



An Bille um Chúram Leanaí (Leasú), 2025

Child Care (Amendment) Bill 2025

Mar a tionscnaíodh

As initiated



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CHILD CARE (AMENDMENT) BILL 2025

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Criminal Law (Sexual Offences) Act 2017 (No. 2)
Data Protection Act 2018 (No. 7)
Education Act 1998 (No. 51)
Education and Training Boards Act 2013 (No. 11)
Health Act 2004 (No. 42)
Health Act 2007 (No. 23)
Higher Education Authority Act 2022 (No. 31)
Local Government Act 2001 (No. 37)
National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (No. 47)
Policing, Security and Community Safety Act 2024 (No. 1)
Punishment of Incest Act 1908 (8 Edw. 7 c.45)



AN BILLE UM CHÚRAM LEANAÍ (LEASÚ), 2025
CHILD CARE (AMENDMENT) BILL 2025

Bill

entitled

An Act to amend and extend the Child Care Act 1991; to provide for the establishment and functions of a committee to be known as *An Coiste Forfheidhmithe agus Idirghniomhaireachta um Chúram Leanáí*; to make further and better provision in relation to the care and protection of children including by specifying principles to guide the Child and Family Agency in performing its functions and by providing for certain bodies to cooperate with each other; to give further effect to Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011; to amend the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and the Child and Family Agency Act 2013; and to provide for related matters.

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Be it enacted by the Oireachtas as follows:

PART 1

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PRELIMINARY AND GENERAL

Short title, collective citation and commencement

1. (1) This Act may be cited as the Child Care (Amendment) Act 2025.
- (2) The Child Care Acts 1991 to 2024 and this Act (other than *Part 4*) may be cited together as the Child Care Acts 1991 to 2025.
- (3) This Act, other than *sections 2, 20 and 28*, shall come into operation on such day or days as the Minister for Children, Disability and Equality may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

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Definitions

2. In this Act—

“Act of 2013” means the Child and Family Agency Act 2013;

“Principal Act” means the Child Care Act 1991.

Repeals

3. The following provisions of the Principal Act are repealed:

- (a) section 7;
- (b) section 8.

PART 2

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PROTECTION OF CHILDREN

Amendment of section 2(1) of Principal Act

4. Section 2(1) of the Principal Act is amended—

- (a) in the definition of “child”, by the deletion of “other than a person who is or has been married”, and

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- (b) by the insertion of the following definitions:

“ ‘family’ has the same meaning as it has in the Child and Family Agency Act 2013;

‘Implementation and Inter-Agency Committee’ has the meaning assigned to it by section 6A;

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‘local authority’ has the same meaning as it has in the Local Government Act 2001;

‘nominating body’ means a body, referred to in subsection (3) of section 6C, in respect of which the Minister has, under subsection (1) of that section, appointed at least one person to be a member of the Implementation and Inter-Agency Committee;

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‘recognised school’ has the same meaning as it has in the Education Act 1998;

‘relevant body’ means—

- (a) the Child and Family Agency,

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- (b) a children detention school (within the meaning of the Act of 2001),

- (c) a Department of State,

- (d) An tÚdarás um Ard-Oideachas,

- (e) a designated institution of higher education (within the meaning of the Higher Education Authority Act 2022),

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- (f) an education and training board established under section 9 of the Education and Training Boards Act 2013,

- (g) An Garda Síochána,

- (h) the Health Service Executive,

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- (i) a body established by or under an enactment to perform functions in relation to health services,
- (j) a person or body with whom the Health Service Executive has entered into an arrangement under section 38 or 39 of the Health Act 2004, 5
- (k) a person, other than a person referred to in paragraph (j), with whom the Health Service Executive has entered into an arrangement to provide health services,
- (l) a private hospital (within the meaning of the Health Act 2007),
- (m) a person carrying on the business of providing a prescribed private health service (within the meaning of the Health Act 2007), 10
- (n) a safety partnership (within the meaning of Part 3 of the Policing, Security and Community Safety Act 2024),
- (o) a local authority,
- (p) a Local Community Development Committee established pursuant to section 49A of the Local Government Act 2001, 15
- (q) a recognised school, or
- (r) a body, or a body belonging to a class of bodies, that has been designated under section 11C;

‘relevant persons’, other than in Part VIIA, has the meaning assigned to it by section 6B(1)(a); 20

‘special categories of personal data’ has the same meaning as it has in the Data Protection Act 2018;”.

Amendment of section 3 of Principal Act

5. Section 3 of the Principal Act is amended by the insertion of the following subsection after subsection (2): 25

- “(2A) Without prejudice to section 23F(11), 23NN(10) or 23NO, the Child and Family Agency may, and at the request of the Minister shall, prepare and publish guidelines relating to the function referred to in subsection (1), or any aspect of that function, for the purpose of providing practical guidance concerning— 30
- (a) the performance by the Agency of the function, or any aspect of that function, and
- (b) the exercise by the Agency of its powers under this Act and any other enactment in respect of the function, or any aspect of that function.”. 35

Voluntary Care

6. (1) The Principal Act is amended by the substitution of the following section for section 4:

“4. (1) Where—

(a) it appears to the Child and Family Agency that a child requires care or protection that he or she is unlikely to receive unless he or she is taken into its care, 5

(b) the Agency, following consultation with a parent having custody of the child or any person acting in *loco parentis* to the child, has reasonable cause to believe that the parent or any such person is likely to be able to resume care of the child within the period of time for which the child is proposed to be taken into care under this section, and 10

(c) the Agency, having regard to the temporary nature of the care provided under this section, is satisfied that the period of time referred to in paragraph (b) is a reasonable period of time, 15

it shall be the duty of the Agency, subject to this section, to take the child into its care under this section.

