

Child Care (Amendment) Bill 2025

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Abstract

The Child Care (Amendment) Bill 2025 was [published](#) on the 9 December 2025. This Bill seeks to make amendments Parts II, III, IV, V and VI of the *Child Care Act 1991* with regards to child welfare and protection, as well as some technical amendments to Part VA (Guardians *ad litem*), Part VIIA (Supervision of Early Years Services) and Part IX (Administration) of this Act. The Bill proposes to introduce guiding principles for Tusla including the best interests of the child as a paramount consideration and a duty to cooperate between relevant bodies such as Tusla, government departments and others including the sharing of information. It also provides for the establishment of An Coiste Forfheidhmithe agus Idirghníomhaireachta um Chúram Leanai (known as the “Implementation and Inter-Agency Committee”) and to give further effect to [Directive 2011/93/EU](#) of the European Parliament and of the Council of 13 December 2011, among other amendments.



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Executive Summary

- The [Child Care \(Amendment\) Bill 2025](#) and [Explanatory Memorandum](#) were published on 9 December 2025. The Bill contains 29 sections in four parts.
- The Child Care (Amendment) Bill 2025 is scheduled for Second Stage debate in Dáil Éireann on Tuesday 27 January 2026.
- The [General Scheme of the Child Care \(Amendment\) Bill](#) was published on 19 April 2023. It proposed amendments to the [Child Care Act 1991](#) (the ‘1991 Act’) related to child welfare and protection, as well as early learning and childcare. The General Scheme underwent pre-legislative scrutiny (PLS) on [9 May 2023](#) and [16 May 2023](#) and the Joint Committee on Children, Equality, Disability, Integration and Youth published their [Report on Pre-legislative Scrutiny of the General Scheme of the Child Care \(Amendment\) Bill on 28 June 2024](#) with 96 key recommendations identified, 89 of which relate to the current Bill.
- On 23 April 2024, the Government [agreed](#) to separate the Child Care (Amendment) Bill into two separate bills. The first of these, the [Child Care \(Amendment\) Bill 2024](#), sought to amend Part VIIA of the 1991 Act, which provides for the supervision of early years services. The 2024 Bill was signed into law on 8 July 2024 as the [Child Care \(Amendment\) Act 2024](#). A second bill focusing on child welfare and protection was promised at a later time.
- The [Child Care \(Amendment\) Bill 2025](#) is the second bill emanating from the General Scheme and seeks to make amendments Parts II, III, IV, V and VI to the 1991 Act with regards to child welfare and protection, as well as some technical amendments to Part VA (Guardians *ad litem*), Part VIIA (Supervision of Early Years Services) and Part IX (Administration) of the 1991 Act.
- At the time of publication of this Bill Digest, no Regulatory Impact Analysis (RIA) has been made publicly available in respect of the Bill.

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Glossary and abbreviations

Table 1 Glossary and abbreviations

Term	Meaning
1991 Act	<i>Child Care Act 1991</i> , as amended, referred to as the Principal Act in the Bill
Bill	<i>Child Care (Amendment) Bill 2025</i>
Committee/Joint Committee	Joint Committee on Children, Equality, Disability, Integration and Youth
Department	Department of Children, Disability and Equality
Minister	Minister for Children, Disability and Equality
OCO	Ombudsman for Children
PLS	Pre-legislative scrutiny
SSCIP	Separated Children Seeking International Protection
Tusla	Child and Family Agency (CFA) is the dedicated State agency responsible for improving wellbeing and outcomes for children
UNCRC	United Nations Convention on the Rights of the Child

Source: prepared by Oireachtas Library and Research Service

Introduction

The [Child Care \(Amendment\) Bill 2025](#) ('the Bill') and [Explanatory Memorandum](#) were published on 9 December 2025, with Second Stage debate scheduled in Dáil Éireann for Tuesday 27 January 2026. The Bill contains 29 sections in four parts. The Bill seeks to:

- amend several sections of the [Child Care Act 1991, as amended](#) ('1991 Act') in relation to child welfare and protection,
- provide for the establishment of An Coiste Forfheidhmithe agus Idirghníomhaireachta um Chúram Leanai (known as the "Implementation and Inter-Agency Committee") under the 1991 Act,
- introduce guiding principles for Tusla to follow in the performance of its duties including that the best interest of the child is a paramount consideration,
- introduce a duty to cooperate between relevant bodies such as Tusla, government departments and others including the sharing of information,
- give further effect to [Directive 2011/93/EU](#) of the European Parliament and of the Council of 13 December 2011,¹
- make certain miscellaneous amendments to the 1991 Act, and
- make select amendments to the [National Vetting Bureau \(Children and Vulnerable Persons\) Act 2012](#) and the [Child and Family Agency Act 2013](#).

The [General Scheme of the Child Care \(Amendment\) Bill](#) was published on 19 April 2023. It proposed amendments to the 1991 Act related to child welfare and protection, as well as early learning and childcare. The General Scheme underwent pre-legislative scrutiny (PLS) on [9 May 2023](#) and [16 May 2023](#) and the Joint Committee on Children, Equality, Disability, Integration and Youth ('the Committee' or 'Joint Committee') published their [Report on Pre-legislative Scrutiny of the General Scheme of the Child Care \(Amendment\) Bill](#) on 28 June 2024 with 96 key recommendations identified.

On 23 April 2024, the Government agreed to separate the Child Care (Amendment) Bill into two separate bills.² The first of these, the [Child Care \(Amendment\) Bill 2024](#), was published in June 2024.³ This Bill amended Part VIIA of the 1991 Act, which provides for the supervision of

¹ [Directive 2011/93/EU](#) of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA [2011] OJ L335/1.

² Department of Children, Disability and Equality, '[Government approves publication of the Child Care \(Amendment\) Bill 2024](#)', *Press Release*, 13 June 2024 (last accessed 03 December 2025).

³ Department of Children, Disability and Equality, '[Publication of the Child Care \(Amendment\) Bill 2024](#)', 13 June 2024 (last accessed 03 December 2025).

early years services.⁴ A second bill focusing on child welfare and protection was promised at a later time. The decision to progress the first bill was taken

“...in light of the need to enact the Part VIIA amendments before the end of this session in order to allow childminders to commence registration with Tusla Early Years Inspectorate (the Child and Family Agency) from September”.⁵

The 2024 Bill was signed into law on 8 July 2024 as the *Child Care (Amendment) Act 2024*.⁶

Prior to the division of the General Scheme into two bills, the Library and Research Service published a *Briefing Paper on the General Scheme of the Child Care (Amendment) Bill*. This briefing paper focused on three central themes: child welfare and protection, early years services and childminders. This briefing paper provides background information on the current policy context for child welfare and protection as well as a detailed overview of the legal framework governing child welfare and protection, which the Bill seeks to amend. It is recommended to read the Briefing Paper in conjunction with this Bill Digest where the reader is seeking more substantive policy and legislative context.

This Digest provides a brief overview of the policy and legal context for the Bill and includes updated figures from the briefing paper on orders granted under the 1991 Act and regarding children in the care of Tusla. The Digest examines the Bill’s principal provisions and the extent to which they reflect the recommendations arising from the Committee’s recommendations in their report on PLS of the General Scheme.

⁴ For further information on this Bill, the Library and Research Service published a *Bill Digest on the Child Care (Amendment) Bill 2024* in June 2024.

⁵ Department of Children, Disability and Equality, ‘*Government approves publication of the Child Care (Amendment) Bill 2024*’, *Press Release*, 13 June 2024 (last accessed 23 January 2026).

⁶ At the time of writing, this Act has not yet been fully commenced.

Background

The [Child Care \(Amendment\) Bill 2025](#) ('the Bill') seeks to make a number of amendments to the [Child Care Act 1991](#) ('1991 Act'). Many of these amendments relate to the child welfare and protection provisions contained in this Act. The 1991 Act is the primary piece of legislation pertaining to the protection and welfare of children in Ireland.⁷ The 1991 Act is a:

“...wide-ranging piece of legislation which...seeks to promote the welfare of children who may not receive adequate care and protection”.⁸

However, in the more than 30 years since enactment of the 1991 Act, there have been a number of important “legislative, policy and practice developments”.⁹ These include, but are not limited to,

- the establishment of a government department with a specific focus on children;¹⁰
- the establishment of the Child and Family Agency (Tusla) as the statutory body responsible for child welfare and protection;¹¹
- and a constitutional amendment to recognise the rights of the child (Article 42A).

In 2014, in [Better Outcomes Brighter Futures – The National Policy Framework for Children and Young People 2014-2020](#), the Government committed to “review and reform as necessary, the Child Care Act 1991”.¹² Since the publication of this policy framework, there have been a number of policy and legislative developments,¹³ including:

- the [Child Care \(Amendment\) Act 2022](#), which amended the 1991 Act and inserted Part VA on Guardians *ad Litem*, and

⁷ Department of Children, Disability and Equality, ‘[Landmark review of the Child Care Act 1991 receives approval to be drafted](#)’, *Press Release*, 19 April 2023 (last accessed on 23 January 2026). In relation to child protection, there is also the *Children First Act 2015*.

⁸ Department of Children, Disability and Equality, [Review of the Child Care Act 1991](#), 22 August 2019 (last accessed 23 January 2026).

⁹ DCEDIY, ‘[Landmark review of the Child Care Act 1991 receives approval to be drafted](#)’, *Press Release*, 19 April 2023 (last accessed on 23 January 2026).

¹⁰ The Department of Children and Youth Affairs was established in June 2011. See Department of Children and Youth Affairs, [A Report on the findings of an Open Policy Debate on the Review of the Child Care Act 1991](#), 17 July 2018 (last accessed 23 January 2026). See also: Early Childhood Ireland, [Early Childhood Ireland Explainers](#) (last accessed 23 January 2026).

¹¹ The agency was established in 2014 following the enactment of the [Child and Family Agency Act 2013](#).

¹² Department of Children and Youth Affairs, [Better Outcomes Brighter Futures: The National Policy Framework for Children and Young People, 2014-2020](#) (last accessed 23 January 2026) p.80.

¹³ For a full overview of the developments following the 2014 policy framework, see the Library and Research Service [Briefing Paper on the General Scheme of the Child Care \(Amendment\) Bill](#).

- the *Child Care (Amendment) Act 2024*, which amended Part VIIA of the 1991 Act on the supervision of early years services.

The Bill seeks to make a number of amendments to sections of the 1991 Act related to child protection and welfare contained in:

- Part II (Promotion of Welfare of Children) which includes provisions on the functions of Tusla, voluntary care, and accommodation for homeless children;
- Part III (Protection of Children in Emergencies) which includes provisions on emergency care orders;
- Part IV (Care Proceedings) which includes provisions on interim care orders, care orders and supervision orders;
- Part V (Jurisdiction and Procedure) which includes provisions on the involvement of children in court proceedings and the presumption of age in proceedings; and
- Part VI (Children in the Care of Child and Family Agency) which includes provisions relating to children in the care of Tusla including foster care.

The Bill also seeks to make some technical amendments to Part VA (Guardians *ad litem*), Part VIIA (Supervision of Early Years Services) and Part IX (Administration) of the 1991 Act. The provisions of this Bill will be examined later in this Digest.

Child welfare and protection

Under [section 3](#) of the 1991 Act, Tusla is required to “promote the welfare of children who are not receiving adequate care and protection”.¹⁴ In the performance of this function, Tusla shall take steps that it considers necessary “to identify children who are not receiving adequate care and protection”.¹⁵ While giving consideration to the rights and duties of parents in exercising this function, Tusla shall have regard to the “welfare of the child as the first and paramount consideration” and “to the principle that it is generally in the best interests of a child to be brought up in his own family”.¹⁶ Where it is practicable, Tusla shall consider the wishes of the children, taking into account their age and understanding.¹⁷

In carrying out its child welfare and protection duties, Tusla may avail of a variety of different measures under the 1991 Act, which are dependent on the individual circumstances of children and families. These include voluntary care, supervision orders, care orders, interim care orders and emergency care orders. This Bill seeks amendments to a number of these measures, and a brief overview of the measures relevant to the Bill is provided in Table 2

¹⁴ *Child Care Act 1991, as amended*, section 3(1).

¹⁵ *Child Care Act 1991, as amended*, section 3(2).

¹⁶ *Child Care Act 1991, as amended*, section 3(2).

¹⁷ *Child Care Act 1991, as amended*, section 3(2).

below.¹⁸ For a more detailed overview of the measures available under the 1991 Act, see the Library and Research Service [Briefing Paper on the General Scheme of the Child Care \(Amendment\) Bill](#).

Table 2 Overview of measures available under 1991 Act relevant to the Bill

Measure	Description
Emergency Care Order	Tusla can apply to the District Court for an emergency care order, and the District Court can make an order where there is reasonable cause to believe that there is an immediate and serious risk to the health or welfare of a child which makes his/her placement in care necessary or where there is likely to be such a risk unless a child is removed from the place where he/she is for the time being. An emergency care order places a child in the care of Tusla for a period of eight days or a shorter period set out in the order (Section 13).
Interim Care Order	Tusla can apply to the District Court and the Court may make an interim care order where the Court is satisfied that an application for a care order in respect of the child has been or is about to be made, there is reasonable cause to believe that any of the circumstances for a care order exists or has existed, and it is necessary for the protection of the child's health or welfare that he/she be placed or maintained in the care of Tusla pending the determination of the application for the care order. An interim care order requires the child to be placed in the care of Tusla for a period not exceeding 29 days or for a period exceeding 29 days where the parent having custody of the child or the person acting in <i>loco parentis</i> consent. The Court can grant an extension where the Court is satisfied that the grounds for the making of an interim care order continue to exist with respect to the child (Section 17).

