsible consultant psychiatrist with the modification that the discharge of the child has been authorised by the Family District Court or the District Court under *subsection (7)*, and a further application under *subsection (6)* shall not be required.

(6) Where the Executive has been notified of a proposal to discharge a child under *subsection (4)*, the Executive shall make an application to the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being and furnish the report referred to in *subsection (4)(a)* to the Court upon the making of the application.

(7) Subject to *subsection (9)*, where the Court is satisfied, having considered an application under *subsection (6)*, that the child no longer meets the criteria for involuntary admission of a child, the Court shall make an order authorising the discharge of the child as an involuntarily admitted child from the registered acute mental health centre.

(8) Notice of an application under *subsection (6)* and a copy of the proceedings shall be served by the Executive on—

(a) the child's relevant notified carers, and

(b) any other person specified by the Family District Court or the District Court, as the case may be.

(9) Before making an order authorising the discharge of the child as an involuntarily admitted child under *subsection (7)*, the Family District Court or the District Court, as the case may be—

(a) shall have regard to the report referred to in *subsection (4)(a)*, and

(b) may have regard to any submission made to it in relation to any matter by or on behalf of a party to the proceedings concerned or any other person having an interest in the proceedings.

(10) The decision under this section for a child to remain in a registered acute mental health centre as a voluntarily admitted child or a child aged 16 years or older lacking necessary capacity admitted with parental consent, or to not remain, shall be recorded and a copy shall be retained in the child's medical records.

(11) Where a child discharged under this section is—

(a) the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, or

(b) where *paragraph (a)* does not apply, under 16 years of age or aged 16 years or older and assessed as lacking capacity to consent under *section 61*,

he or she shall be released into the care of his or her relevant carer.".

[**This is a reference to a subsection proposed to be inserted by amendment No. 203.*]

[***This is a reference to a subsection proposed to be inserted by amendment No. 212.*]

[*This amendment is in substitution for amendment No. 261 on the principal list of amendments dated 22nd April, 2026.*]

SECTION 72

276. In page 82, to delete lines 10 to 43 and in page 84, to delete lines 1 to 12 and substitute the following:

"Powers of Garda Síochána to take child into custody in certain circumstances

72. (1) Where a member of An Garda Síochána has reasonable grounds for believing that a child has a mental disorder that fulfils *paragraph (a)* of the criteria for involuntary admission of a child, the member may either alone or with any other member or members of An Garda Síochána—

(a) take all reasonable measures necessary to take the child into custody and arrange for the matters specified in *subsections (3)*, *(4)*, *(6)*, *(8)*, *(10)*, *(13)*, *(15)* and *(16)*, as applicable, to be carried out as soon as practicable, but no later than 6 hours after the time that the child is taken into custody, and

(b) enter, if needs be by force, any dwelling or other premises or any place if he or she has reasonable grounds for believing that the child is to be found there.

(2) The period referred to in *subsection (1)(a)* may be extended by one additional period of 6 hours under the authorisation of a member of An Garda Síochána not below the rank of inspector if he or she has reasonable grounds for believing that the additional period is necessary in order that the matters specified in *subsections (3)*, *(4)*, *(6)*, *(8)*, *(10)*, *(13)*, *(15)* and *(16)*, as applicable, may be carried out.

(3) Where a member of An Garda Síochána takes a child into custody under *subsection (1)*, he or she or any other member or members of An Garda Síochána shall contact—

(a) in relation to a child the subject of a care order, the Agency,

(b) in relation to a child the subject of a voluntary care arrangement, an emergency care order, an interim care order or a supervision order, the Agency and the child's parents, or either of them, or guardian, and

(c) in all other circumstances, the child's parents, or either of them, or guardian,

as soon as practicable, but no later than 3 hours from the time that the child is taken into custody.

(4) Where a member of An Garda Síochána takes a child into custody under *subsection (1)*, he or she or any other member or members of An Garda Síochána may request—

(a) a registered medical practitioner to carry out an examination of the child, or

(b) the Executive to arrange for a consultant psychiatrist to carry out an examination of the child,

to assess whether the child has a mental disorder that fulfils the criteria for involuntary admission of a child requiring an application for involuntary admission of a child under *section 66*.

(5) In so far as possible, an examination under *subsection (4)* shall also be attended by the persons specified in *paragraphs (a)*, *(b)* or *(c)* of *subsection (3)*, as the case may be.

(6) Where, following an examination of a child under *subsection (4)*—

(a) a registered medical practitioner is of the opinion that the child concerned has a mental disorder that fulfils the criteria for involuntary admission of a child, a member or members of An Garda Síochána—

(i) shall, subject to *subsection (7)*—

(I) release the child into the care of his or her relevant carer for the purpose of that person or persons engaging with the Executive to assess whether an application for involuntary admission under *section 66* is required in respect of the child, and

(II) notify the Executive that the child has been released into the care of his or her relevant carer,

and

(ii) may request the Executive to assess whether an application for involuntary admission under *section 66* is required in respect of the child,

or

(b) a consultant psychiatrist is of the opinion that the child has a mental disorder that fulfils the criteria for involuntary admission of a child—

(i) subject to *subsection (7)*, a member or members of An Garda Síochána shall release the child into the care of his or her relevant carer, and

(ii) the Executive may make an application for involuntary admission under *section 66* in respect of the child.

