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**An Bille um Chaomhnóireacht Naíon (Leasú), 2026**  
**Guardianship of Infants (Amendment) Bill 2026**

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*Meabhrán Miniúcháin*  
*Explanatory Memorandum*

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**AN BILLE UM CHAOMHNÓIREACHT NAÍON (LEASÚ), 2026  
GUARDIANSHIP OF INFANTS (AMENDMENT) BILL 2026**

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**EXPLANATORY MEMORANDUM**

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**Purpose of the Bill**

The principal purpose of the Guardianship of Infants (Amendment) Bill 2026 is to amend the Guardianship of Infants Act 1964 to provide for the restriction or removal of the guardianship of a child by order of a court where a guardian of the child has been convicted of the murder or manslaughter, or of a serious offence against, another guardian of the child. Orders will be where and in the manner that is in the best interests of the child.

**Provisions of the Bill**

**1. Definition**

*Section 1* defines “Principal Act” as meaning the Guardianship of Infants Act 1964, the Act being amended by this Bill.

**2. Insertion of new Part IIA into Principal Act**

*Section 2* inserts a new Part IIA into the Principal Act, comprising sections 12B to 12J. The new Part allows for the guardianship of a child to be restricted or removed by order of a court in certain circumstances, and provides for matters related to that.

**Section 12B — Definitions for Part IIA**

*Section 12B* provides definitions for terms used in the new Part.

**Section 12C — Power of court to restrict or remove guardianship in certain circumstances**

*Section 12C* provides for the restriction or removal by order of the court, of the guardianship of a guardian convicted of the murder or manslaughter of another guardian of the child. The Child and Family Agency must apply to the court for a restriction or removal order within 6 months of the conviction, though the court may extend this period for good and sufficient reason where it is in the child’s best interests.

The court may make an order only where it is satisfied that the convicted guardian’s failure of duty puts the child’s safety or welfare at risk, that an order is in the child’s best interests, and that an alternative arrangement for the child’s care or guardianship is in place. This alternative arrangement may be either an order under the Child Care Act 1991 or the appointment of another guardian who is able and willing to act.

Where no such arrangement is yet in place, the court may make an order which will take effect when such an arrangement is in place. Where

a convicted guardian is restricted or removed under the section, he or she is precluded from making certain related applications under the Principal Act in respect of the child.

**Section 12D — Power of court to restrict or remove guardianship in other limited circumstances**

*Section 12D* provides for the restriction or removal by order of the court, of the guardianship of a person convicted on indictment of a serious offence against another guardian of the child, where the offence has affected the child’s welfare and a change has been made to the child’s care or guardianship as a result. The Child and Family Agency may where it considers it appropriate, apply for a restriction or removal order within 6 months of the conviction, subject to the court’s power to extend that period.

The court may make an order on the same conditions as under section 12C. “Serious offence” for this purpose means an offence involving serious harm to the victim guardian and punishable by imprisonment for 10 years or more.

**Section 12E — Review of court orders under this Part**

*Section 12E* provides for the review by the court of an order made under the new Part. A review must be sought by the Child and Family Agency where the conviction of the guardian concerned has been quashed or set aside. A review may be sought by the Child and Family Agency, the convicted guardian, another guardian of the child or the child where there has been a significant change to the child’s welfare.

When reviewing an order, the court may make whatever order it considers appropriate as to the child’s guardianship. Where the conviction has been quashed or set aside, the court may keep the order in effect for exceptional reasons relating to the child’s best interests, and must give written reasons for doing so.

**Section 12F — Appointment of guardian ad litem for child concerned**

*Section 12F* provides for the appointment of a guardian ad litem in proceedings under the new Part by applying Part VA of the Child Care Act 1991, adapted as needed.

**Section 12G — Jurisdiction and conduct of proceedings**

*Section 12G* gives the District Court jurisdiction to hear and determine proceedings under the new Part, with an appeal lying to the Circuit Court. Proceedings are to be brought in the District Court district in which the convicted guardian resides or is currently located.

**Section 12H — Data protection and data sharing for purposes of this Part**

*Section 12H* provides for the sharing of information between the relevant bodies for the purpose of performing their functions under the new Part. The relevant bodies are the Director of Public Prosecutions, the Child and Family Agency, An Garda Síochána, the Courts Service, the Minister and the Minister for Children, Disability and Equality. Information may be shared only where it is necessary and proportionate, and special categories of personal data may be processed only subject to suitable and specific measures. The section also provides the Minister, following consultation with the Minister for Children, Disability and Equality, with the power to make regulations on the nature and manner of sharing and the safeguards to be applied.

**Section 12I — Notice parties to proceedings under this Part**

*Section 12I* requires that any guardian of the child be given notice of an application under the new Part, and allows a relative of the child to seek leave of the court to be joined as a notice party. The section defines “relative” for this purpose.

**Section 12J — Application of Part in cases of convictions for certain offences before its commencement**

*Section 12J* provides for the application of the new Part to pre-commencement convictions for murder or manslaughter only. The serious-offence route under section 12D does not apply retrospectively. The Child and Family Agency may where it considers it appropriate, apply to the court for a restriction or removal order in those cases. The order-making provisions of section 12C and the review, guardian ad litem, jurisdiction and data-sharing provisions of the new Part apply to those applications, adapted as needed.

**3. Amendment of section 8A of Principal Act**

*Section 3* amends section 8A of the Principal Act to acknowledge the new Part IIA inserted by section 2 of the Bill, by substituting “Subject to section 8 and Part IIA” for “Subject to section 8”.

**4. Short title and commencement**

*Section 4* is a standard provision relating to the short title of the Bill and its commencement. The Bill will come into operation on a day to be appointed by the Minister for Justice, Home Affairs and Migration, after consultation with the Minister for Children, Disability and Equality.

*An Roinn Dlí agus Cirt, Gnóthaí Baile agus Imirce,  
Bealtaine, 2026.*