¹⁸ This Table does not discuss special care measures such as special care orders and interim special care orders as the Bill does not seek to amend provisions in Part IVA of the [Child Care Act 1991, as amended](#), related to children in need of special care or protection.

Measure	Description
Care Order	Tusla can apply to the Court and the Court may make a care order where the Court is satisfied that (a) the child has been or is being assaulted, ill-treated, neglected or sexually abused, or (b) the child's health, development or welfare has been or is being avoidably impaired or neglected, or (c) the child's health, development or welfare is likely to be avoidably impaired or neglected, and the child requires care or protection which he is unlikely to receive unless the court makes a care order. A care order can apply until a child reaches the age of 18 or for a shorter period specified by the court in the order, which the court may extend where it is satisfied that the grounds for making the care order continue to exist (Section 18).
Supervision Order	The Court can make a supervision order on the application of Tusla where the Court is satisfied that there are reasonable grounds for believing that (a) the child has been or is being assaulted, ill-treated, neglected or sexually abused, or (b) the child's health, development or welfare has been or is being avoidably impaired or neglected, or (c) the child's health, development or welfare is likely to be avoidably impaired or neglected, and it is desirable that the child be visited periodically by or on behalf of Tusla. The order shall stay in force for 12 months or a shorter period set out in the court order and Tusla can apply for a further supervision order before the first order expires (Section 19).
Voluntary Care	Tusla has a duty to take a child into its care where it appears that a child requires care or protection that he/she is unlikely to receive unless he/she is taken into their care. Tusla cannot take a child into voluntary care or keep a child in their care if it is against the wishes of the parent with the custody of the child or any person acting <i>in loco parentis</i> or maintain the child in its care if that parent or person wishes to resume care of the child (Section 4).

Source: Library and Research Service based on *Child Care Act 1991, as amended*

For the purposes of context, the following table provides an overview (the most recent figures available) of the number of admissions to care made between 2021-2024. In 2024, 55% (505) of the admissions to care were under order of the Court. The remaining 45% (411) were under a voluntary care arrangement with the parents/guardians.¹⁹

Table 3 Total number of admissions to care by legal status on admission, 2021–2024

Legal Status	2021	2022	2023	2024
Emergency Care Order	174	175	192	205
Interim Care Order	255	162	265	292
Care Order	11	9	1	8
Other Court Order	2	0	0	0
Voluntary	422	467	434	411
Total	864	813	892	916

Source: Library and Research Service based on Tusla (2025) [Annual Review on the Adequacy of Child Care and Family Support Services Available 2024](#).

Where a child is under the care of Tusla, Tusla shall provide such care for him or her as Tusla considers to be in his or her best interests. This care can include:

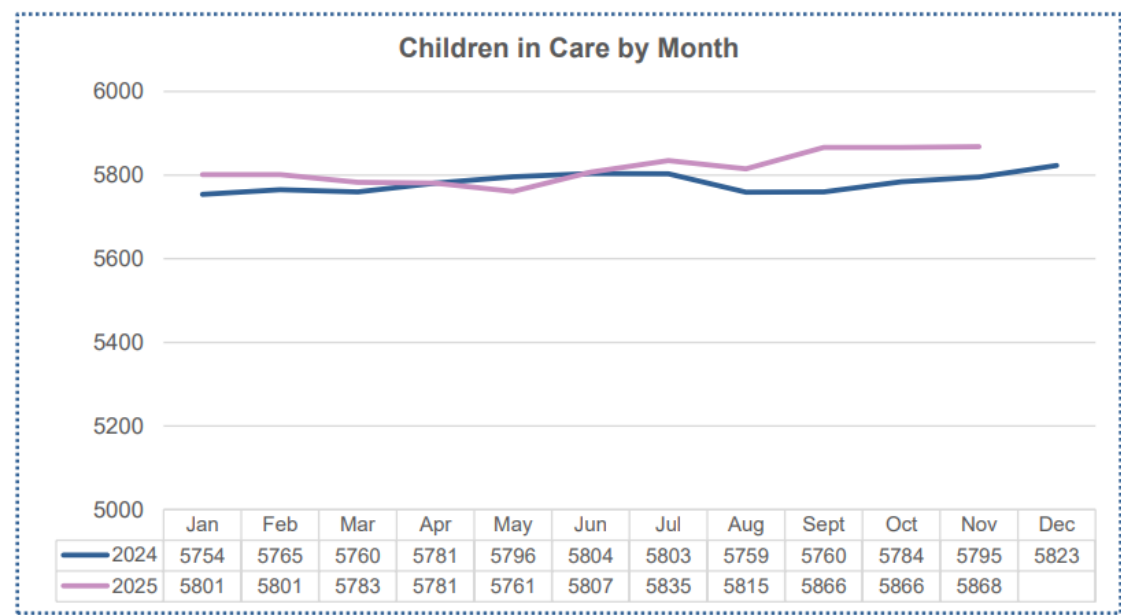
- placing the child with a foster parent, or
- placing the child in residential care, or
- placing the child with a suitable person with a view to his adoption, where the child is eligible for adoption, or
- making such other suitable arrangements as Tusla thinks proper, such as placing the child with a relative.²⁰

¹⁹ Tusla (2025) [Annual Review on the Adequacy of Child Care and Family Support Services Available 2024](#) (last accessed 23 January 2026).

²⁰ [Child Care Act 1991, as amended](#), section 36. Foster parent is defined in this section as meaning a person other than a relative of a child who is taking care of the child on behalf of Tusla in accordance with regulations made under section 39. The regulations in place for foster care are the [Child Care \(Placement of Children in Foster Care\) Regulations 1995, SI 1995/260](#).

As of the end of **November 2025** (the **most recent figures** available at the time of writing), **5,868 children were in care** in the Irish system, two more than October 2025 and 73 more than November 2024 (see Figure 1). Of the 5,868 children in care, the **majority (5,034/85.8%) were in foster care**, another 599 (10.2%) of children were in residential care, and 235 (4%) were in “other” care placements. Across all care placement types, 1,116 children were in private care provider placements, accounting for 19% of the overall number of children in the Irish care system. While the majority of children in placements with private provider placements were in foster care (604/54%) another 408 (37%) children were in residential care.²¹

Figure 1 Overview of Children in Care by Month



Source: Reproduced from Tusla (2025) **Monthly Service Performance and Activity Report: November 2025**.

²¹ Part IVB of the *Child Care Act 1991, as amended*, relates to private foster care. The Bill does not propose to amend the provisions related to private foster care.

The figures collated by Tusla outlined above include a particular group of children who fall under the [Service for Separated Children Seeking International Protection \(SSCIP\)](#). SSCIP is a standalone Tusla service offering an urgent response to the needs of unaccompanied minors and separated children seeking international protection in Ireland. While there is “no statutory or policy guidance on which provision of the 1991 Act should be used to meet the needs of unaccompanied and separated children”²², in practice, services are provided to this group of children under various statutory provisions of the 1991 Act including voluntary care (section 4), care orders (section 13, 17 & 18) as well as section 5 which places an obligation on Tusla to provide accommodation for homeless children. The differing provisions provide different rights to the child and varying levels of authority to Tusla and the Court respectively. The child Beneficiaries of Temporary Protection (BOTP)²³ fleeing Ukraine are generally accommodated under section 5 of the 1991 Act.

In its [Annual Review on the Adequacy of Child Care and Family Support Services Available 2024](#), Tusla reported that there were 619 referrals to SSCIP, which is 89 (17%) more than 2023 (530) and the highest number since 2005 (643).²⁴ At the end of 2024, of the 619 referrals, 451 children were in care/being accommodated, which is 121 (37%) more than 2023 (330) and 256 (131%) more than at the end of 2022. Of these 451 children in care/accommodated at the end of 2024, 333 (74%) were being accommodated and provided with services under section 5 of the 1991 Act which places an obligation on Tusla to provide accommodation for homeless children.²⁵ In **Tusla’s most recently available ‘Monthly Service Performance and Activity Report: November 2025’**, it reported there were **147 children under SSCIP** with an **additional 464 children accommodated under section 5 of the 1991 Act**. Section 8 of the Bill amends section 5 of the 1991 Act and this will be explored in greater detail in the section on Principal Provisions.

²² Maria Corbett, ‘[Scoping Paper on Care Status of Unaccompanied and Separated Children](#)’, *Child Law Project*, 6 November 2023 at p. 3 (last accessed 23 January 2026). The term unaccompanied or separated minor “refer to a third-country or separated national or stateless child (under the age of 18 years) with no adult minor or legal guardian responsible for them (some but not all of whom may be seeking international protection) and a child residing in Ireland under the Temporary Protection Directive (2001/55 EC) due to the war in Ukraine.” – see Dr Maria Corbett and Dr Carol Coulter, (2024) ‘[Falling Through The Cracks - An Analysis of Child Care Proceedings from 2021 to 2024](#)’, *Child Law Project* at p. 4 (last accessed 23 January 2026).

²³ The [Temporary Protection Directive \(2001/55 EC\)](#) was activated by EU Council Decision EU 2022/382 of 4 March 2022, to provide immediate protection in EU countries for people displaced by the Russian invasion of Ukraine. See also [Ukraine Response Tusla - Child and Family Agency](#) (last accessed 23 January 2026).

²⁴ Tusla (2025) ‘[Annual Review on the Adequacy of Child Care and Family Support Services Available 2024](#)’ at p. 147 (last accessed 23 January 2026).

²⁵ Tusla (2025) ‘[Annual Review on the Adequacy of Child Care and Family Support Services Available 2024](#)’ at p. 148 (last accessed 23 January 2026).

Previous related legislation

- *Child Care Act 1991 (as amended)*
- *Child Care (Placement of Children in Foster Care) Regulations 1995*
- *Children First Act 2015*
- *Child Care (Amendment) Act 2022*
- *Child Care (Amendment) Act 2024*

Legislative proposal

The Child Care (Amendment) Bill 2025 (the ‘**Bill**’) contains 29 Sections in four parts. The Bill seeks to make amendments to Parts II, III, IV, V and VI to the 1991 Act with regards to child welfare and protection, as well as some technical amendments to Part VA (Guardians *ad litem*), Part VIIA (Supervision of Early Years Services) and Part IX (Administration) of the 1991 Act. Through proposed amendments to the 1991 Act, the Bill seeks to provide for the establishment of An Coiste Forfheidhmithe agus Idirghníomhaireachta um Chúram Leanaí (known as the “Implementation and Inter-Agency Committee”) and to give further effect to [Directive 2011/93/EU of the European Parliament and of the Council](#) of 13 December 2011. The Bill proposes to introduce guiding principles for Tusla including the best interests of the child as a paramount consideration and a duty to cooperate between relevant bodies such as Tusla, government departments and others, including the sharing of information. The Bill also seeks to make select amendments to the [National Vetting Bureau \(Children and Vulnerable Persons\) Act 2012](#) and the [Child and Family Agency Act 2013](#). This section of the Digest examines the principal provisions of the Bill.

Principal provisions of the Bill

Part 1 Preliminary and General

Section 1 contains standard provisions for the short title, collective citation and commencement. It provides that this Bill on enactment may be cited together with the *Child Care Acts 1991 to 2025*. This section provides for the commencement of sections 2, 20 and 28 on the enactment of the Act. Provisions other than these sections shall come into operation on such day or days as the Minister for Children, Disability and Equality may appoint by order or orders.

Section 2 sets out two definitions for the purposes of the Bill. This section states that the ‘Act of 2013’ and the ‘Principal Act’ in the Bill mean the [Child and Family Agency Act 2013](#) and the [Child Care Act 1991](#) respectively.

Section 3 repeals section 7 and section 8 of the 1991 Act.

Section 7 of the 1991 Act currently provides for the establishment of child care advisory committees by Tusla to advise Tusla on the performance of its functions under the Act. In the explanatory note to Head 9 of the [General Scheme](#) of the Child Care (Amendment) Bill, it was noted that while section 7 provides for these committees to be set up “it is understood that

these Committees are in abeyance”.²⁶ According to the [Explanatory Memorandum](#) to the Bill, all of these committees “have been wound up”.

Section 8 of the 1991 Act currently requires Tusla to prepare an annual report on the adequacy of the child care and family support services available. According to the [Explanatory Memorandum](#) to the Bill, the reporting obligation of Tusla under this section this “will be replaced by provisions in section 29 of the Bill”. Section 29 of the Bill is explored later in this Bill Digest.

Part 2 Protection of Children

The Bill proposes a number of amendments related to child welfare and protection under the 1991 Act.

Section 4 of the Bill seeks to amend section 2 of the 1991 Act which deals with the interpretation of definitions within that Act. It removes “other than a person who is or has been married” from the definition of “child”. It also inserts several new definitions including ‘relevant body’ which encompasses bodies such as Tusla, a children detention school, An Garda Síochána, the Health Service Executive, and a recognised school. Under section 11 of the Bill there is a duty on relevant bodies to cooperate with each other. This will be explored further below.

Section 5 of the Bill seeks to insert a new subsection (2A) into section 3 of the 1991 Act. Section 3 of the 1991 Act deals with the functions of Tusla. The new subsection (2A) provides that Tusla may prepare and publish guidelines to provide practical guidance for promoting the welfare of children who are not receiving adequate care and protection. If requested by the Minister to prepare and publish such guidelines, they must comply with the request.