(2) Without prejudice to the provisions of Parts III, IV, IVA and VI, nothing in this section shall authorise the Child and Family Agency to take a child into its care under this section unless it has— 20

(a) notified, in writing, the parent or person referred to in paragraph (b) of subsection (1) of—

(i) the purpose of care under this section,

(ii) the proposed period of time for which the child is to be taken into the care of the Agency under this section, and 25

(iii) the obligations of the Agency under this section,

(b) obtained the consent in writing, in such form and manner as may be specified by the Agency, of the parent or person referred to in paragraph (b) of subsection (1), and 30

(c) notified, in writing, the parent or person referred to in paragraph (b) of subsection (1) that he or she may withdraw his or her consent at any time to the child being maintained in care under this section.

(3) Where the Child and Family Agency has taken a child into its care under this section, it shall be the duty of the Agency— 35

(a) subject to this section, to maintain the child in its care so long as the best interests of the child appear to the Agency to require it and while he or she remains a child, and

(b) to have regard to the wishes of the parent or person referred to in paragraph (b) of subsection (1) in the provision of such care. 40

(4) Without prejudice to a review conducted pursuant to regulations made under section 42, the Child and Family Agency shall, at regular intervals and, in any event, not less frequently than once every 6 months, having regard to the temporary nature of the care provided under this section, review the necessity for maintaining a child in care under this section and the operation of the care arrangement, to consider whether it is in the best interests of the child that—

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(a) the child be returned to the parent or person referred to in paragraph (b) of subsection (1),

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(b) the child be maintained in care under this section, or

(c) the Agency make an application for an order under Part III, IV, IVA or VI, as it thinks fit.

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(5) Without prejudice to Parts III, IV, IVA and VI, on the withdrawal of consent by the parent or person referred to in paragraph (b) of subsection (1), the Child and Family Agency shall, subject to subsections (6) and (7) and having regard to the best interests of the child, arrange for the child to be returned as soon as possible to the custody of the parent or such person, as the case may be.

(6) Where—

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(a) a parent or person referred to in paragraph (b) of subsection (1) withdraws his or her consent, and

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(b) the Child and Family Agency has reasonable cause to believe that there is an immediate and serious risk to the health or welfare of the child if the child is returned to the custody of the parent or person referred to in paragraph (b) of subsection (1) in accordance with subsection (5),

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the Agency shall make an application for an emergency care order in accordance with the procedure specified in subsection (4) of section 12, subject to the modification that the reference in that subsection to “the date on which the child is delivered up to the custody of the Agency” shall be construed as a reference to “the date on which the consent of a parent or person referred to in paragraph (b) of subsection (1) is withdrawn” and such other modifications as may be necessary.

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(7) It shall be lawful for the Child and Family Agency to retain custody of the child pending the hearing of an application under subsection (6).

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(8) A child who was taken into care under this section by the Health Service Executive before the coming into operation of the Child and Family Agency Act 2013 and who was in the care of the Health Service Executive immediately before the day appointed under section 6 of that Act, and immediately before the coming into operation of section 6 of the *Child Care (Amendment) Act 2025* was in the care of the Child and Family Agency under this section, shall be

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deemed to have been taken into care by the Agency and to be in its care on and from that day.”.

(2) Where, immediately before the coming into operation of this section, a child was in the care of the Child and Family Agency under section 4 of the Principal Act, the child shall be deemed to have been taken into care by the Agency under section 4 of the Principal Act (as amended by *subsection (1)*) and the said section 4, (as so amended), shall apply to the child subject to the following and any other necessary modifications—

(a) subject to *paragraphs (b) and (c)*, as if the requirements set out in paragraphs (a) to (c) of section 4(1) of the Principal Act (as amended by *subsection (1)*) were met, 10

(b) that, following consultation with the parent or person referred to in paragraph (b) of section 4(1) of the Principal Act (as amended by *subsection (1)*), the notification and consent requirements set out in section 4(2) of the Principal Act (as so amended) are met as soon as practicable and, in any event, within 6 months 15 of the coming into operation of this subsection,

(c) that the reference in subparagraph (ii) of section 4(2)(a) of the Principal Act (as amended by *subsection (1)*) to “to be taken into” shall be construed as a reference to “to remain in”, and

(d) that the first review by the Agency under section 4(4) of the Principal Act (as amended by *subsection (1)*) of the necessity for maintaining the child in care under this section and the operation of the care arrangement shall be carried out within 6 months of the coming into operation of this subsection. 20

Accommodation for homeless children

7. The Principal Act is amended by the substitution of the following section for section 5: 25

“5. (1) Where it appears to the Child and Family Agency that a child is homeless, the Agency shall inquire into the child’s circumstances, and if it is satisfied that there is no accommodation available to him or her which he or she can reasonably occupy, then, unless the child is received into the care of the Agency under the provisions of this Act, the Agency shall take such steps as are reasonable to make available suitable accommodation for him or her while he or she remains a child. 30

(2) Where the Child and Family Agency has taken steps under subsection (1) to make available suitable accommodation for a child, the Agency shall make reasonable efforts to engage with the child and the child’s family for the purposes of supporting the child to return, if possible, to the care of the parent having custody of him or her or to the person who is acting in *loco parentis* to the child. 35

(3) The Child and Family Agency shall review the provision of accommodation for a child under this section at regular intervals and, in any event, not less frequently than once every 6 months, to consider whether it is in the best interests of the child that— 40

