

## Oireachtas Submission – Child Care Amendment Bill

May 2023



Barnardos would like to thank the Committee for the opportunity to appear today.

Barnardos contribution is informed by our work with children and parents, much of which is commissioned by and delivered in partnership with Tusla. We have also been providing our Guardian ad Litem service for over 25 years. More recently, we have been commissioned to provide a pilot national advocacy and information service for parents of children in care. We are active participants in CYPSCs across Dublin, the Midlands, the South and South East.

We welcome the new guiding principles their focus on –

- the best interests of children being paramount
- the recognition that, where appropriate, being brought up in their own family is in a child's best interests
- the provision of family support services to assist the effective functioning of families
- the importance of giving due weight to the child's wishes

In **Head 4**, we recommend the inclusion of the provision and support of contact between children and their parents. Continued contact between children and parents is a key element of maintaining relationships and supporting successful reunification.

In **Head 7**, we welcome the proposed provision of information to parents and children about the purpose, duration, consent processes and obligations of the Child and Family Agency. It is essential that information is provided in accessible language and clearly outlines the conditions that must be met for family reunification to take place.

We welcome the proposed use of Voluntary Care Arrangements as a temporary measure until a parent can resume the care of their child.

We recommend that -

- A maximum term be applied to voluntary arrangements, after which a legal order is required for a child to continue in care.
- The review of a child in voluntary care includes formal consideration of how reunification plans are progressing and identifies and provides the services that are needed to successfully return children to their parents care.
- Issues relating to kinship care are included in this head.

In **Head 9**, we welcome the outlined process for consultation with children and young people to inform the CYPSC area plan.

We recommend that –

- Parents and carers are consulted with as well as children and young people.
- C&V partners continue to be active members of CYPSCs. Lack of C&V involvement will result in gaps in expertise on the needs and potential responses to children and their families. There is a risk that the voice of marginalised families will not be sufficiently considered and understood in the plan.

In **Head 14**, we understand that the agency may require extra time to conduct an assessment following an emergency care order.

We particularly welcome the obligation on the Child and Family Agency to outline its role and responsibility in child care proceedings in accessible language.

We recommend that, where appropriate, commitment is given to supporting ongoing contact between children and parents and that the assessment clearly outlines in accessible language what is required in order for the child to return home.

In **Head 17**, when there is an extension of an Interim Care Order, we recommend that the child's social worker should be required to visit the child at least once per month (as opposed to periodically as currently outlined).

In **Head 18** when a decision is made about a Care Order, we recommend that the court's decision should be given in a child friendly manner directly to the child or to their representative.

In **Head 19**, we recommend –

- That when under a supervision order it is 'essential' rather than 'desirable' for a child to be visited by or on behalf of the Child and Family Agency.
- The inclusion of Early Years Centres with Schools in 4(b) as an essential intervention that could be listed in the supervision order.

In **Head 21**, we recommend that all legal representatives advising/acting for children shall be Garda vetted and have appropriate training and accreditation. We have concerns about the level of responsibility and potential impact on children of being made party to proceedings (please see endnote).

In **Head 25** we welcome the reduction of the period of time for foster care applications for enhanced rights.

We recommend that –

- Provision is made for children's views to be taken into consideration in this application.
- Where a GAL is already appointed to the child, there is a mechanism in place for the GAL to outline the child's views and best interests.
- Where an application is being contested, consideration be given to the appointment of a GAL.

In **Head 28**, we welcome –

- The proposal to combine pre-school and school-age child care and the proposed standardised registration, inspection and enforcement actions across both types of service.
- The additional powers granted to the Child and Family Agency to complete comprehensive assessments of suitability of person to become a registered provider and the power to take swift action where there is significant concerns so that children won't be exposed to further risk.
- The provision to ensure that parents / guardians are informed of enforcement actions.

### **Conclusion**

It is in the best interests of children, where possible, to remain with their families. It is crucial in implementing the proposed reforms set out under this Bill that an emphasis is placed on the timely delivering of services by the State and the C&V sector that support children to remain at home, or if children are in care, to return as soon as it is safe to do so.

Where this is not possible, care arrangements must provide children with the stability and security they require. Multiple moves within the care systems are damaging to children and affects all areas of their wellbeing. Continued effort needs to be placed on the delivery of stable foster care and residential placements.

The Department, Tusla and the Committee are aware of the significant challenges in recruitment and retention of front-line social workers<sup>1</sup> which has and will continue to impact on successful implementation. Adequate resourcing of Community and Voluntary partner agencies is required to ensure prevention and early intervention measures are in place to reduce the likelihood of children needing care and protection from the state, to support reunification where possible and to minimise the likelihood of children returning to care.

In conclusion, Barnardos welcomes the provisions outlined in the Bill, if well-resourced and well implemented, it has the potential to positively impact on the lives of children and parents in need.

### ***End note re when a child is to be made party to proceedings:***

- *Children should be provided with accessible child friendly information explaining their rights and how court proceedings work*

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<sup>1</sup> At the end of January 2023, there were 6,683 cases awaiting allocation of a social worker which is 46% more than January 2022 (4,580) and only 84% (4,724) of children in care at the end of January 2023 had an allocated social worker.

- *Children who are party to proceedings should be given information in a child friendly manner and extra time to read and understand reports*
- *Children should be given the option of participating remotely in proceedings with their lawyers, in each application and giving pre-recorded evidence in chief*
- *The child's legal team should meet with the child at least 72 hours prior to court to go through the reports with the child to support their understand and hear their questions/views*
- *Children should be facilitated to visit the court in advance of court proceeding*
- *The Department shall set out a framework for the hearing of children's evidence and in particular cross-examination where parents are representing themselves*