Section 6 relates to voluntary care. Section 6(1) seeks to substitute in a new section 4 into the 1991 Act, replacing the current section 4 regarding Tusla taking a child into voluntary care. The new section 4 would adopt a different approach to the duty of Tusla to take a child into voluntary care. Similar to the existing section, it provides that Tusla shall have a duty to take a child into voluntary care where it appears that a child “requires care or protection that he or she is unlikely to receive unless he or she is taken into its care”. However, it also provides that this duty shall apply where the following two other conditions are also met, that Tulsa:

- “...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

²⁶ [General Scheme of the Child Care \(Amendment\) Bill 2023](#), Head 9. Head 9 of the General Scheme proposed to replace section 7 on Child Care Advisory Committees with a new section 7 to place Children and Young People’s Services Committees on a statutory footing.

- “...having regard to the temporary nature of the care provided under this section, is satisfied that the period of time ... is a reasonable period of time”.²⁷

The meaning of “temporary” and “reasonable period of time” are not further defined in this section and the maximum period for which a child may be held in voluntary care is also not specified in the proposed new section. The insertion of a maximum time limit on voluntary care was discussed during pre-legislative scrutiny of the General Scheme of the Bill.²⁸ In response to a question regarding the insertion of a 12-month limit on voluntary care, a representative from the Department stated as follows:

“...We considered this and the reason we were loath to put in a hard cap was because the variety of different situations in which voluntary care might be utilised. We were conscious of a situation where, for example, mental health issues or serious health issues of a parent that meant a child was going into voluntary care for an extended period, but maybe not all of the time. We were conscious of providing flexibility for Tusla in a framework where it is viewing that arrangement as inherently temporary and to be phased out as soon as possible so the child can be reunified with their family. That was the consideration that lead to the lack of a hard cap regarding voluntary care...”.²⁹

As will be set out further below, the new section 4 seeks to require Tusla to periodically review the necessity for maintaining a child in care under this section and the operation of the care arrangement.

The new section 4(2) would place a new requirement for written consent on Tusla which was not previously included in section 4 of the Act. This subsection requires Tusla, before they can take a child into its care, to:

- notify in writing a parent or a person acting in *loco parentis* regarding the purpose of the care, the proposed period of time that their child will be taken into care by Tusla and the obligations of Tusla in relation to voluntary care,
- obtain the written consent of the parent or person acting in *loco parentis*, and
- notify the parent or person acting in *loco parentis* in writing that he/she may withdraw his/her consent to a child being maintained in the care of Tusla under this section.

Similar to the existing section 4, the new section 4(3) requires Tusla to keep a child in voluntary care as long as his or her best interests appears to require it, having regard for the

²⁷ Child Care (Amendment) Bill 2025, Section 6.

²⁸ See Joint Committee on Children, Equality, Disability, Integration and Youth, (June 2023), ‘[Report on Pre-legislative Scrutiny of the General Scheme of the Child Care \(Amendment\) Bill](#)’ at 33-34.

²⁹ Ms Lara Hynes, Acting Assistant Secretary, Department of Children, Equality, Disability, Integration and Youth, Joint Committee on Children, Equality, Disability, Integration and Youth debate, ‘[General Scheme of the Child Care \(Amendment\) Bill 2023: Discussion](#)’, Tuesday, 9 May 2023.

wishes of the parent with custody of the child or any person acting in *loco parentis* in providing the child with care.³⁰

Having regard for the temporary nature of voluntary care, Tusla will be required under this new section to review, at regular intervals and at least once every six months, the “necessity for maintaining a child in care under this section and the operation of the care arrangement”. Tusla must consider whether it would be in the child’s best interests that:

- he/she is returned to the parent or the person acting in *loco parentis* to the child,
- he/she is maintained in voluntary care with Tusla or
- Tusla apply for an order under Part III, IV, IVA or VI of the 1991 Act (such as an emergency care order, a care order, supervision order, etc).

The new section 4(5) seeks to clarify that if a parent or person acting in *loco parentis* withdraws consent to the voluntary care, Tusla shall, having regard to the best interests of the child, return the child to their parent or person acting in *loco parentis* as soon as possible. However, under the new section 4(6), Tusla will be required to make an application for an emergency care order where the parent or person acting in *loco parentis* withdraws his or her consent and Tusla “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 the person acting in *loco parentis* to the child. Tusla will then retain custody of the child pending the hearing for the emergency care order per the new section 4(7).

Section 6(2) of the Bill sets out transitional provisions to be applied for children taken into voluntary care under the current section 4, with certain modifications to be applied.³¹

Section 7 of the Bill proposes to substitute a new section 5 into the 1991 Act which provides for accommodation for homeless children. Currently, section 5 requires Tusla to take such steps as are reasonable to make available suitable accommodation for a child that appears to be homeless, where it is satisfied that there is no accommodation available to the child which they can reasonably occupy. The new section 5 expands upon this to include a review of the provision of accommodation at no less than 6-month intervals to consider whether it is in the best interests of the child to remain in the accommodation, or if possible, to be returned to the care of their parent or the person who is acting in *loco parentis* to the child, or an application for a care order be made. The new section 5 will also place additional obligations on Tusla to make reasonable efforts to engage with the child and the child’s family to support the child to

³⁰ *Child Care Act 1991, as amended*, section 4(3) requires Tusla to maintain a child in its care “...so long as his welfare appears to the Agency to require it and while he remains a child” and to “...have regard to the wishes of a parent having custody of him or of any person acting in *loco parentis* in the provision of such care”.

³¹ The new section 4(8) as set out in Section 6(1) of the *Child Care (Amendment) Bill 2025* carries on a similar transitional provision which was included in section 4(5) of the 1991 Act.

return, if possible, to the care of their parent or the person who is acting in *loco parentis* to the child. In November 2025, the *Irish Examiner* reported that

“...[g]rowing numbers of new mothers are giving birth while living in fear their babies will be taken off them by social services because they are homeless.”³²

In response, Tusla stated that its “priority is the safety and wellbeing of the children and families” they work with, and affirmed its commitment to a “collaborative, multi-agency approach to achieving the best possible outcomes.”³³

Section 8 of the Bill seeks to insert a new section 5A after section 5 of the 1991 Act which deals with making available suitable accommodation for children who are homeless. The new section 5A will provide the Minister with the power to make regulations regarding making accommodation available to homeless children by Tusla under section 5. These regulations may fix the conditions under which children may be accommodated or prescribe requirements in relation to the accommodation made available. The proposed regulations may make different provision for different circumstances or categories of children including children of different ages, or children with different levels of vulnerability or risk, or both.

Currently, section 5 of the 1991 Act is one of the sections used for unaccompanied and separated minors, and it would seem that the new section 5A may also be used in the same manner. In the ‘[Scoping Paper on Care Status of Unaccompanied and Separated Children](#)’, Maria Corbett of the Child Law Project, states that children accommodated under section 5 are not considered a care placement and therefore statutory safeguards afforded to a child in care do not apply. The Scoping Paper also observes that there is “no judicial oversight of decisions under this provision”, “no right to access an independent guardian/advocate or to be appointed a solicitor” and “no independent mechanism to hear the views of the child.”³⁴ Corbett ultimately observes that the “provision of accommodation under section 5 appears to be an inadequate response to the care needs of an unaccompanied or separated child.”³⁵

Similar concerns were voiced by the Ombudsman for Children's Office (OCO) during the pre-legislative hearings where it expressed disappointment that unaccompanied minors were not provided for explicitly in the General Scheme, noting that proposals set out in the [Department's 2020 consultation paper on the review of the 1991 Act](#) had also not been

³² Alison O’ Reilly, ‘[Homeless mums fear their babies will be taken into care](#)’, *Irish Examiner*, 10 November 2025 (last accessed 23 January 2026).

³³ Alison O’ Reilly, ‘[Homeless mums fear their babies will be taken into care](#)’, *Irish Examiner*, 10 November 2025 (last accessed 23 January 2026).

³⁴ Maria Corbett, ‘[Scoping Paper on Care Status of Unaccompanied and Separated Children](#)’, *Child Law Project*, 6 November 2023 at p. 6 (last accessed 23 January 2026).

³⁵ Maria Corbett, ‘[Scoping Paper on Care Status of Unaccompanied and Separated Children](#)’, *Child Law Project*, 6 November 2023 at p. 7 (last accessed 23 January 2026).

included.³⁶ These proposals included introducing a statutory requirement for Tusla to provide national guidance regarding the use of section 5, including but not limited to, minimum appropriate age for intervention, time limits for use, circumstances in which it may be used.³⁷ The Joint Committee's PLS Report recommendations included that specific provisions for protecting unaccompanied minors should be included in the Bill, that the status of a child as an unaccompanied minor should be enough to allow them to go into care and that unaccompanied minors should be eligible for aftercare once reaching 18 years of age, even where they are international protection applicants.³⁸ While the Bill does not explicitly refer to separated/unaccompanied minors, it does appear to reflect some of the proposals made in the 2020 consultation paper, by way of Ministerial regulations rather than guidelines from Tusla.

Ireland has opted into the [EU Asylum and Migration Pact](#) which will significantly reform the approach to migration and asylum across the EU including unaccompanied minors. The International Protection Bill 2026 which gives effect in Irish law to measures in the Pact was [published on 22 January 2026](#). This includes specific provision for matters relating to minors, including unaccompanied minors. A Bill Digest along with two Briefing Papers are forthcoming from the Oireachtas Library & Research Service on the International Protection Bill.³⁹

Section 9 of the Bill proposes to insert a new section 5B into the 1991 Act (after section 5A inserted by section 8 of the Bill) replacing a previous subsection of section 4 of the Act. This relates to lost or abandoned children. As noted above, section 4 is being replaced in its entirety by section 6 of the Bill. This new section 5B would introduce an obligation on Tusla to reunite a child under a care order with a parent or person acting in *loco parentis* where they appear missing, or where the child is deserted or abandoned, and it appears to Tusla to be in the child's best interests.

Section 10 of the Bill seeks to insert new sections 6A to 6H after section 6 of the 1991 Act. These sections provide for the establishment of a new committee known as 'An Coiste Forfheidhmithe agud Idirghníomhaireachta um Chúram Leanaí' or the 'Implementation and Inter-Agency Committee' and other matters related to the establishment of this Committee. These sections are summarised in the following table:

³⁶ Dr Karen McAuley, Ombudsman for Children, Joint Committee on Children, Equality, Disability, Integration and Youth debate, '[General Scheme of the Child Care \(Amendment\) Bill 2023: Discussion](#)', Tuesday, 9 May 2023 (last accessed 23 January 2026).

³⁷ Department of Children, Disability and Equality, '[Review of the Child Care Act 1991 July 2020 Consultation Paper](#)', 23 July 2020 at p. 15 (last accessed 23 January 2026).

³⁸ Joint Committee on Children, Equality, Disability, Integration and Youth, (June 2023), '[Report on Pre-legislative Scrutiny of the General Scheme of the Child Care \(Amendment\) Bill](#)' at p. 82 (last accessed 23 January 2026).

³⁹ See Oireachtas Library & Research, [Bill Resource Page for International Protection Bill 2026](#) [internal access only].

Table 4 Summarising sections 6A to 6H introduced by section 10 of the Bill

Section 6A	Provides that the Minister must establish a new committee referred to as the 'Implementation and Inter-Agency Committee' to perform functions conferred on it.
Section 6B	Sets out the objectives, functions and powers of the Implementation and Inter-Agency Committee. The main objective of the Committee is to provide a mechanism for the nominating bodies to work together in the planning and implementation of the delivery of services to 'relevant persons'. These include children who are not receiving adequate care and protection, or who are in Tusla's care under a care order including an emergency order or interim special care order. The Committee must also promote and monitor compliance of obligations of nominating bodies and make recommendations to improve access to services by disadvantaged relevant persons. The functions of the Committee include the development and implementation of solutions to any identified barriers experienced by relevant persons while accessing services or supports provided by nominating bodies. It will also provide advice and proposals to the Minister on these matters as well as any reports/information requested by the Minister and keep under review the operation and effectiveness of the Act. The committee must have regard to the principle that the 'best interests of the child' as a primary consideration in the performance of its functions.
Section 6C	Provides for the membership of the Committee including that the Minister will appoint membership of the Committee, including a chairperson and no fewer than nine ordinary members. This must include members nominated by a relevant Minister from seven Departments of State and at least one member from each of the Child and Family Agency, An Garda Síochána and the Health Service Executive, and such other members as the Minister considers appropriate. The Minister may dissolve the Committee at any time.
Section 6D	Sets out the conditions and cessation of membership Implementation and Inter-Agency Committee which must be determined by the Minister. This includes that the Minister may at any time remove a member of the Committee from office or where a member dies or ceases to be a member, the Minister may appoint a member to fill the vacancy. A member may resign at any time by letter addressed to the Minister.

Section 6E	Provides that the Minister, after consulting with such other Ministers of the Government considered appropriate, may give a direction to the Committee in relation to the performance by it of its functions. The Minister may amend or revoke a direction.
Section 6F	Provides that the Committee must hold as many meetings as may be necessary for the performance of its functions. The Committee may regulate its own procedures, including those relating to the conduct of its meetings and business, as it considers appropriate.
Section 6G	Provides that the Committee must prepare and submit an annual report to the Minister on the performance of its functions and activities, not less than six months after the end of each year. An annual report must be in such form and include such information as approved by the Minister. The Minister must lay a copy of the annual report of the committee before each House of the Oireachtas and thereafter publish it in whatever form considered appropriate.
Section 6H	Provides for the sharing of information (which is not personal data) between a nominating body and the Committee, or a nominating body represented at the Committee, to share information with the Committee or another nominating body for the purposes of the functions of the Committee or of a nominating body under the Act.

Source: Compiled by Oireachtas Library & Research Service from the [Child Care \(Amendment\) Bill 2025](#).