- (a) if possible, the child be returned to the parent having custody of him or her, or the person acting in *loco parentis* to him or her,
- (b) the Agency continue to take steps under subsection (1) to make suitable accommodation available for the child, or
- (c) the Agency make an application for an order under Part III, IV, IVA or VI, as it thinks fit.”. 5

Regulations as to accommodation for homeless children

8. The Principal Act is amended by the insertion of the following section after section 5:

“**5A.** (1) The Minister may make regulations in relation to the making available of accommodation to children by the Child and Family Agency under section 5. 10

(2) Without prejudice to the generality of subsection (1), regulations under this section may—

- (a) fix the conditions under which children may be accommodated under section 5, or 15
- (b) prescribe requirements in relation to the accommodation made available under that section.

(3) Regulations under this section may make different provision for different circumstances or categories of children and in doing so may make different provision in respect of— 20

- (a) children of different ages, or
- (b) children with different levels of vulnerability or risk,

or both.

(4) The Minister shall, at such times as he or she considers appropriate, consult with the Minister for Justice, Home Affairs and Migration, or such other Minister of the Government as he or she considers appropriate, in making regulations under this section.”. 25

Lost or abandoned children

9. The Principal Act is amended by the insertion of the following section after section 5A (inserted by *section 8*): 30

“**5B.** Where the Child and Family Agency takes a child into its care pursuant to an order made under Part III, IV, IVA or VI because it appears that the child is lost or that a parent having custody of the child or a person acting in *loco parentis* to him or her is missing or that the child had been deserted or abandoned, the Agency shall endeavour to reunite the child with the parent or person, as the case may be, where this appears to the Agency to be in the child’s best interests.”. 35

Establishment of Child Care Implementation and Inter-Agency Committee and related matters

10. The Principal Act is amended by the insertion of the following sections after section 6:

“Child Care Implementation and Inter-Agency Committee

6A. The Minister shall, as soon as practicable after the coming into operation of *section 10* of the *Child Care (Amendment) Act 2025*, establish a committee which shall be known as *An Coiste Forfheidhmithe agus Idirghniomhaireachta um Chúram Leanáí* (in this Act referred to as the ‘Implementation and Inter-Agency Committee’), to perform the functions conferred on it by this Act. 5

Objectives, functions and powers of Implementation and Inter-Agency Committee

6B. (1) The objectives of the Implementation and Inter-Agency Committee shall be—

(a) to provide a mechanism for the nominating bodies to work together in the planning for, and implementation of, the delivery by those bodies of services to the following persons (in this Act referred to as ‘relevant persons’): 15

(i) children who are not receiving adequate care and protection; 20

(ii) children who are in the care of the Child and Family Agency under section 4 or pursuant to an order under Part III or IV;

(iii) children who are in the care of the Child and Family Agency pursuant to a special care order or an interim special care order under Part IVA;

(iv) eligible children and eligible adults in relation to whom the Child and Family Agency, in accordance with section 45B or 45C, prepares an aftercare plan; 25

(v) children who are in receipt of child care and family support services;

(b) to promote and monitor compliance by the nominating bodies with their obligations under this Act and other enactments in so far as those obligations are in respect of relevant persons, and 30

(c) to identify, and make recommendations for the removal of, barriers that result in relevant persons being placed at a disadvantage in accessing services provided by the nominating bodies. 35

(2) The Implementation and Inter-Agency Committee shall have the following functions:

(a) to develop and implement solutions to issues arising in relation to the accessing by relevant persons of services that are provided by nominating bodies, 40

(b) to keep under review the operation and effectiveness of the implementation of this Act,

- (c) to provide advice, and make proposals, to the Minister on any matter related to the performance of the functions referred to in paragraphs (a) and (b),
- (d) to provide, including at the request of the Minister, reports and information to the Minister in such form and manner as may be prescribed on any matter related to the performance of the functions referred to in paragraphs (a) and (b), 5
- (e) to establish such subcommittees of the Implementation and Inter-Agency Committee as it considers necessary to assist in the performance of its functions, and 10
- (f) to comply with a direction given to it under section 6E.

(3) The Implementation and Inter-Agency Committee shall have all such powers as are necessary or expedient for the performance of its functions.

(4) In the performance of its functions, the Implementation and Inter-Agency Committee shall have regard to the principle that the best interests of the child are a primary consideration. 15

Membership of Implementation and Inter-Agency Committee

6C. (1) The Implementation and Inter-Agency Committee shall consist of—

- (a) a chairperson, and 20
- (b) not less than 9 ordinary members,
each of whom shall be appointed by the Minister to be a member of the Implementation and Inter-Agency Committee.

(2) The chairperson shall be appointed by the Minister from amongst the members of the Implementation and Inter-Agency Committee. 25

(3) The Implementation and Inter-Agency Committee shall be comprised of:

- (a) at least 7 members, including at least one officer of each of the following Ministers of the Government having charge of a Department of State, nominated by the Minister concerned: 30
 - (i) the Minister;
 - (ii) the Minister for Education and Youth;
 - (iii) the Minister for Further and Higher Education, Research, Innovation and Science;
 - (iv) the Minister for Health;
 - (v) the Minister for Housing, Local Government and Heritage;
 - (vi) the Minister for Justice, Home Affairs and Migration;
 - (vii) the Minister for Social Protection;

- (b) at least one member who is an employee of the Child and Family Agency nominated by the chief executive officer of the Agency;
- (c) at least one member who is a member of An Garda Síochána nominated by the Commissioner of An Garda Síochána;
- (d) at least one member who is an employee of the Health Service Executive nominated by the chief executive officer of the Health Service Executive;
- (e) such other members as the Minister considers appropriate.