(7) A member or members of An Garda Síochána shall not release a child under *paragraph (a)(i)* or *(b)(i)* of *subsection (6)* where—

(a) in the opinion of the member or members of An Garda Síochána responsible for the child, there is an immediate and serious risk to the health or welfare of the child or that of another person by releasing the child,

(b) in the opinion of the registered medical practitioner or consultant psychiatrist concerned, there is an immediate and serious risk to the health or welfare of the child or that of another person by releasing the child,

(c) in the case of a child who is not the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, his or her relevant

carer, after the making of reasonable enquiries, cannot be found, or

(d) his or her detention is authorised by law other than under this Act.

(8) Where *paragraph (a)*, *(b)* or *(c)* of *subsection (7)* applies, the member or members of An Garda Síochána may request that the Executive take charge of the child as soon as possible until such time as—

(a) an involuntary admission order is made under *section 66* in respect of the child, or

(b) the Executive assesses that an application for involuntary admission under *section 66* is not required in respect of the child.

(9) The Executive shall comply with the request under *subsection (8)* as soon as practicable.

(10) Where *subsection (7)(c)* applies and the child's relevant carer is subsequently found, the child shall be released from the custody of An Garda Síochána or from the charge of the Executive, as the case may be, unless, in the opinion of the member or members of An Garda Síochána responsible for the child or the Executive, there is an immediate and serious risk to the health or welfare of the child or that of another person by releasing the child into the care of that person or persons.

(11) Where a request is made under *subsection (8)* due to *paragraph (a)* or *(c)* of *subsection (7)* applying, the member or members of An Garda Síochána responsible for the child shall notify the Agency as soon as may be.

(12) Where—

(a) in advance of an examination of a child under *subsection (4)*, the member or members of An Garda Síochána responsible for the child has or have reasonable grounds for believing that the child concerned no longer has a mental disorder that fulfils *paragraph (a)* of the criteria for involuntary admission of a child, or

(b) following an examination of a child under *subsection (4)*, a registered medical practitioner or consultant psychiatrist referred to in that subsection is of the opinion that the child concerned does not have a mental disorder that fulfils the criteria for involuntary admission of a child,

the child shall, subject to *subsections (13)*, *(14)* and *(15)*, be released from the custody of An Garda Síochána.

(13) Where *paragraph (a)* or *(b)* of *subsection (12)* applies—

(a) where the child is the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, a member or members of An Garda Síochána shall release the child into the care of the Agency unless his or her detention is authorised other than under this Act, and

(b) subject to *subsection (14)*, in all other circumstances—

(i) where the child is under 16 years of age, a member or members of An Garda Síochána shall release the child into the care of his or her relevant carer, and

(ii) where the child is aged 16 years or older, a member or members of An Garda Síochána shall release the child immediately,

unless the detention of the child is authorised other than under this Act.

(14) A member or members of An Garda Síochána shall not release a child under *subsection (13)(b)* where—

(a) in the opinion of the member or members of An Garda Síochána responsible for the child, there is an immediate and serious risk to the health or welfare of the child by releasing the child, or

(b) in respect of a child referred to in *subsection (13)(b)(i)*, his or her relevant carer, after the making of reasonable enquiries, cannot be found,

until such time as a request is made under *subsection (15)* or a notification is made under *subsection (16)*, as the case may be.

(15) Where *subsection (14)(a)* applies, a member or members of An Garda Síochána may request the Agency that the child be delivered up to the custody of the Agency under section 12 of the Act of 1991 as soon as may be.

(16) Where *subsection (14)(b)* applies, a member or members of An Garda Síochána may notify the Agency.".

[*This amendment is in substitution for amendment No. 276 on the principal list of amendments dated 22nd April, 2026.*]

SECTION 73

276a. In page 83, to delete lines 13 to 43 and in page 84, to delete lines 1 to 5.

SECTION 83

328a. In page 92, to delete lines 22 to 36.

SECTION 91

345. In page 96, to delete lines 35 to 40 and in page 97, to delete lines 1 to 15 and substitute the following:

"Role of parent or guardian regarding application of restrictive practice

91. (1) As soon as practicable after the admission of a child admitted voluntarily under *section 62*, a child aged 16 years or older lacking necessary capacity admitted with parental consent under *section 64* or an involuntarily admitted child, the responsible consultant psychiatrist or another member of the child's multidisciplinary team shall—

(a) subject to *subsection (3)*, provide information on the application of restrictive practices in that registered acute mental health centre to—

(i) the child,

(ii) his or her nominated person, if any, and

(iii) the child's relevant consulted carers, if any,

(b) take into account the views of any person to whom information is provided under

paragraph (a) regarding the application of restrictive practices, and

(c) record the views of any person to whom information is provided under *paragraph (a)* in the child's medical records and care plan.

(2) As soon as practicable after the admission of a child voluntarily admitted under *section 63*, the responsible consultant psychiatrist or another member of the child's multidisciplinary team shall—

(a) subject to *subsection (3)*, provide information on the application of restrictive practices in that registered acute mental health centre to—

(i) the child,

(ii) his or her nominated person, if any, and

(iii) his or her relevant consulted carers, if any,

(b) take into account the views of any person to whom information is provided under *paragraph (a)* regarding the application of restrictive practices, and

(c) record the views of any person to whom information is provided under *paragraph (a)* in the child's medical records and care plan.

(3) Where the responsible consultant psychiatrist forms an opinion that it would be in the best interests of the child for any persons specified in *subsection (1)(a)* or *(2)(a)* not to be provided with information on the application of restrictive practices, such information is not required to be provided.

(4) Where information is provided to a child under *subsection (1)(a)* or *(2)(a)*, such information shall be—

(a) given in a manner that is accessible to the child, and

(b) provided in a manner that can reasonably be understood by the child.".

[*This amendment is in substitution for amendment No. 345 on the principal list of amendments dated 22nd April, 2026.*]