Head 11 in the [General Scheme](#) which provided for a National Child Care Act Advisory Committee (now called the Implementation and Inter-Agency Committee in the published Bill) included a subsection proposing that the Ombudsman for Children must review and advise on the recommendations to be prepared for the Minister by the National Advisory Committee. However, this does not appear to be retained in the Bill as published. During PLS discussions, Dr Karen McAuley, representing the OCO, advised that while the OCO was open in principle to taking on this new statutory duty, that support was contingent on a number of matters being further discussed and agreed.⁴⁰

⁴⁰ Dr Karen McAuley, Ombudsman for Children, Joint Committee on Children, Equality, Disability, Integration and Youth debate, '[General Scheme of the Child Care \(Amendment\) Bill 2023: Discussion](#)', Tuesday, 9 May 2023 (last accessed 23 January 2026).

In its PLS Report, the Joint Committee advised that it welcomed the proposal of the National Child Care Act Advisory Committee in the General Scheme (now called the Implementation and Inter-Agency Committee in the published Bill). However, it requested that “those with disabilities or additional needs as well as carers and representatives from the broad youth work and community work sphere” should be included in the National Child Care Act Advisory Committee.⁴¹ This does not appear to have been incorporated into the published Bill.

Section 11 seeks to insert new sections 11A to 11E into the 1991 Act. The new section 11A sets out the guiding principles that Tusla must have regard to in performing its functions under the 1991 Act and section 8(1)(b) and (c) of the *Child and Family Agency Act 2013*.

During one of the PLS hearings, the representative from the Department stated:

“Some of the most significant areas of change proposed include the introduction of a guiding principles section to the Act, with the best interests of the child as the overriding principle”.⁴²

The guiding principles can be summarised as follows:

- that the best interests of the child are the paramount consideration
- 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
- where the child is capable of forming his or her own views the child is enabled to participate in decision-making processes through,
 - consultation regarding decisions about his or her care and protection
 - advised that he or she is entitled to express his or her view in relation to such decisions and
 - facilitated in expressing any views that he or she wishes to make known
- that due weight must be given to the views of the child, having regard to the child’s age and maturity and the particular circumstances of the child.

⁴¹ Joint Committee on Children, Equality, Disability, Integration and Youth, (June 2023), ‘[Report on Pre-legislative Scrutiny of the General Scheme of the Child Care \(Amendment\) Bill](#)’ at p. 54 (last accessed 23 January 2026).

⁴² Ms Lara Hynes, Department of Children, Equality, Disability, Integration and Youth Joint, Committee on Children, Equality, Disability, Integration and Youth debate, ‘[General Scheme of the Child Care \(Amendment\) Bill 2023: Discussion](#)’, Tuesday, 9 May 2023 (last accessed 23 January 2026).

The Special Rapporteur on Child Protection, Caoilfhionn Gallagher KC, in her PLS submission to the Committee focused on two issues, one being Head 4 of the General Scheme proposing a new section on Guiding Principles. In one of her observations, she referred to the [UN Committee on the Rights of the Child's General Comment regarding Article 3.1 of the UN Convention on the Rights of the Child \(UNCRC\)](#), noting that “there should also be an express requirement to record the reasoning of the decision-maker, as Article 3.1 requires.”⁴³ The Committee included this in their recommendations and the Department responded to this recommendation in the PLS traffic light table (set out in the following section) advising that such “provision for record-keeping generally by public bodies is outside the remit of this Bill” and that “[r]ecord-keeping by the Child and Family Agency is a matter to be addressed under its code of governance”.⁴⁴

The new section 11B provides that a relevant body must cooperate with another relevant body when performing their respective functions in terms of planning and delivery of services to, and activities for, children and their families or young adults for whom Tusla has prepared an aftercare plan. The term cooperate includes collaboration in the planning and delivery of the relevant services as well as sharing documents and information in accordance with law and where necessary and proportionate for the purpose. Relevant bodies are set out in section 4 of the Bill and include An Garda Síochána, the Health Service Executive, Tusla, a recognised school and local authorities. Relevant bodies must have regard to the principle that the best interests of the child are a primary consideration.

The new section 11C sets out the power of the Minister to make an order designating a body or a class of bodies as a relevant body once they are in receipt of public funding, some or all of their functions support the development, welfare or protection of a relevant person or their family, and it is desirable that the designated relevant body cooperate with other relevant bodies. The Minister must seek the consent of other Ministers where the designated relevant body falls under their responsibility.

The new section 11D provides that where a relevant body considers that it is necessary that information provided to it be shared with another relevant body, it may do so, once it is for the purposes of the performance of the respective functions of those relevant bodies.

Section 11E provides that a relevant body may, to the extent necessary and proportionate for the performance of their functions under section 11B and 11D process personal data, including special categories of personal data, in accordance with law. The Minister must prescribe suitable and specific measures for the processing of personal data and special categories of personal data in regulations under this section.

⁴³ [Submission to the Joint Committee on Children, Equality, Disability, Integration and Youth, concerning the General Scheme of the Child Care \(Amendment\) Bill 2023 by Caoilfhionn Gallagher KC, Special Rapporteur on Child Protection](#) (May 2023) at p. 6 (last accessed 23 January 2026).

⁴⁴ See Recommendation 6 of Table 5 in the Pre-legislative scrutiny section of this Digest.

Section 12 seeks to amend section 12 of the 1991 Act. Section 12 of the 1991 Act relates to the power of an Garda Síochána to take a child to safety where there is an immediate and serious risk to the health or welfare of a child and it would not be sufficient for the protection of the child from such immediate and serious risk to wait for Tusla to apply for an emergency care order or to apply for a warrant under section 35 of the 1991 Act. Where a child is removed by a member of an Garda Síochána under this section, the child shall be placed in the custody of Tusla as soon as possible.

Section 12 of the Bill proposes to amend section 12(4) to provide additional time for the arrangement for the hearing of an application for an emergency order made by Tusla under this section. Tusla will be required to make their application for an emergency care order under this section at the next sitting of the District Court held in the same District Court district. If the next sitting is not due to be held within three working days of the date on which the child is delivered up to the custody of Tusla (instead of three days, as is currently the case), then the Bill proposes that the application shall be heard at a specially arranged sitting of the District Court which will be held within three working days. The [Explanatory Memorandum](#) to the Bill states that this is a:

“...pragmatic amendment to enable sufficient time to arrange for a court sitting or to attain a hearing at the next court sitting, where the removal of the child occurs during a public holiday or weekend”.

Section 12 also proposes to insert a new subsection (6) into section 12 of the 1991 Act to provide that a child shall be considered as being placed in the custody of Tusla by a member of an Garda Síochána, where the member on the direction of Tusla delivers the child to suitable accommodation.

Section 13 seeks to amend section 13 of the 1991 Act which relates to emergency care orders. It seeks to insert a new subsection 2 to govern the time period for which an emergency care order will apply. Currently an emergency order can apply for a maximum of eight days or for a shorter period as specified in the order. The new section 13(2) shall retain this time period whilst also providing that the Court with the power to grant an emergency care order for a period not exceeding 15 days where “the judge is satisfied that such longer period is necessary given the circumstances of the case”. This provides the Court with some additional discretion in making emergency care orders where the Court considers that more than eight days is needed to address a specific case. However, the maximum time period permissible for an emergency care order will be limited to 15 days.

According to the explanatory note for Head 14 of the [General Scheme](#) of the Bill, to which this section corresponds, the time period of 15 days was set out “...to cater to child care proceedings which, the Department understands, are scheduled for the same day of each week”. During PLS of the General Scheme of the Bill, a representative from Tusla stated that the agency “would have welcomed the introduction of a once-off emergency care order for a

period of 15 days, which could then proceed to an interim care order”.⁴⁵ However, in their [written submission](#) to PLS, the Child Law Project suggested that consideration be given to the deletion of this provision and noted that the 1991 Act provides Tusla with “an option to apply to the court for an interim care order, which in [their] experience are rarely refused”.⁴⁶

Section 14 of the Bill seeks to amend section 17 of the 1991 Act which relates to interim care orders. Currently, an interim care order can be granted for a period not exceeding 29 days, or longer if the parent with custody of the child or the person acting in *loco parentis* consents. An extension or extensions of not more than 29 days (or more than 29 days with consent) may be granted by the court where there are grounds for making an interim care order continue to exist.

Section 14 seeks to amend subsection 2 to:

- provide for the granting of an interim care order for a period not exceeding 90 days where the judge is satisfied that an assessment of the child has commenced or is about to commence and this assessment is unlikely to be completed within a period of 29 days.⁴⁷
- provide that, where Tusla and the parent with custody of the child or person acting in *loco parentis* to the child consent, an interim care order can be granted for a period not exceeding 6 months.

With regards to the latter category of interim care orders with consent, Head 17 of the [General Scheme](#), to which this section corresponds, sought to provide for an interim care order, with consent, for a period not exceeding 12 months.⁴⁸ However, during PLS there were concerns expressed surrounding this provision and several stakeholders sought for the reduction of this

⁴⁵ Ms Kate Duggan, Interim CEO, Tusla, Committee on Children, Equality, Disability, Integration and Youth debate, ‘[General Scheme of the Child Care \(Amendment\) Bill 2023: Discussion](#)’, Tuesday, 9 May 2023 (last accessed 23 January 2026).

⁴⁶ [Child Law Project Observations on the Heads and General Scheme of the Child Care \(Amendment\) Bill 2023](#), Dr Maria Corbett and Dr Carol Coulter, 11 May 2023 at p. 9 (last accessed 23 January 2026). See further discussion of emergency care orders in Joint Committee on Children, Equality, Disability, Integration and Youth, (June 2023), ‘[Report on Pre-legislative Scrutiny of the General Scheme of the Child Care \(Amendment\) Bill](#)’ at pp 38-39 (last accessed 23 January 2026).

⁴⁷ An “assessment of welfare” is defined later in the section as “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”. This definition will be inserted in as a new subsection (6) into section 17 of the 1991 Act.

⁴⁸ [General Scheme of the Child Care \(Amendment\) Bill 2023](#), Head 17(3).

time period to three from six months.⁴⁹ The Joint Committee in the Report on PLS stated in relation to the provision relating to interim care orders:

“While members are supportive of measures to reduce court appearances, where appropriate, and an absolute cap on how long interim orders can be applied for successively, concerns remain that some of the benefits of interim care orders may be lost in these new provisions. Namely, the benefit of an interim care order being that the court maintains oversight and social workers work more expediently if it is a shorter period, rather than having a longer period where there is a bit more of a lag in what support is implemented or offered to the family.”⁵⁰

Under the Bill, the existing limit on interim care orders (not exceeding 29 days) would remain unchanged. The Bill however seeks to delete the provision regarding extension(s) of interim care orders and seeks to insert new subsections (2A) to (2C) to provide for the extension of interim care orders, subject to an overall time limit of 18 months (which will apply to both the interim care order and any period of extension granted for the order). Under the new subsection (2C), Tusla can apply for a further interim care order on or before the expiry of the period for which an interim care order has effect and this order may have effect from the expiration of the original interim care order if the judge is satisfied that certain conditions are met.

Section 14 of the Bill also seeks to insert a new subsection (5) to provide that a judge can make a supervision order under section 19 if the judge is satisfied that the interim care order or the extension of the order “is not necessary or appropriate” and “it is desirable that the child be visited periodically in his or her home by or on behalf of [Tusla]”.

Proposed subsections 14(2) and 14(3) set out transitional provisions to be applied to interim care orders granted before the coming into operation of the new provisions related to these orders set out in this Bill.

Section 15 of the Bill seeks to amend section 19 of the 1991 Act which relates to supervision orders. This section would replace the current subsection (2), which relates to the authorisation of Tusla to visit a child periodically under a supervision order and to provide any necessary advice on the care of the child, with new subsections (2), (2A) and (2B). The new subsection (2) is similar to the existing subsection. However, the Bill expands the purpose of the periodic visits by Tusla to provide for the checking of the “health, development and welfare of the child”, rather than only focusing on the welfare of the child (as provided for in the

⁴⁹ See Joint Committee on Children, Equality, Disability, Integration and Youth, (June 2023), ‘[Report on Pre-legislative Scrutiny of the General Scheme of the Child Care \(Amendment\) Bill](#)’ at p. 44 (last accessed 23 January 2026).

⁵⁰ Joint Committee on Children, Equality, Disability, Integration and Youth, (June 2023), ‘[Report on Pre-legislative Scrutiny of the General Scheme of the Child Care \(Amendment\) Bill](#)’ at p. 44 (last accessed 23 January 2026).

current subsection (2)). The new subsection (2A) provides for additional authorisations that Tusla shall have under supervision orders, including the power to visit the child at any place, including his or her school, to obtain the views of the child with or without the presence of his or her parent or person acting *in loco parentis* to him or her, and to ascertain the views of others where Tusla believe that their views would assist Tusla in performing its functions under this section.

During PLS, a representative from the Department stated as follows:

“...The changes to supervision orders are intended to, for example, ensure that a child under a supervision order can be visited in a variety of settings by his or her social worker, with or without the presence of a parent, and that the social worker can consult with other relevant people in the child’s life...”⁵¹

Barnardos, in their oral submission during PLS, recommended that “when under a supervision order, it is essential, rather than desirable, for a child to be visited by or on behalf of [Tusla]” and recommended that early years centres be included alongside schools in the provision.⁵² Under the new proposed section (2A), Tusla can visit a child “at any place”.

The new subsection (2B) seeks to establish a new requirement for Tusla to review the operation of a supervision order and the necessity for the order continuing at regular intervals and at least once every six months. This review is to consider whether it is in the child’s best interests for Tusla to make an application to vary or discharge the supervision order or any condition or direction attaching to the order, or to make an application for another order such as a care order, emergency order, special care order, etc.