(4) The Minister may at any time dissolve the Implementation and Inter-Agency Committee. 5 10

Conditions and cessation of membership

6D. (1) The Minister shall determine the terms and conditions of an appointment made under section 6C(1). 15

- (2) The Minister may at any time remove a member of the Implementation and Inter-Agency Committee from office.
- (3) A member of the Implementation and Inter-Agency Committee may at any time resign from office by letter addressed to the Minister.
- (4) If a member of the Implementation and Inter-Agency Committee dies or ceases to be a member of the Committee, the Minister may appoint a person to be a member of the Implementation and Inter-Agency Committee to fill the vacancy so occasioned. 20 25

Directions to Implementation and Inter-Agency Committee

6E. (1) The Minister may, having consulted with such other Ministers of the Government as he or she considers appropriate, give a direction to the Implementation and Inter-Agency Committee in relation to the performance by it of the functions specified in section 6B(2). 25

- (2) The Minister may amend or revoke a direction under this section (including a direction under this subsection).

Meetings and procedures of Implementation and Inter-Agency Committee

6F. (1) The Implementation and Inter-Agency Committee shall hold such and so many meetings as may be necessary for the performance of its functions. 30

- (2) Subject to subsection (1) and section 6E, the Implementation and Inter-Agency Committee may regulate its own procedures, including procedures relating to the conduct of its meetings and business, as it considers appropriate. 35

Annual report of Implementation and Inter-Agency Committee

6G. (1) The Implementation and Inter-Agency Committee shall, not later than 6 months after the end of each year, prepare and submit to the Minister a report on the performance of its functions and activities during the preceding year (in this section referred to as an ‘annual report’) or, in the case of the first annual report, its functions and activities since the 40

date of the coming into operation of *section 10* of the *Child Care (Amendment) Act 2025* up to and including 31 December of the preceding year.

(2) An annual report shall be in such form as the Minister may approve and shall include information in such form and regarding such matters as the Minister may from time to time direct. 5

(3) The Minister shall, as soon as practicable after a copy of the annual report is submitted to him or her under subsection (1), cause a copy of it to be laid before each House of the Oireachtas.

(4) As soon as may be following the copies being laid before each House of the Oireachtas under subsection (3), the Minister shall arrange for the annual report to be published in such manner as it considers appropriate. 10

Sharing of information for performance of functions of Implementation and Inter-Agency Committee 15

6H. (1) A nominating body may share information (other than personal data) with—

(a) the Implementation and Inter-Agency Committee, or

(b) another nominating body,

for the purpose of the performance of the functions under this Act of the first-mentioned nominating body, the Committee or the other nominating body, as may be appropriate, where to do so is in accordance with the law and to the extent that is necessary and proportionate for such purpose. 20

(2) The Implementation and Inter-Agency Committee may share information (other than personal data) with a nominating body for the purpose of the performance of the functions of the Committee or the nominating body under this Act, as the case may be, where to do so is in accordance with the law and to the extent that is necessary and proportionate for such purpose. 25

(3) This section is without prejudice to any obligation or power to provide information under any other enactment or rule of law.”. 30

Guiding principles, duties of relevant bodies and related matters

11. The Principal Act is amended by the insertion of the following sections after section 11:

“Guiding principles 35

11A. (1) The Child and Family Agency shall, without prejudice to the functions conferred on it under this Act or any other enactment or rule of law, have regard to the guiding principles set out in subsection (2) in performing its functions under—

(a) this Act, and 40

(b) paragraphs (b) and (c) of section 8(1) of the Child and Family Agency Act 2013.

(2) The guiding principles referred to in subsection (1) are as follows:

- (a) that the best interests of the child, having regard to the matters referred to in paragraphs (a) to (g) of section 24(2), are the paramount consideration; 5
- (b) that the child, having regard to his or her age and capacity, is informed about developments in relation to his or her care and protection;
- (c) that, where the child is capable of forming his or her own views, the child is enabled to participate in decision-making processes by being— 10
 - (i) consulted in relation to decisions about his or her care and protection,
 - (ii) advised that he or she is entitled to express his or her view in relation to such decisions, and
 - (iii) facilitated in expressing any views that he or she wishes to make known;
- (d) that due weight shall be given to the views of the child, having regard to the child's age and maturity and the particular circumstances of the child. 20

Duty of relevant bodies to cooperate

11B. (1) A relevant body shall cooperate with another relevant body in the performance of their respective functions for the purposes of—

- (a) supporting and promoting the development, welfare and protection of relevant persons, and 25
- (b) supporting and encouraging the effective functioning of the family of any relevant person.

(2) A relevant body shall, in carrying out the duty to cooperate under subsection (1), have regard to the principle that the best interests of the child are a primary consideration. 30

(3) Where a relevant body is the Child and Family Agency, subsection (2) is without prejudice to section 11A.

(4) Subsections (1) and (2) shall not be taken to confer on any person a right in law that the person would not otherwise have to require a relevant body to take any steps referred to in those subsections or to seek damages for the failure to take such steps. 35

(5) In this section—

‘cooperate’ includes—

(a) collaborate in the planning and delivery of services to, and activities for—

- (i) children,
- (ii) eligible adults in relation to whom the Child and Family Agency, in accordance with section 45C prepares an aftercare plan, and
- (iii) the family of any person referred to in subparagraph (i) or (ii), and

(b) share documents and information (including personal data and special categories of personal data) in accordance with law and to the extent that is necessary and proportionate for the purpose of the performance of the functions referred to in this section.

Designation of relevant body

11C. (1) Subject to this section, the Minister may by order designate a body or a class of bodies, whether or not established by or under any enactment for the purposes of section 2(1)(r). 15

(2) The Minister may make an order designating a body or a class of bodies under subsection (1) only where he or she is satisfied that—

- (a) the body is in receipt of public funding or, where a class of bodies is proposed to be designated, all bodies belonging to that class are in receipt of public funding, 20
- (b) some or all of the functions of the body or bodies belonging to the class of bodies, as the case may be, are relevant to—
 - (i) supporting and promoting the development, welfare and protection of a relevant person, or 25
 - (ii) supporting and encouraging the effective functioning of the family of a relevant person,

and

(c) it is desirable that the body or bodies belonging to the class of bodies, as the case may be, cooperate with other relevant bodies in the performance of their respective functions for the purposes specified in paragraph (a) or (b) of section 11B(1). 30

(3) The Minister shall not make an order under subsection (1) in respect of a body or a class of bodies, as the case may be, for which a Minister of the Government other than the Minister has responsibility and in whom functions, whether statutory or otherwise, in respect of the body are vested, other than with the consent of that other Minister of the Government. 35

Sharing of information for purposes of section 11B

11D. (1) Where, in the opinion of a relevant body, having had regard to its functions, it is necessary that information provided to it or, as the case 40

may be, to him or her, in accordance with this Act be shared with another relevant body for the purposes of the performance of the respective functions of those relevant bodies under section 11B, the first-mentioned relevant body may share the information with the other relevant body. 5

(2) A relevant body shall use any information shared with it under this section solely for the purpose of the performance by it of its functions under and in accordance with this Act.

Processing of personal data and special categories of personal data

11E. (1) A relevant body may, to the extent necessary and proportionate for the performance of the functions of the relevant body under section 11B or 11D, process personal data, including special categories of personal data, in accordance with the Data Protection Regulation, the Act of 2018 and any regulations made under subsection (2). 10

(2) The Minister shall prescribe suitable and specific measures for the processing of personal data and special categories of personal data under this section. 15

(3) In this section—

‘Act of 2018’ means the Data Protection Act 2018;

‘data subject’ has the same meaning as it has in the Data Protection Regulation; 20

‘suitable and specific measures’ means measures to safeguard the fundamental rights and freedoms of data subjects in processing personal data of those data subjects and may include measures referred to in section 36(1) of the Act of 2018.”. 25

Amendment of section 12 of Principal Act

12. Section 12 of the Principal Act is amended—

(a) in subsection (4), by the substitution of “3 working days” for “three days”, in both places that it occurs, and

(b) by the insertion to the following subsection after subsection (5): 30

“(6) For the purposes of this section, and without prejudice to subsection (4), a child shall be considered to have been delivered up to the custody of the Child and Family Agency in accordance with subsection (3) where a member of An Garda Síochána, on the direction of the Agency, delivers the child to suitable accommodation.”. 35

Amendment of section 13 of Principal Act

13. Section 13 of the Principal Act is amended by the substitution of the following subsection for subsection (2):

“(2) An emergency care order shall place the child in the care of the Child and Family Agency— 40

(a) for a period of 8 days or such shorter period as may be specified in the order, or

(b) for a period exceeding that permitted under paragraph (a) but not exceeding a period of 15 days, where the judge is satisfied that such longer period is necessary given the circumstances of the case.”.

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Amendment of section 17 of Principal Act

14. (1) Section 17 of the Principal Act is amended—

(a) in subsection (2)—

(i) in paragraph (a), by the deletion of “or”,

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(ii) by the substitution of the following paragraph for paragraph (b):

“(b) for a period not exceeding 90 days where the judge is satisfied, on the application of any of the parties, or of his or her own motion, that an assessment of the welfare of the child has commenced, or is about to commence, and the assessment is unlikely to be completed within the maximum period permitted under paragraph (a), or”,

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(iii) by the insertion of the following paragraph after paragraph (b):

“(c) where the Child and Family Agency and the parent having custody of the child or person acting in *loco parentis* to the child consent, for a period not exceeding 6 months.”,

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and

(iv) by the deletion of the words “and an extension or extensions of any such period may be granted (with the consent, where an extension is to exceed twenty-nine days, of the persons specified in paragraph (b)) on the application of any of the parties if the judge is satisfied that grounds for the making of an interim care order continue to exist with respect to the child.”,

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(b) by the insertion of the following subsections after subsection (2):

“(2A) Subject to subsection (2B), if, on the application of any of the parties, the judge is satisfied that grounds for the making of an interim care order continue to exist with respect to the child, he or she may grant an extension or extensions of the period specified in the interim care order and the periods and requirements specified under subsection (2) shall apply to such extensions.

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(2B) Subject to subsection (2C), the period for which an interim care order has effect (including any period of extension of the order granted under subsection (2A)) shall not exceed a period of 18 months.

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(2C) On or before the expiration of the period for which an interim care order has effect, a further interim care order may be made on the application of the Child and Family Agency with effect from the expiration of that period, if the judge is satisfied that—

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(a) the grounds for the making of an interim care order continue to exist with respect to the child, and

(b) the Agency is taking all reasonable steps open to it to have the care order application, made by the Agency in accordance with subsection (1), determined, or to have the proceedings otherwise resolved.”,

and

(c) by the insertion of the following subsections after subsection (4):

“(5) Where, on an application for an interim care order or an application for an extension of an interim care order the judge is satisfied that—

(a) it is not necessary or appropriate for an interim care order to be made, or extended, as the case may be, and

(b) it is desirable that the child be visited periodically in his or her home by or on behalf of the Child and Family Agency,

the judge may make a supervision order under section 19.