Section 16 of the Bill seeks to amend section 20 of the 1991 Act which relates to the power of the court to adjourn proceedings under select provisions of the *Guardianship of Infants Act 1964* (sections 7, 8, 11, 11B, or Part III) or in any case which relates to the following select provisions:

- *Judicial Separation and Family Law Reform Act 1989* (section 3(3)),
- *Family Law Act 1995* (section 6(b) or 10(f)), or
- *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (section 110(2), 115(c) or 141A).

The Court can, under its own motion or on the application of any person, adjourn proceedings under these provisions or in any other proceedings for the delivery or return of a child, and can

⁵¹ Ms Lara Hynes, Department of Children, Equality, Disability, Integration and Youth Joint, Committee on Children, Equality, Disability, Integration and Youth debate, ‘*General Scheme of the Child Care (Amendment) Bill 2023: Discussion*’, Tuesday, 9 May 2023 (last accessed 23 January 2026).

⁵² Ms Suzanne Connolly, CEO, Barnardos, Committee on Children, Equality, Disability, Integration and Youth debate, ‘*General Scheme of the Child Care (Amendment) Bill 2023: Discussion*’, Tuesday, 9 May 2023 (last accessed 23 January 2026).

direct Tusla to undertake an investigation into a child's circumstances where it may be appropriate for a care order or supervision order to be made.

Section 16 of the Bill would also insert a new subsection (2A) into section 20 of the 1991 Act to provide that where proceedings are adjourned and the court gives a direction to Tusla, the court shall give directions regarding the service of documents to Tusla which Tusla may require for the performance of its functions under this section. According to the [Explanatory Memorandum](#) to the Bill, this amendment is "intended to aid [Tusla] to conduct a timely and effective inquiry".

Section 17 of the Bill seeks to amend section 25 of the 1991 Act which relates to proceedings taken under Part IV, IVA or VI of the 1991 Act⁵³ and the power of the Court to join the child as a party to the proceedings or to give them such rights as a party to proceedings related to them. Under section 25, the Court may make a child a party to proceedings or specific issues in the proceedings related to them under these Parts or provide them with rights of a party as specified by the Court where the Court is:

"...satisfied having regard to the age, understanding and wishes of the child and the circumstances of the case that it is necessary in the interests of the child and in the interests of justice to do so..."

Section 17 of the Bill seeks to amend the grounds upon which the Court may join the child to proceeding by substituting "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".

Section 17 of the Bill also makes an amendment to subsection (6) to include a reference to the new section 25A which this Bill seeks to insert.

Section 18 seeks to insert a new section 25A into the 1991 Act regarding assistance to the Court for proceedings related to the care and protection of the child, including proceedings under Part IVA related to special care. This section requires certain relevant bodies specified in the section⁵⁴ who may be of assistance to the court in dealing with a case to attend proceedings, give evidence, and provide such assistance to the Court as it may require, when directed to do so by the Court. According to the [Explanatory Memorandum](#) to the Bill, this new section "aligns with the provisions of the new duty to cooperate in respect of these bodies", as discussed earlier in this Digest.

Section 19 of the Bill seeks to amend section 29 of the 1991 Act which relates to the hearing of proceedings under Part III, IV, IVA or VI of the 1991 Act. This section seeks to delete the

⁵³ Part IV relates to care proceedings, Part IVA relates to special care or protection, and Part VI relates to children in case of Tusla.

⁵⁴ This provision applies to children detention schools, government departments, An Garda Síochána, the Health Service Executive and local authorities.

definition of ‘special categories of personal data’ set out in paragraph (d) of subsection (5B). A definition of ‘special categories of personal data’ is inserted into section 2 of the 1991 Act by section 4 of the Bill.

Section 20 of the Bill seeks to amend section 32 of the 1991 Act. Section 20(a) proposes to designate the current section 32 as section 32(1). Section 20(b) of the Bill would insert new subsections (2) to (4) into section 32 of the 1991 Act. The current section 32 provides that the Court in any application for an order under Part III, IV or VI, must make “due inquiry as to the age of the person to whom the application relates”. The age presumed or declared by the Court is deemed to be age of the relevant child, until the contrary is proved. According to the [Explanatory Memorandum](#) to the Bill, section 20 of the Bill is necessary to ensure Ireland is fully aligned with Article 18(3) of [Directive 2011/93/EU of the 11 European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography](#). In the [Explanatory Note](#) to Head 24 of the General Scheme, it was advised that the Department of Justice had received a letter of formal notice from the EU Commission contending that Ireland had failed to fulfil its obligations under Article 18(3) of Directive 2011/93 by “not providing for an explicit presumption of childhood to victims who require care and support measures outside of the context of a criminal trial”.⁵⁵

The proposed subsection 32(2) provides that where the age of the person is uncertain, but there is reason to believe they are a child and are/may be a victim of a relevant offence⁵⁶, then the person must be presumed to be a child unless it can be proven they are not. The presumption of the age of the person will not be subject to the discretion of the Court. Subsection 32(3) lists the relevant offences while subsection 32(4) permits the Minister to prescribe additional offences for the purpose of the section, in consultation with the Minister for Justice, Home Affairs and Migration.

Section 21 seeks to make two minor amendments to section 35D(3) of the 1991 Act. Section 35D relates to legal advice and legal representation for guardian *ad litem* for the purposes of proceedings for which the guardian *ad litem* is appointed. Part VA of the 1991 Act on Guardians *ad Litem*, which includes section 35D, was inserted into the 1991 Act by the *Child Care (Amendment) Act 2022* but this Part has not yet been commenced.

Section 21 of the Bill seeks to amend section 35D(3) of the 1991 Act which sets out the factors that the Minister shall have regard to in determining whether the provision of legal representation to the *guardian ad litem* is in the best interests of the child. The Bill seeks to insert another factor to the list of factors by inserting a new paragraph (e) and by amending paragraph (d) to allow for an addition of paragraph (e) to this list. Section 35D(3), which is not yet commenced, provides as follows:

⁵⁵ Head 24 of the [General Scheme of the Child Care \(Amendment\) Bill](#) at 45.

⁵⁶ Relevant offences include rape, sexual assault, child pornography and trafficking.

“In determining for the purposes of subsection (2)(b) whether the provision of legal representation to the guardian ad litem is in the best interests of the child, the Minister shall have regard to:

- (a) the views (if any) in relation to legal representation being provided to the guardian ad litem expressed by the court that made the order under section 35B(3) or 35H(3)(b);
- (b) whether the guardian ad litem intends to make an application under this Act in relation to the child;
- (c) the opinion of the guardian ad litem in relation to any application made in the proceedings;
- (d) whether an order has been made under section 35E(11)”.

Section 21 of the Bill proposes to add a new paragraph (e) to this list as follows:

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

Section 22 of the Bill seeks to make a minor amendment to section 37 of the 1991 Act. Section 37 relates to parental access to children in the care of Tusla. Section 22 of the Bill seeks to amend the current reference to “section 4” to “section 4(2)” so section 37(4) will read as “This section is without prejudice to section 4”. According to the [Explanatory Memorandum](#) to the Bill, this amendment is “consequential to changes set out in section 6 of the Bill” as discussed above.⁵⁷

Section 23 of the Bill seeks to amend section 43A of the 1991 Act which relates to children in the care of the same foster parent or relative for five years or more. This section permits a foster parent or relative with whom a child has been placed to apply to the court for an order, where certain criteria are met and if granted this order would provide the foster carer with increased rights in relation to the child.

Section 23(a) of the Bill removes the reference to section 4 of the 1991 Act (voluntary care) from subsection (1), with the result that section 43A of the 1991 will only apply to children who are subject to a care order and placed with a foster parent or relative. Section 4 of the 1991 Act on voluntary care would be amended by section 6 of the Bill (as discussed above). According to the [Explanatory Memorandum](#) to the Bill, the removal of reference to section 4 of the 1991 Act:

⁵⁷ Section 6 of the Bill substitutes a new section 4 into the 1991 Act in relation to voluntary care.

“...is necessary to ensure there is a clear process for the application for enhanced rights, in that the child should already be in a stable placement in which the Child and Family Agency has like control over the child as if it were the child’s parent. Changes to section 4 of the Act brought forward in section 6 of the Bill are designed to reinforce the temporary nature of voluntary care arrangements and an application for enhanced rights will not be appropriate under the revisions to voluntary care arrangements introduced by this Bill.”

Section 23(b)(i) of the Bill seeks to reduce the requisite period of time that a child is required to be in the care of their relative or foster parent before an order may be granted under this section. This amendment seeks to substitute in “(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”.

Section 23(c) substitutes in a new subsection (3) in Section 43A regarding when interruption in the time that a foster parent or relative takes care of a child that shall be disregarded in determining whether a foster parent or relative has been taking care of a child for the required period of time (i.e. not less than 3 years). This amendment provides that:

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

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

Section 23(d) of the Bill makes some technical changes in language to section 43A(4) of the 1991 Act. Section 23(e) substitutes in a new subsection (13) into section 43A of the 1991 Act to provide a new definition of ‘relevant time’ for the purposes of the section.

Section 24 seeks to amend section 43B(2) of the 1991 Act which sets out the circumstances when an order under section 43A ceases to have effect.

Section 24(a) deletes section 43B(2)(a) of the 1991 Act which currently provides that an order under section 43A ceases to have effect if the child is in voluntary care under section 4 of the 1991 Act and the care of the child is resumed by the parent or other person whose wishes (that Tusla is required to have regard to under section 4). Section 24(b) substitutes a new paragraph (b) into subsection 43B(2). These amendments reflect the amendment of section 43A to provide that applications under section 43A may only be made for a child who is in the care of a foster parent or relative and subject to a care order under section 18 of the 1991 Act.

Section 24(c) substitutes “18 years” for “18 years or marries”. This reflects the amendment of the definition of ‘child’ by section 4 of the Bill which deletes “other than a person who is or has been married”.

Section 25 of the Bill sets out transitional provisions in relation to sections 23 and 24 of the Bill. This provision relates to an order made under section 43A of the 1991 Act to a child who was in the care of a foster parent or relative while in voluntary care under section 4. It provides that where such an order was in force immediately before the commencement of this section, it will remain in force as if the amendments made by section 23 and 24 has not been enacted.

Part 3 Miscellaneous amendments to 1991 Act

Section 26 of the Bill seeks to delete the definition of “recognised school” from section 58A of the 1991 Act, which sets out the definitions for Part VIIA on supervision of early years services. Section 4 of the Bill includes a definition of “recognised school” which amends section 2(1) of the 1991 Act which covers definitions in the Act generally.

Section 27 of the Bill seeks to amend section 69 of the 1991 Act which relates to the powers of the Minister. It seeks to insert a new subsection (6) into this section to give the Minister the power to issue guidance to Tusla in relation to its performance of its functions assigned to it by or under the 1991 Act. Tusla must have regard to any guidelines issued under the section and the Minister must publish any such guidelines in such manner as he or she considers appropriate.

Part 4 Amendments of Other Acts

Section 28 of the Bill seeks to amend Part 1 of Schedule 1 to the *National Vetting Bureau (Children and Vulnerable Persons) Act 2012* (‘2012 Act’). Part 1 of Schedule 1 of the 2012 Act sets out the meaning of “relevant work or activities relating to children” which require vetting disclosure under this Act. Section 28 of the Bill proposes to insert a new subsection 14A into this Part as follows:

“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”.

According to the *Explanatory Memorandum* to the Bill, the purpose behind this amendment is

“...to allow the vetting of the emergency contact person of an early years service provider and the vetting of household members aged 16 and over who live in the premises where a childminding service is provided”.

Section 29 of the Bill seeks to make a number of amendments to the *Child and Family Agency Act 2013* (‘2013 Act’).

Section 29(a) seeks to amend the definition of “child” in section 2 of the 2013 Act to remove “other than a person who is or has been married”. This reflects the change made to the definition of “child” in the 1991 Act by section 4 of the Bill, as discussed above.

Section 29(b) proposes to insert a new subsection (2A) in section 8 of the 2013 Act. Section 8 of the 2013 Act sets out the functions of Tusla. The new subsection (2A) requires Tusla to publish information regarding the following matters:

- the orders that may be granted under Part III, IV, IVA or VI of the 1991 Act;
- the functions of the Tusla in relation to children who are in the care of the Agency or accommodated by the Agency under the 1991 Act.

According to the [Explanatory Memorandum](#) to the Bill, the purpose of publishing this information is to inform a parent, guardian or person acting in *loco parentis* regarding any of these matters that affect them.

Section 29(c) proposes to insert new sections 46A and 46B into the 2013 Act. The new section 46A would require Tusla to prepare 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 [of the 2013 Act], the [1991 Act] or any other enactment during the preceding year”.

Tusla shall be required to publish the first annual service and performance report not later than 12 months after the coming into operation of section 29(c) of the Bill and annually thereafter. Tusla shall be required to submit a copy of the report prepared under this section to the Minister and the Minister for Education and Youth as soon as possible and not later than 21 days after adopting the annual service performance and activity report. This report shall be published by Tusla on the internet or in another manner as the Minister may specify.

The new section 46B would require Tusla to prepare a thematic report within three years of the coming into operation of section 29(c) of the Bill and every three-year period after this. This report shall be submitted to the Minister and where it relates to the education welfare functions of Tusla, it shall also be submitted to the Minister for Education and Youth. This report shall be prepared in the form and manner directed by the Minister and shall:

- include a “systematic analysis” of matters relating to the operation and delivery of services and activities carried out by or on behalf of Tusla pursuant to its functions under section 8 of the 2013 Act, the 1991 Act or any other enactment as the Minister may determine and
- be made in respect of a theme relating to the functions of Tusla as the Minister may determine or, in the case of the education welfare functions of Tusla, as the Minister for Education and Youth may determine.