(6) In this section, an ‘assessment of the welfare of the child’ means a report that is required for the purposes of an application for a care order and includes a report being prepared on any question affecting the health, development or welfare of the child.”.

(2) Where, immediately before the coming into operation of this section, a child is in the care of the Child and Family Agency in accordance with an interim care order made under section 17 of the Principal Act, or extended under that section, the interim care order, or, if applicable, the extension of the order, shall remain in force until the expiration of—

(a) the period specified in that interim care order, or that extension of the order, as the case may be, or

(b) a period of 12 months commencing on the coming into operation of this section, whichever is the earlier.

(3) Without prejudice to *subsection (2)*, section 17 of the Principal Act (as amended by *subsection (1)*) shall apply to an interim care order referred to in *subsection (2)* subject to the modification that an application for a further interim care order under subsection (2C) of section 17 of the Principal Act (as inserted by *subsection (1)*) may be made notwithstanding that the period for which the first-mentioned interim care order has effect exceeds the maximum period permitted under subsection (2B) of section 17 of the Principal Act (as inserted by *subsection (1)*).

Amendment of section 19 of Principal Act

15. Section 19 of the Principal Act is amended by the substitution of the following subsections for subsection (2):

“(2) A supervision order shall authorise the Child and Family Agency to have the child visited on such periodic occasions as the Agency may

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consider necessary in order to satisfy itself as to the health, development and welfare of the child and to give to his or her parents or to a person acting in *loco parentis* any necessary advice as to the care of the child.

(2A) Without prejudice to the generality of subsection (2), a supervision order shall authorise the Child and Family Agency to have: 5

- (a) the child visited at any place, including the place where he or she resides or at his or her school;
- (b) the views of the child ascertained, with or without the presence of his or her parent or person acting in *loco parentis* to him or her; 10
- (c) the views of any other person ascertained, where the Agency reasonably believes that the views of the person would assist the Agency in performing its functions under this section in respect of the child.

(2B) A supervision order shall require the Child and Family Agency to review the operation of the supervision order and the necessity for continuing to have the child visited under this section at regular intervals and, in any event, not less frequently than once every 6 months, to consider whether it is in the best interests of the child for the Agency to make an application— 15

- (a) to vary or discharge the supervision order, or any condition or direction attaching to the order, under section 22, or
- (b) for an order under this Part or Part III, IVA or VI, as it thinks fit.”. 20

Amendment of section 20 of Principal Act

16. Section 20 of the Principal Act is amended by the insertion of the following subsection after subsection (2): 25

“(2A) Where proceedings are adjourned and the court gives a direction under subsection (1), the court shall give directions relating to the service of such documents for the proceedings concerned on the Child and Family Agency as the Agency may require for the performance of its functions under this section.”. 30

Amendment of section 25 of Principal Act

17. Section 25 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “views of the child and the circumstances of the case that it is in the best interests of the child” for “wishes of the child and the circumstances of the case that it is necessary in the interests of the child”, and 35
- (b) in subsection (6), by the substitution of “In this section and in section 25A” for “In this section”.

Assistance to court

18. The Principal Act is amended by the insertion of the following section after section 25:

“25A. In any proceedings before a court under this Act in relation to the care and protection of a child, including proceedings under Part IVA in relation to special care, where it appears to the court that a body referred to in paragraph (b), (c), (g), (h) or (o) of the definition of ‘relevant body’ may be of assistance in dealing with the case, upon the direction of the court, the body concerned shall—

- (a) attend the proceedings concerned as required by the court,
- (b) give evidence as required by the court, and
- (c) give all such assistance to the court as it may require.”.

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Amendment of section 29(5B) of Principal Act

19. Section 29(5B) of the Principal Act is amended, in paragraph (d), by the deletion of the definition of “special categories of personal data”.

Amendment of section 32 of Principal Act

20. Section 32 of the Principal Act is amended—

- (a) by the designation of the section as subsection (1), and
- (b) by the insertion of the following subsections after subsection (1):

“(2) Notwithstanding subsection (1), where in any application for an order under Part III, IV, or VI, or for a special care order or an interim special care order under Part IVA—

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- (a) the age of the person to whom the application relates is uncertain and there is reason to believe that the person is a child, and
- (b) the person to whom the application relates is, or may be, the victim of a relevant offence,

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the person shall for the purposes of any such application be presumed, unless the contrary is proved, to be a child.

(3) In this section, ‘relevant offence’ means—

(a) an offence under section 1 or 2 of the Punishment of Incest Act 1908,

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(b) an offence under the Criminal Law (Rape) Act 1981,

(c) an offence under the Criminal Law (Rape) (Amendment) Act 1990,

(d) an offence under section 6 of the Criminal Law (Sexual Offences) Act 1993,

(e) an offence under section 3, 4, 4A, 5, 5A or 6 of the Child Trafficking and Pornography Act 1998,

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- (f) an offence under section 2, 3 or 3A of the Criminal Law (Sexual Offences) Act 2006,
- (g) an offence under section 3, 4, 5, 6, 7, 8, 21, 22 or 45 of the Criminal Law (Sexual Offences) Act 2017, or
- (h) an offence prescribed by the Minister in accordance with subsection (4).

(4) The Minister may, with the approval of the Minister for Justice, Home Affairs and Migration, prescribe an offence for the purposes of subsection (3)(h).".

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Amendment of section 35D(3) of Principal Act

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21. Section 35D(3) of the Principal Act is amended—

(a) in paragraph (d), by the substitution of “section 35E(11);” for “section 35E(11).”, and

(b) by the insertion of the following paragraph after paragraph (d):

“(e) whether the court has made an order under section 25(2) appointing a solicitor to represent the child in the proceedings.”.

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Amendment of section 37(4) of Principal Act

22. Section 37(4) of the Principal Act is amended by the substitution of “section 4” for “section 4(2)”.

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23. Section 43A of the Principal Act is amended—

(a) in subsection (1), by the substitution of “under section 18” for “whether in care under section 4 or under section 18, and”,

(b) in subsection (2)—

(i) in paragraph (a), by the substitution of “(whether in care under section 4 or 18) for a period of not less than 3 years” for “for a period of not less than five years”, and

(ii) by the substitution of the following paragraph for paragraph (d):

“(d) the Child and Family Agency has, on behalf of the foster parent or relative, given notice of the application to a parent having custody of the child at the relevant time or to a person (other than the foster parent or relative) acting in *loco parentis* to the child, and”,

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(c) by the substitution of the following subsection for subsection (3):

“(3) In determining whether a foster parent or relative has been taking care of a child for the period required by subsection (2)(a)—

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(a) any interruption of the placement (whether under section 4 or 18) during that period shall be disregarded unless the total number of

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days of interruption, whether consecutive or not, exceeds 30 days, and

(b) any period for which the child has been placed with the foster parent or relative while in care under section 4 shall be reckonable for the purpose of determining the period required under that subsection.”, 5

(d) in subsection (4)—

(i) by the substitution of “notification” for “consent or notification”, and

(ii) in paragraph (b), by the substitution of “the best interests of the child” for “the child’s welfare”, 10

and

(e) by the substitution of the following subsection for subsection (13):

“(13) For the purpose of this section and section 43B, ‘relevant time’ means immediately before a care order was made in relation to the child.”.

Amendment of section 43B(2) of Principal Act 15

24. Section 43B(2) of the Principal Act is amended—

(a) by the deletion of paragraph (a), and

(b) by the substitution of the following paragraph for paragraph (b):

“(b) when the care order relating to the child concerned is discharged under section 22 or ceases to have effect under section 44(2)”, and 20

(c) in paragraph (e), by the substitution of “18 years” for “18 years or marries”.

Transitional provisions relating to *sections 23 and 24*

25. Notwithstanding the amendments of sections 43A and 43B of the Principal Act effected by *sections 23 and 24*, an order made under section 43A of the Principal Act in respect of a child who was in the care of a foster parent or relative while in care under section 4 of that Act that was in force immediately before the commencement of this section shall remain in force and have effect as if the amendments effected by *sections 23 and 24* had not been enacted. 25

PART 3

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT

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Amendment of section 58A of Principal Act

26. Section 58A of the Principal Act is amended by the deletion of the definition of “recognised school”.

Amendment of section 69 of Principal Act

27. Section 69 of the Principal Act is amended by the insertion of the following subsections after subsection (5):

“(6) The Minister may issue guidelines to the Child and Family Agency for the purposes of providing guidance in relation to the performance by the Agency of the functions assigned to it by or under this Act. 5

(7) In performing its functions under this Act, the Child and Family Agency shall have regard to the guidelines (if any) issued by the Minister under subsection (6). 10

(8) The Minister shall publish, in such manner as he or she considers appropriate, guidelines (if any) issued under subsection (6).” 15

PART 4**AMENDMENTS OF OTHER ACTS****Amendment of Schedule 1 to National Vetting Bureau (Children and Vulnerable Persons) Act 2012** 15

28. Schedule 1 to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 is amended, in Part 1, by the insertion of the following paragraph after paragraph 14:

“14A. Any assessment by or under Part VIIA of the Child Care Act 1991 of a person’s suitability to be registered in the register (established and maintained in accordance with section 58C of that Act) as the provider of an early years service within the meaning of that Part.”. 20

Amendment of Act of 2013

29. The Act of 2013 is amended—

(a) in section 2, in the definition of “child”, by the deletion of “other than a person who is or has been married”, 25

(b) in section 8, by the insertion of the following subsection after subsection (2):

“(2A) Without prejudice to the generality of subsection (1), in publishing information concerning the functions specified in paragraphs (b) and (c) of subsection (1), pursuant to subsection (1)(e), the Agency shall publish information regarding the following matters for the purpose of informing a parent, guardian or person acting in *loco parentis* affected by any of those matters in relation to those matters: 30

(a) the orders that may be granted under Part III, IV, IVA or VI of the Child Care Act 1991;

(b) the functions of the Agency in relation to children who are in the care of the Agency or accommodated by the Agency under the Child Care Act 1991.”, 35

(c) by the insertion of the following sections after section 46:

“Annual service performance and activity report

46A. (1) The Agency shall—

(a) not later than 12 months after the coming into operation of *section 29(c)* of the *Child Care (Amendment) Act 2025*, and 5

(b) annually thereafter,

prepare and adopt a report (in this section referred to as an ‘annual service performance and activity report’) in relation to the operation and delivery of services and activities carried out by or on behalf of the Agency pursuant to its functions under section 8, the Child Care 10 Act 1991 or any other enactment during the preceding year.