Tusla shall publish the report on the website or in another manner as the Minister may specify.

Section 29(d) seeks to amend section 47 of the 2013 Act, which relates to the power of the Minister to give directions to Tusla. It seeks to insert a new subsection (7) to provide that

neither the Minister nor the Minister for Education and Youth shall give a direction to Tusla in relation to:

- any of Tusla's functions which relate to the provision of care, protection or family support services to a particular person, and
- any of Tusla's functions relating to a decision on whether or not a particular person is eligible for a particular service or the extent to which a person is eligible for a service.

According to the [Explanatory Memorandum](#) to the Bill, this amendment is intended to:

“...further strengthen the existing provisions of this section by clarifying that directions to the Agency from the Minister or the Minister for Education and Youth cannot apply to individual cases”.

Pre-legislative scrutiny

Overview of pre-legislative scrutiny (PLS)

The Joint Committee on Children, Equality, Disability, Integration and Youth (the Committee) undertook pre-legislative scrutiny of the General Scheme on 9 May 2023 and 16 May 2023, holding hearings with selected stakeholders. The Committee published their [Report on Pre-legislative Scrutiny of the General Scheme of the Child Care \(Amendment\) Bill](#) on 28 June 2024 with 96 key recommendations identified. These recommendations related to the General Scheme which also contained provisions around early years services. Therefore, recommendations 1- 89 from the PLS Report are relevant to the current Bill which focuses solely on child welfare and protection. The Committee received submissions from a wide range of stakeholders including the Office of the Ombudsman for Children, the Special Rapporteur on Child Protection, Empowering Children in Care (EPIC) and the Legal Aid Board, some of whom also attended the PLS hearings.

PLS recommendations

This section provides a brief overview of some of the key PLS recommendations which are within the scope of the Bill. The Joint Committee stated that this was the first time in 30 years that the Child Care Act is being substantially reviewed, albeit amendments have been made in the intervening years. It also observed that:

Now is the time to be ambitious and brave in committing to providing for children, especially those in care. The updating of this legislation is an opportunity to mobilise resources and act on learnings from the last three decades to ensure we do better for children.⁵⁸

In the foreword to the PLS Report, it highlights several key recommendations from the Committee including:

- All children and young people in care, including in a voluntary care arrangement, must have an assigned social worker and be supported by them, a Guardian *ad Litem* and an independent advocate, as required.
- The workability issues the Department cited in relation to providing free legal advice in cases of voluntary care must be overcome. Once they are and resources have been put in place to facilitate free legal advice for parents in cases of voluntary care, then it should be rolled out to all other care orders as well.

⁵⁸ Joint Committee on Children, Equality, Disability, Integration and Youth, (June 2023), '[Report on Pre-legislative Scrutiny of the General Scheme of the Child Care \(Amendment\) Bill](#)', at 4.

- The representation and input of disabled children and their carers, particularly those with care experience, should be legislated for in both the Children and Young People's Services Committees and the National Child Care Act Advisory Committee.
- The General Scheme should include specific provisions for protecting unaccompanied minors.
- The court should be satisfied that all available preventative and supportive interventions have been provided and have failed to protect the child before it considers a care order. The State should be legally obliged to provide these supports and interventions.⁵⁹

A common theme which emerged from the PLS hearings was the issue of lack of resources which can hinder making best practice a reality.⁶⁰ However as noted below, resources fall outside the scope of the Bill. The PLS Report also remarked that there were several elements not included in the General Scheme including private family arrangements or kinship care, aftercare and special care, provisions for unaccompanied minors, updates to aftercare and the 'in camera' rule.⁶¹ It appears that these elements have not been incorporated into the published Bill.

L&RS traffic light analysis of PLS recommendations versus published Bill

This section seeks to assess the extent to which the Committee's recommendations have been addressed in the Bill, as presented for Second Stage. To do this, a traffic light system is used by the L&RS, indicating whether a key issue is accepted and reflected in the Bill, whether a consistent or unclear approach is used, whether the recommendation has not been accepted or is not reflected in the Bill and whether the recommendation has not been implemented in the Bill, but additional considerations are present. It should be noted that due to the broad and diverse nature of the recommendations, it is not possible for the L&RS categorisation to fully capture the nuance and detail of each recommendation. This traffic light approach represents the L&RS's own, independent analysis of the Bill, and a key to this dashboard is shown in table 5 below. The L&RS is grateful to the Department for providing its commentary as to whether the Committee's recommendations have been incorporated into the final Bill and this is included verbatim in the table below, along with the traffic light icon as determined by the L&RS.

⁵⁹ Joint Committee on Children, Equality, Disability, Integration and Youth, (June 2023), '[Report on Pre-legislative Scrutiny of the General Scheme of the Child Care \(Amendment\) Bill](#)', at 4.

⁶⁰ Ibid at 5

⁶¹ Joint Committee on Children, Equality, Disability, Integration and Youth, (June 2023), '[Report on Pre-legislative Scrutiny of the General Scheme of the Child Care \(Amendment\) Bill](#)', at 5.

Table 5 Key to traffic light dashboard comparing the Bill as published with Committee PLS recommendations

L&RS categorisation of the Department's response in the Bill to the Committee's key issue	Traffic light dashboard used in Table summary of PLS recommendations to highlight impact of the Committee's PLS conclusion
Key issue has clearly been accepted and is reflected in the Bill	
The Bill may be described as adopting an approach consistent with the key issue or the impact of the key issue is unclear	
Key issue has not been accepted or implemented in the Bill	
Recommendation has not been implemented in the Bill, but additional considerations are present	

Source: Compiled by the L&RS.

Table 6 Traffic light dashboard comparing the Bill as published with Committee PLS recommendations.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
1. The commitment to support families within the guiding principles must be met with the resources needed to make that a reality.		Section 11A of the proposed Bill establishes a set of principles to guide the Child and Family Agency in the performance of its functions which includes supporting and encouraging the effective functioning of families. These principles are summarised as follows: • the best interest of the child is the paramount consideration, • the child, having regard to their age and capacity, is informed about developments regarding their care and protection, • where the child is capable of forming their own views, they are enabled to participate in decision-making • due weight shall be given to the views of the child, having regard to their age, maturity and circumstances. The matter of resources, however, falls outside the provisions of the Bill. Section 41(1) of the Child and Family Act 2013 stipulates that the Minister for Children, Disability and Equality develop and provide Tusla, the Child and Family Agency, with a performance framework with policy guidance, direction and prioritisation parameters for the preparation of the Agency's corporate plan. Provision is also made for the development of a performance statement to inform the Child and Family Agency's annual business plans. The current Performance Framework for 2024-2026 includes the Child and Family Agency's family support package, featuring among its priorities targeted and universal parenting supports, Tusla therapeutic services and other measures.

(2) Independent advocacy support for parents of children who come into contact with the Child and Family Agency should be developed as a matter of urgency, underpinned by a statutory footing.



This issue falls outside the provisions of the Bill.

The Child and Family Agency has a primary responsibility to promote the safety and well-being of children. It is the Department's view that as an extension of this, a social worker's primary role is to uphold the rights and best interests of the child. This is reinforced in the proposed Guiding Principles, which state that the Agency when performing a relevant function under the Child Care Act shall have the best interest of the child as the paramount consideration. The existing legislative framework is not a barrier to the use of advocacy services, as Tusla provides funding towards the provision by EPIC of advocacy support to children and young people in care.

Independent advocacy support is being examined as part of a wide-ranging review into the role of expert reports in the family law process undertaken by the Department of Justice, Home Affairs and Migration. It is important that the rights of parents are balanced with the rights of the child, and section 6 of the Bill includes provisions related to voluntary care arrangements which place an obligation on the Child and Family Agency to notify the parent in writing of the purpose and duration of the proposed voluntary care arrangement and the Agency's obligations in that regard, with the aim of supporting better informed parental consent. These provisions are outlined in further detail in the below response to Recommendation 12.