(2) Without prejudice to the generality of subsection (1), an annual service performance and activity report shall—

(a) be prepared in a form and manner in accordance with any directions issued from time to time by the Minister, and 15

(b) include—

(i) information in relation to services and activities referred to in subsection (1) that were provided in any year prior to the year preceding the report,

(ii) information in relation to the operation and delivery of child and family services and services provided pursuant to section 8(3) (b) by service providers pursuant to an arrangement under section 56,

(iii) information in relation to the operation and delivery of services to the Agency pursuant to a service contract entered into under section 57,

(iv) information in relation to the operation and delivery of services to the Agency pursuant to a service contract entered into under section 58, and

(v) any other particulars that the Minister may require and the Minister for Education and Youth, having regard to the performance of his or her education welfare functions and his or her functions under this Act, may require.

(3) A person, including a service provider, shall, upon request, provide the Agency with such information as the Agency may reasonably require for the purposes of the preparation of the annual service performance and activity report.

(4) As soon as may be, but in any event not later than 21 days after adopting the annual service performance and activity report, the Agency shall submit a copy of the report to the Minister and the Minister for Education and Youth.

(5) The Agency shall publish the annual service performance and activity report—

- on the internet, or
- in such other manner as the Minister may specify.

Thematic report

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46B. (1) The Agency shall, within 3 years after the coming into operation of section 29(c) of the *Child Care (Amendment) Act 2025* and not later than the expiration of each subsequent 3 year period following that coming into operation, prepare and submit to the Minister and, in a case in which the report relates to the education welfare functions of the Agency, to the Minister for Education and Youth, a report (in this section referred to as a ‘thematic report’) in accordance with this section.

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(2) A thematic report shall—

(a) be prepared in a form and manner in accordance with any directions issued from time to time by the Minister,

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(b) contain a systematic analysis of such matters relating to the operation and delivery of such services and activities carried out by or on behalf of the Agency pursuant to its functions under section 8, the Child Care Act 1991 or any other enactment as the Minister, subject to subsection (3), may determine, and

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(c) be in respect of such theme relating to the functions of the Agency as the Minister and, in respect of education welfare functions of the Agency, the Minister for Education and Youth may, subject to subsection (4), determine.

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(3) Where the analysis in a thematic report relates to the operation and delivery of services and activities carried out by or on behalf of the Agency in relation to its education welfare functions, the Minister shall, before making a determination under subsection (2)(b), consult with the Minister for Education and Youth.

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(4) Before making a determination under subsection (2)(c), the Minister and, in respect of education welfare functions of the Agency, the Minister for Education and Youth, shall consult with the Agency.

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(5) The Minister and, in respect of education welfare functions of the Agency, the Minister for Education and Youth, shall inform the Agency within 6 months before the end of the period to which a current thematic report relates of the theme for the subsequent thematic report.

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(6) A person, including a service provider, shall, upon request, provide the Agency with such information as the Agency may reasonably require for the purposes of the preparation of a thematic report.

(7) The Agency shall publish a thematic report—

- (i) on the internet, or
- (ii) in such other manner as the Minister may specify.”,

and

(d) in section 47—

(i) in subsection (1), by the substitution of “may, subject to subsection (7),” for “may”, and 5

(ii) by the insertion of the following subsection after subsection (6):

“(7) Neither the Minister nor the Minister for Education and Youth shall give a direction under subsection (1) as respects—

(a) any function of the Agency relating to the provision of care or protection or family support services to any particular person, and 10

(b) any function of the Agency relating to a decision concerning—

(i) whether or not a particular person is eligible for a particular service (including the payment of a grant or allowance), or

(ii) the extent to which and the manner in which a person is eligible 15 for any such service.”.

BILLE

(mar a tionscnaiodh)

dá ngairtear

Acht do leasú agus do leathnú an Acharta um Chúram Leanaí, 1991; do dhéanamh socrú maidir le bunú agus feidhmeanna coiste ar a dtabharfar An Coiste Forfheidhmithe agus Idirghníomhaireachta um Chúram Leanaí; do dhéanamh socrú breise agus feabhsaithe i ndáil le cúram agus cosaint leanaí lena n-áirítear trí phrionsabail a shonrú chun an Ghníomhaireacht um Leanaí agus an Teaghlaigh a threorú le linn di a feidhmeanna a chomhlionadh agus trí shocrú a dhéanamh maidir le comhlachtaí áirithe do chomhoibriú lena chéile; do thabhairt tuilleadh éifeachta do Threoir 2011/93/AE ó Pharlaimint na hEorpa agus ón gComhairle an 13 Nollaig 2011; do leasú an Acharta um an mBiúró Náisiúnta Grinnfhiúrúcháin (Leanaí agus Daoine Soghonta), 2012 agus an Acharta fán nGníomhaireacht um Leanaí agus an Teaghlaigh, 2013; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Leanaí, Míchumais agus Comhionannais a thíolaic,

9 Nollaig, 2025

BILL

(as initiated)

entitled

An Act to amend and extend the Child Care Act 1991; to provide for the establishment and functions of a committee to be known as *An Coiste Forfheidhmithe agus Idirghníomhaireachta um Chúram Leanaí*; to make further and better provision in relation to the care and protection of children including by specifying principles to guide the Child and Family Agency in performing its functions and by providing for certain bodies to cooperate with each other; to give further effect to Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011; to amend the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and the Child and Family Agency Act 2013; and to provide for related matters.

Presented by the Minister for Children, Disability and Equality,

9th December, 2025

BAILE ÁTHA CLIATH
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