Section 29(b) of the Bill provides for the amendment of section 8 of the Child and Family Agency Act 2013 to insert a new obligation on the Agency to publish information on the orders that may be granted in respect of alternative care under the 1991 Act and the Agency's functions in regard to children in care and children accommodated by the Agency.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(3) An explicit duty on relevant agencies to assess and support a child's significant relationships should be included in the guiding principles and guidelines.		As outlined in the response to Recommendation 1, the Child and Family Agency must have regard to the best interests of the child as the paramount consideration in carrying out its functions. In considering the child's best interests, section 11 of the Bill, inserting section 11A in the 1991 Act, also requires that the Child and Family Agency shall have regard to the factors set out in section 24(2)(b) of the 1991 Act including the benefit to the child of having a meaningful relationship with his or her parents and other relatives and persons involved in their upbringing. This reflects current social work practice and regulations that require the Child and Family Agency to consider the child's relationships, alongside other key contextual factors in their life. This includes requirements under the Children First: National Guidance and Tusla's Alternative Care Practice Handbook, all of which emphasise the importance of promoting stability for the child. The relevant bodies to which the duty to cooperate apply and the Interagency and Implementation Committee are required, in the performance of their functions, to have regard to the principle that the best interests of the child is a primary consideration.
(4) Meaningful relationship' within the guidelines should be expanded to include information around identity, cultural consideration and the wider understanding of how children perceive themselves within their kinship groups.		Section 11 of the Bill and section 24 of the Child Care Act 1991 (as amended) provide for the consideration by the Child and Family Agency and the courts of any special characteristics of the child, the child's religious, spiritual, cultural and linguistic upbringing and needs, among the factors and circumstances considered for the purposes of determining what is in the child's best interests.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(5) It should be clarified that the Guiding Principles in Head 4 apply to more generalised decision-making under the proposed Act, rather than an individual child in an individual piece of decision-making. The Guiding Principles regarding the best interests of the child should also apply generally, to those working under the various elements of the Act, from those drafting guidance under the proposed Act (Head 5), to the Agency (Head 6) or the proposed new Children and Young People's Services Committees (Head 9) and so on.		The guiding principles introduced in section 11 of the Bill apply to all decision-making processes undertaken by the Child and Family Agency when performing its functions under the Child Care Act 1991 and section 8(1)(b) and (c) of the Child and Family Agency Act 2013. These functions extend from planning at the macro level to decisions in respect of an individual child. The relevant bodies to which the duty to cooperate apply and the Interagency and Implementation Committee are required, in the performance of their functions, to have regard to the principle that the best interests of the child is a primary consideration. These functions extend from planning at the macro level to decisions in respect of an individual child.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(6) Whilst there is an obligation proposed to have regard to the Guiding Principles, there should also be an express requirement to record the reasoning of the decision-maker, through record-keeping by those operating under the Act.		Provision for record-keeping generally by public bodies is outside the remit of this Bill. Record-keeping by the Child and Family Agency is a matter to be addressed under its code of governance, established under section 50 of the Child and Family Agency Act 2013. All Child and Family Agency staff are made aware of the Data Protection Acts 1988 to 2018 through Data Protection Awareness training, and are required to comply with the eight principles of Data Protection. A Register of Processing Activities (ROPA) is maintained by the Data Protection Officer in the Child and Family Agency, and any amendments to the data processing arrangements in the Child and Family Agency require a Data Protection Impact Assessment to be carried out before the change can be approved.
(7) In so far as practicable” in Head 4(1)(g) should be amended and tightened up to provide less of a broad caveat, as currently it leaves too much scope for not abiding by the guiding principles.		The General Scheme of the Bill at Head 4(1)(g) has not been included in the Bill. Note that, when commenced, section 8 of the Family Courts Act 2024 will apply guiding principles to the courts hearing and determining proceedings under the Child Care Act 1991, including that determinations in proceedings are made with no unreasonable delay.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(8) Independent advocacy should be a right for children in care and should be provided for in this legislation. Resources and regulations should be provided accordingly.		The matter of resources falls outside the provisions of the Bill. See above response to Recommendation 2 regarding the matter of independent advocacy. Certain advocacy services are funded at present by the Child and Family Agency, including through third-party organisations, to provide dedicated advocacy to children and young adults in care and aftercare. Work is also ongoing in preparation for the establishment of the Guardian <i>ad litem</i> National Service, as provided for by the Child Care (Amendment) Act 2022. The provisions of this Act are intended to extend and regulate the guardian <i>ad litem</i> system for children involved in child care proceedings, to enhance the rights of children, and the capacity of the courts to make the right decisions in helping children and their families. The National Service will ensure that the voice and best interests of children are always at the heart of child care proceedings and will provide a high quality, standardised service to the courts and to children and young people who are the subject of these proceedings.
(9) The Guidelines in Head 5 should have a due regard obligation.		Section 27 of the Bill provides that, in the performance of its functions under the Child Care Act 1991, the Child and Family Agency shall have regard to guidelines issued by the Minister under section 69 of that Act.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(10) There should be consultation during the development of the proposed guidelines in Head 5. This should include work to ensure that the guidelines are informed by social work values and best practices.		In the development process for guidelines to be made by the Minister under section 69 of the Child Care Act 1991, amended as proposed in section 27 of the Bill, regard shall be had to the Consultation Principles and Guidance applicable to the civil and public service. The Child and Family Agency, as the primary body responsible for delivering services under the Child Care Act, will play a role in shaping these guidelines and their participation in the consultative process will ensure the guidelines reflect current social work values and best practice. The Department has also consulted with the Irish Association of Social Workers (IASW) on matters related to the Bill and will continue to do so with regard to the development of guidelines.
(11) The Duty of the Agency in Head 6 should have explicit reference to the obligation to uphold the rights of the child, as enshrined under the Constitution and in the UNCRC.		The obligation to uphold the rights of the child is embedded in the broader legislative and constitutional framework that underpins child welfare and protection in Ireland. In practice, the UNCRC continues to inform and underpin national child protection policies, including Children First: National Guidance as well as the Child and Family Agency's own internal practice policies and procedures. The Agency will also be required under the proposed provisions to have regard to guidelines issued by the Minister, and under section 5 will also be enabled to publish their own guidelines relating to the performance of its functions and the exercise of its powers, both of which can be utilised as a means to reinforce alignment with UNCRC principles.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
Proposed amendments to care orders and arrangements		
(12) Appropriate and timely services and family supports must be provided if voluntary care is going to work as a temporary measure as envisioned in the General Scheme.		Section 6 of the Bill replaces the existing provision for voluntary care arrangements in section 4 of the Child Care Act 1991. The main changes are to introduce positive consent as the basis for voluntary care; to ensure parents are informed of the purpose and duration of care arrangements and of their right to withdraw consent; and provide for periodic reviews of voluntary care arrangements at minimum every six months, to address the risk of drift and ensure voluntary care remains a temporary measure as it is intended. The Department recognises and accepts the need for ongoing engagement and coordination on the delivery of supports to children and their families. Section 11 of the Bill places a statutory duty to cooperate on relevant bodies, which will include specified public bodies and service providers, in matters relating to the welfare and protection of children.
(13) Contact between the child and parent and others whom the child has significant relationships with must be supported where appropriate, as it is key to successful reunification.		See above response to Recommendation 3. Maintaining appropriate contact between children and their families, or others with whom they have strong attachments, is recognised as a key element of promoting stability for the child. This is addressed in existing standards and policies such as the Children First: National Guidance, HIQA National Standards for foster care and residential care, and Tusla's Alternative Care Practice Handbook.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(14) A time limit should be placed on the duration of voluntary care arrangements.		As outlined in the response to Recommendation 12, the Bill will strengthen the oversight and review mechanism for voluntary care arrangements by mandating formal reviews at minimum every six months, to address the risk of drift and ensure voluntary care remains a temporary measure as it is intended.
(15) A limit should be put on the amount of times the voluntary agreement can be renewed.		As outlined in the response to Recommendation 12, the six-month periodic review process requires the Child and Family Agency to consider if there is a reasonable prospect of family reunification or whether it is in the child's best interests for application to be made for another type of care order in respect of the child. Provisions regarding informed parental consent will support the delivery of voluntary care arrangements as temporary measures.
(16) There should be formal reviews before the expiry of the agreement, with a review of the care plan to take place alongside this.		See above response to Recommendation 12 regarding arrangements for formal reviews of voluntary care arrangements. Reviews of this nature would include consideration of the child's long-term care plan, where it is considered if voluntary care should cease - either because the child can safely return to their family, or it is concluded that another type of care arrangement, such as an interim care order or supervision order, would be in the best interests of the child.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(17) All children and young people in care, including in a voluntary care arrangement, must have an assigned social worker and be supported by them, a Guardian ad Litem and an independent advocate, as required.		The assignment of a Tusla worker/social worker to every child in care, including voluntary care, is a regulatory requirement. Commencement of the Child Care (Amendment) Act 2022 which will provide for the establishment of the Guardian ad Litem National Service will reform the current GAL system and ensure that every child subject to legal proceedings under the Child Care Act 1991 has access to an independent guardian ad litem (unless otherwise directed by the Court) to represent the child's views and best interests within the context of those legal proceedings. In the matter of independent advocates, see the above response to Recommendation 8.
(18) A GAL should be appointed to the child six weeks in advance of the review of a voluntary arrangement.		See above response to Recommendation 17 regarding the role of the Guardian ad Litem. Should review of a voluntary care agreement indicate it is no longer suitable for the child's needs, the Child and Family Agency may initiate court proceedings to apply for an interim care order or care order in respect of the child. Once such proceedings are initiated, then a GAL appointment may be made for the child.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(19) The independent advocate and GAL should participate in the reviews.		See above response to Recommendation 2 regarding the matter of independent advocacy. Certain advocacy services are funded by the Child and Family Agency, including through third-party organisations such as EPIC, which provide dedicated advocacy to children and young adults in care. Where a child has been assigned an independent advocate, the advocate may participate in the review of a voluntary care arrangement at the discretion of the child's case worker and having regard to the principles guiding the performance by the Child and Family Agency of its functions under the Act. See above response to Recommendation 8 regarding the role of the GAL.
(20) Parents must be well informed about the arrangement, it especially needs to be made very clear to parents, in advance of a voluntary care arrangement, the manner in which the withdrawal of consent is to be communicated.		As outlined in the above response to Recommendation 12, new provisions have been made concerning the notification of parents and supporting parental consent to voluntary care arrangements. Section 6 of the Bill will require that parents give written informed consent to any voluntary care arrangement, and to support this, the Child and Family Agency will be required to notify parents of the purpose of the voluntary care process, the procedure around the giving and withdrawal of consent, and clearly outlining parents' rights within this process. New provisions have also been made in section 29(b) of the Bill regarding the publication of information on voluntary care and other orders for parents by the Child and Family Agency.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(21) Parents of children considering a voluntary care arrangement should be provided with access to both free independent legal advice and independent advocacy support at no cost to them.		See the above response to Recommendation 2 regarding advocacy support. Civil legal aid is available from the Legal Aid Board in respect of child protection proceedings under the Child Care Act 1991, which provides legal advice and legal representation to parents who cannot afford legal representation and meet qualification criteria.
(22) Further consideration should be given to who can consent to a voluntary arrangement and to further defining in loco parentis.		The Department is satisfied that the current legislation allows for consent from a parent or a person acting in <i>loco parentis</i>, subject to appropriate safeguarding. While interpretations of the concept of <i>loco parentis</i> can vary, further definition of the term falls outside the provisions of the Child Care Act given its broader legal significance in other legislation such as the Guardianship of Infants Act, Child and Family Relationships Act, and in the context of citizenship applications.

PLS recommendation as per Committee report	Whether addressed (either in whole or in part) in the Bill
(23) There should be an independent oversight mechanism for voluntary care arrangements.	As outlined in the above response to Recommendation 12, section 6 of the Bill includes a number of provisions which will strengthen oversight of voluntary care arrangements through the introduction of: • A requirement for better informed parental consent, supported by publication of information for parents by the Child and Family Agency; • reviews of voluntary care arrangements every six months; • Through the guiding principles, enhanced provisions around consideration of best interests of the child in decision-making. The Department considers that the provisions outlined above paired with existing regulatory and review mechanisms are sufficient to promote accountability in the use of voluntary care arrangements. The Child and Family Agency is subject to external oversight by HIQA, through inspection against national regulations and standards.

PLS recommendation as per Committee report	Whether addressed (either in whole or in part) in the Bill
(24) The Head 25 provision for enhanced rights for foster carers should not be used to reduce the birth parent's agency in cases where they are engaging positively and satisfy the elements of a 'meaningful relationship' and there is a realistic prospect of reunification.	 Section 23 of the Bill provides for reducing from five years to three years the period of continuous care required before a foster carer or relative can apply to the court to exercise enhanced rights in respect of a child on behalf of the Child and Family Agency. An application may only be made where the child is in care under a section 18 care order, in which case the Child and Family Agency already exercises like control to a parent over the child. The policy intent of this new provision is to improve the day-to-day life of the child, supporting the stability of their placement and their relationship with their carer. While enhanced rights may shift day to day decision-making authority to the foster carer, it is expected this would occur with the continued involvement of the birth parent(s), especially where a meaningful relationship with their child exists. In the event reunification does take place, the foster care arrangement and any associated enhanced rights would lapse. Section 43B of the Child Care Act 1991 also provides a mechanism whereby an order for enhanced rights can be discharged through application by the birth parent. The implications of conferring parental-like authority on foster carers while a child remains in voluntary care have also been considered. The proposed changes in section 6 of this Bill serve to emphasise the temporary nature of voluntary care arrangements, and as such enhanced rights for foster carers would not be appropriate in the context of such arrangements. The Bill therefore provides that an application may only be made when the child concerned is in care under a care order.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(25) Heads 17, 18 and 19 should be amended to make explicitly clear in the Bill that the risk of harm posed to a child, based on a live assessment of risk which takes into account past harm, is what forms the basis for care order proceedings initiated by the Child and Family Agency. The likelihood of future harm should be considered only where the basis for the application made by the Agency would remain unchanged.		The General Scheme of the Bill included provisions for the purpose of providing that the court being satisfied that a child is likely to be assaulted, ill-treated, neglected or sexually abused is a ground for the care order or supervision order. Those provisions have not been included in the Bill. On further examination and on foot of legal advice, the Department has concluded that the existing language is sufficiently broad and no change to the legislation is required.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(26) Legislation should be brought forward in a more complete way going forward. Everything that needs to be in the legislation should be. Policy issues should be resolved before a General Scheme is drafted or referred for scrutiny.		The Department acknowledges the importance of presenting a considered policy in the Heads and General Scheme of the Bill. Significant internal discussion and consultation preceded the publication of the General Scheme of the Child Care (Amendment) Bill 2023, which included: • An extensive period of policy development and legal analysis across multiple divisions within the Department and with the Office of the Parliamentary Counsel (OPC), • Engagement with the Child and Family Agency, other relevant Government Departments, and key stakeholders. • A formal public consultation, the outcomes of which informed the drafting process. As with many legislative reforms, some policy refinement continued in parallel with pre-legislative scrutiny, which is part of the intended purpose of that process.
(27) Private Family Arrangements and kinship care should be included in the General Scheme, in line with recommendations from the UN Committee on the Rights of the Child and in collaboration with relevant stakeholders.		This issue falls outside the provisions of the Bill. The Department is in the process of developing a national policy on the rights of children living in informal kinship care, in line with commitments in the Programme for Government. This policy will consider the rights of children living in informal kinship arrangements and the associated rights and necessary supports of their carers.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(28) Suspected intent to perform forced marriage and female genital mutilation should be named explicitly as criteria for an emergency care order.		The threshold for an emergency care order is met where there is an immediate and serious risk to the health or welfare of a child. An emergency care order can be sought where there is credible evidence of risk, and this includes circumstances where there is reason to believe a parent or guardian would not protect the child from harm. It is appropriate to preserve the generality of the legal threshold to better facilitate responsiveness to a wide range of potential risks to a child, including those which are culturally sensitive or not yet prevalent in Irish case law. The intent to perform female genital mutilation and forced marriage of a child, which are both criminal offences, as well as other serious forms of abuse or exploitation, constitute such a risk. It will be open to the Child and Family Agency to use its powers under section 5 of the Bill to prepare and publish guidelines to provide further practical guidance concerning the exercise of its functions in regard to emergency care orders, and addressing aspects such as risk of forced marriage or female genital mutilation, if it considers this to be appropriate or necessary.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(29) Further consultation with stakeholders on Head 14 should be undertaken to examine the concerns raised here in relation to emergency care orders.		Section 13 of the Child Care Act 1991 provides that an emergency care order may be made by the court for a period of 8 days or shorter as specified in the order. This remains unchanged. Section 13 of the Bill provides the further option that the court may make an emergency care order for a period of up to 15 days, where the judge is satisfied that such longer period is necessary in the circumstances of the case. These provisions are proposed to account for the potential complexity of a case and the impact of these complexities on the prospect of successful family reunification. In considering the matter, the judge shall have regard to the best interests of the child.
(30) It should be essential, rather than desirable, for a child to be visited by or on behalf of the Child and Family Agency during a supervision order.		The use of the word “desirable” in section 19(1) of the Child Care Act 1991 refers to the threshold to be met for the making of a supervision order. Visits are still required to occur, as and when appropriate. Section 15 of the Bill was intentionally framed to reflect the flexibility required by social workers and to facilitate discretion regarding how best to monitor an individual child’s needs and situation, including through engagement with the child and their family, school, or other services. The enhancements to supervision orders in section 15 of this Bill will better support appropriate follow-up with the child with minimal disruption to their family life.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(31) Early years centres should be listed alongside schools in Head 19(4) as an essential intervention that could be listed as part of a supervision order.		Section 15 of the Bill amends the current provisions regarding supervision orders to provide that the Child and Family Agency may meet the child in various settings, including without the presence of a parent or guardian, and may consult with any person reasonably believed to be in a position to assist in promoting the child's welfare. This includes early years services.
(32) Consideration should be given to amending the text in Head 19 to provide that the court may give directions on its own motion or that of another party to the proceedings.		The text of section 19 of the Child Care Act 1991 currently provides that the court may give directions in relation to specified matters, including attendance at school or medical appointments, without making explicit who may trigger such directions, or whether it must be upon application or if the court may act of its own accord. Empowering the court to give directions on its own motion would significantly formalise the process for a supervision order, which is designed to be a low-intervention alternative to other types of care orders, and a more collaborative arrangement between the Child and Family Agency and the family. The court has existing powers under section 47 of the Child Care Act 1991, of its own motion or on the application of any person, to give directions on any question affecting the welfare of a child who is in the care of the Child and Family Agency as it thinks proper.

PLS recommendation as per Committee report	Whether addressed (either in whole or in part) in the Bill
(33) Head 19 should include a reference to the principle from constitutional and European human rights law that intervention in family life must be proportionate, to provide a safeguard against children being taken out of family homes prematurely.	The principle of proportionality is already embedded in S.3(2)(b) of the Child Care Act 1991, which provides that the Child and Family Agency have regard to the principle that it is generally in the best interests of a child to be brought up in their own family. This principle underpins all interventions by the Child and Family Agency, and it is expected that any decision to seek a care order is assessed against this principle.
(34) As another safeguard against children being taken out of family homes prematurely, the court should be satisfied that all available preventative and supportive interventions have been provided and have failed to protect the child before it considers a care order. The State should be legally obliged to provide these supports and interventions.	Section 3 of the Child Care Act 1991 places a duty on the Child and Family Agency to promote the welfare of children who are not receiving adequate care and protection, and to provide family support services where necessary. The Child and Family Agency's Parenting Support Strategy 2022–2027 outlines the Agency's approach to enhancing family support in the coming years. Further to this, thresholds are set out for each care order, which must be met in order for an application to be made to the court in the first instance, and these thresholds are then examined by the court itself in its consideration of the application. Further to this, the guiding principles proposed in this Bill will ensure that the child's best interests, which encompass their safety, wellbeing and relationship with their family, is considered by the Child and Family Agency as part of the decision-making process surrounding application for a care order.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(35) As with voluntary care orders, interim ones should be short, support-focused interventions that centre on providing families with every chance for successful reunification.		Section 17(2)(b) of the Bill provides that the period for which an interim care order has effect, including any extensions made to an order, is capped at 18 months. The extension of an interim order may only be made where the judge is satisfied that the grounds for the making of the order continue to exist. This legislative change is intended to ensure that interim care orders have a hard time limit, while still allowing sufficient time for the child's care plan to be developed and implemented, and for the Child and Family Agency to support successful reunification with the family. It remains at the discretion of the court to determine the appropriate timeframe for an interim care order, and they may grant or decline extensions as appropriate.
(36) Where there is an extension to an interim care order, the child's social worker should be required to visit the child at least once per month, as opposed to periodically, as is currently stated in Head 17(5)(b).		Standards regarding the frequency of social worker visits are guided by statutory regulations, such as the Child Care (Placement of Children in Foster Care) Regulations 1995; the national standards for foster care and residential care, overseen by HIQA; and the Child and Family Agency's own internal practice frameworks, which emphasise regular visits and appropriate engagement with both the child and their family. A statutory requirement for monthly visits risks creating inflexibility instead the necessity and frequency of visits is best determined by the social worker in the development of an individualised care plan for the child.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(37) The workability issues the Department cited in relation to providing free legal advice in cases of voluntary care must be overcome. Once they are and resources have been put in place to facilitate free legal advice for parents in cases of voluntary care, then it should be rolled out to all other care orders as well.		See above response to Recommendation 21 regarding the provision of legal advice. Civil legal aid is available from the Legal Aid Board in respect of child protection proceedings under the Child Care Act 1991, which provides legal advice and legal representation to parents who cannot afford legal representation and meet qualification criteria. The matter of resources falls outside the provisions of the Bill.
(38) Informed consent and due process must be built-in to all care proceedings.		See above response to Recommendation 12, regarding consent and information for parents regarding voluntary care arrangements. These provisions are designed to balance due process rights of parents with child protection. Section 29(b) of the Bill provides for the amendment of section 8 of the Child and Family Agency Act 2013 to insert a new obligation on the Agency to publish information on the orders that may be granted in respect of alternative care under the 1991 Act and the Agency's functions in regard to children in care and children accommodated by the Agency.
(39) Suitable, accessible information should be provided to parents and children by the Child and Family Agency and the courts at every juncture.		See above response to Recommendation 38, regarding the publication of information for parents and families by the Child and Family Agency. Mandating provision of information by the courts is a matter for the Department of Justice, Home Affairs and Migration.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(40) The duty on the court to provide a written decision, in plain and accessible language, should apply to all care orders.		As above, in response to Recommendation 39, the publication of information, including written judgments in District Court proceedings is a matter that falls within the remit of the Department of Justice, Home Affairs and Migration. Any reform relating to court-based information provision would need to be led as part of broader family law reform, potentially under the Family Courts Act 2023 or a review of the current District Court rules and regulations.
(41) Further consultation with stakeholders should be undertaken to investigate the need for lowering the threshold for making a child a party to proceedings, the risks and benefits of doing so and whether it is seeking to resolve issues that would be better served through the provision of other supports and resources, such as easy access to GALs, social workers and independent advocates.		The Bill provides at section 17 that the court may now join a child to proceedings where it is satisfied that doing so is in the best interests of the child, having regard to the child's age, understanding and views, and also having regard for their best interests. The proposed wording reflects a more child-centred approach, recognising the child as an individual rights holder. Implementation of the Child Care (Amendment) Act 2022 will repeal section 26(4) of the Child Care Act 1991 and provide that a child may both be joined as a party and retain their Guardian Ad Litem, subject to the court's discretion under section 35H(4). The proposed changes arose from engagement with legal and child advocacy stakeholders during the drafting of both the current General Scheme and the 2022 Amendment Act.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(42) Proposals on the admissibility of hearsay evidence in child care proceedings should be completed and included in the General Scheme.		While the text of the proposed Head was not included in the original General Scheme presented for pre-legislative scrutiny, the Department later developed a draft Head in response to the recommendations made and has given extensive consideration to this matter. Further to external consultation and on foot of legal advice, the Department has determined that the proposed Amendment to S.29 of the Child Care Act 1991, as drafted, should not proceed at this time.
(43) Head 25 hearings should include consideration of whether the parent(s) is engaging and/or carrying out the functions that would transfer to the foster parent and whether there is a likely prospect of reunification.		See above response to Recommendation 24. Note that extended rights in respect of the child are exercised by the foster parent or relative under s.43A on behalf of the Child and Family Agency. The foster parent or relative may only apply for extended rights in respect of a child who is in care under a s.18 care order, in which instance the Agency already has such rights in respect of the child. When the care order is discharged, the delegation of extended rights to the foster parent or relative ceases. This is no longer possible for a child who is in care under a s.4 voluntary care arrangement, where like control to a parent is not granted to the Child and Family Agency and the parent continues to exercise parental control over the child.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(44) Under Head 25, the child's views should be taken into consideration early on and throughout the application for enhanced foster carer rights.		See above response to Recommendation 3, regarding the proposed guiding principles. The best interests of the child remain the paramount consideration in all child care proceedings including assigning enhanced rights to a foster carer or relative.
(45) There should be a mechanism in place for the GAL to outline the child's views during deliberations on enhanced rights for foster parents, if the child wishes.		This is already provided for in section 26 of the Child Care Act 1991, as amended, under which the court may, if it is satisfied that it is necessary in the interests of the child and in the interests of justice to do so, appoint a guardian ad litem for the child in any proceedings under Part VI of that Act, including proceedings in regard to enhanced rights for foster parents.
(46) Foster carers should be made aware by the Child and Family Agency of the steps required to secure enhanced rights and actively supported to engage in the process.		Information for foster carers is provided by the Child and Family Agency through their website. Their Your Fostering Guide, which can be found in the online Tusla Foster Carer Hub, contains information regarding applying for enhanced rights.
(47) The child's wishes should be central within deliberations on enhanced rights for foster carers and the child should be supported by a GAL, social worker and independent advocate as required.		See above responses to Recommendations 8, 17 and 19 regarding the role of the GAL, social worker and independent advocate. See above response to Recommendation 44 regarding consideration of the child's views.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(48) The foster care committee system should be reviewed to assess how practice varies geographically and to address any gaps in terms of service review and enhancement.		This is more of an operational matter for the Child and Family Agency to address, therefore falls outside the scope of the Bill. Ongoing internal review and quality assurance are embedded in the Child and Family Agency's operational practices. Oversight mechanisms already exist to support improvements in consistency and quality across the Agency's 17 service areas. Under the National Standards for Foster Care (HIQA, 2003), which remain in force, foster care committees play a central role in approving and reviewing foster care placements, and in ensuring quality and safety. More generally, the Programme for Government and Tusla's Corporate Plan commit to ongoing improvement and standardisation across all aspects of child protection and welfare services. This includes the fostering system, where variability in practice is already being addressed through policy reviews and workforce planning.
(49) Foster care must be properly resourced, including via raises to the foster care allowance, the introduction of a state pension for foster carers, better provision of supports for foster carers, better support services for foster children and timely access to the assessments and interventions required by children in foster care placements.		The matter of resources falls outside the provisions of the Bill. In line with a commitment in the Programme for Government 2025, a comprehensive action plan that takes a cross-government approach to foster care is being developed as well as a National Policy Framework for Alternative Care. The Child and Family Agency continues to provide a range of supports to foster carers, including access to fostering link workers; training and education programmes; peer support networks and 24/7 emergency out-of-hours support in some regions.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(50) Where a service proposes to operate as a provider of a relevant service, they should be legally obliged to have a child safeguarding statement in place before, not from, the date on which they commence.		This issue falls outside the provisions of the Child Care (Amendment) Bill, however the issue is addressed under the Children First Act 2015, which provides the statutory framework for child safeguarding across relevant services. Section 11 of the Children First Act 2015 places a legal obligation on providers of relevant services to prepare a child safeguarding statement within three months of becoming a provider of such a service. However, as part of best practice guidance, the Children First National Guidance encourages providers to prepare the CSS before commencing operations, to ensure appropriate protection measures are in place from the outset.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(51) The powers of inspection, compellability and enforcement available to the Child and Family Agency in relation child safeguarding statements need to be strengthened as a priority.		The powers of inspection and enforcement related to child safeguarding statements under the Children First Act are primarily vested in the Child and Family Agency, which has the authority to request copies of these statements from relevant service providers; review the adequacy of the statements and direct providers to amend them if required. However, the Child and Family Agency does not currently have statutory powers of enforcement beyond the issuance of compliance directions under Section 12 of the Children First Act 2015. There is no provision for administrative fines or prosecutions for non-compliance, which limits the Agency's ability to compel action in certain circumstances. HIQA plays a key role in monitoring and inspecting statutory child protection services and has its own independent oversight mechanisms. However, HIQA does not currently have a role in enforcing CSS compliance across all service types. A review of current enforcement mechanisms could form part of a future review of the Children First statutory framework, or broader child protection reform initiatives.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(52) The Child and Family Agency should be given additional resources to strengthen its existing powers, including such powers where a joint protocol is already in place.		The matter of resources falls outside the provisions of the Bill. The Child and Family Agency has seen significant budget increases in recent years. Their core funding has increased by over 30% since 2018. In Budget 2024, the Child and Family Agency received an additional €25 million, bringing its total allocation to approximately €940 million. Within this, specific allocations have been made for targeted improvements, including recruitment of additional social workers and family support workers; implementation of the Parenting Support Strategy 2022–2027; and enhanced supports for young parents, refugee families, and children in International Protection. Where joint protocols exist with other bodies, the Child and Family Agency is expected to fulfil its obligations within the bounds of its existing resources and in collaboration with partner agencies.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(53) The Child and Family Agency should continue and intensify information campaigns around the requirements for relevant organisations and persons under Children First. These should be aimed at providers as well as parents/guardians.		While the delivery of information campaigns is a matter that falls outside the provisions of the Bill, the Department and the Child and Family Agency, in co-operation with the statutory Children First Inter-Departmental Implementation Group, lead on the delivery of Children First Awareness Week as a bi-annual campaign aimed at promoting awareness of child safeguarding responsibilities, targeting both relevant service providers and the general public, including parents and guardians, and emphasising the mandatory reporting obligations of certain professionals. The Child and Family Agency continues to provide accessible online resources and eLearning modules through its Children First Information and Advice Service. They also provide dedicated guidance for designated liaison persons, mandated persons, providers of relevant services and parents Under Children First, every Government Department is responsible for ensuring that its funded services are aware of and comply with the provisions of the 2015 Act and with the s.6 guidelines.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(54) Consideration should be given to protections for whistle-blowers/persons of conscience reporting on concerns.		This issue falls outside the provisions of the Bill. Protections for whistle-blowers are currently provided for under the Protected Disclosures Act 2014, which was amended by the Protected Disclosures (Amendment) Act 2022 to enhance safeguards in line with the EU Whistleblowing Directive. In the specific context of child protection and safeguarding, the Child and Family Agency and other mandated bodies operate under the Children First Act 2015, which provides a legal basis for mandatory reporting, and establishes protections for those who report concerns in good faith.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(55) Child protection should take precedent over data protection where it concerns the cooperation and sharing of information among relevant agencies.		The Data Protection Act 2018 already provides mechanisms to allow for the sharing of personal and special category data where it is necessary for the performance of a statutory function, such as child safeguarding. Section 11 of the Bill inserts a new section 11D which provides that a relevant body may share information, including personal data and special categories of personal data, with another relevant body where such information-sharing has been deemed necessary. A new section 11E sets out that relevant bodies may also process such data as shall be necessary and proportionate for the performance of their functions. Furthermore, provisions under section 10 of the Bill, regarding the Implementation and Interagency Committee, will enable members or a nominating body which is represented at the Committee, to share information (excluding personal data) with the Committee or another nominating body for the purposes of its functions.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(56) All those working with victims of abuse should be trained in line with best practice.		This issue falls outside the provisions of the Bill. Under the Children First Act 2015 and associated guidance, mandatory reporting obligations and training requirements already apply to designated professionals, and the Child and Family Agency provides e-learning modules and resources for these mandated persons to assist them in carrying out their responsibilities in an appropriate, child-centred manner. The Child and Family Agency's National Approach to Practice: Signs of Safety guidance also emphasises a trauma-informed approach in the delivery of services and supports to children and families.
(57) Head 10 should be used in conjunction with Children First for improving the safeguarding of children more effectively than currently proposed in the General Scheme. It should make cooperation mandatory, not optional. The discretion should be removed and the duty to cooperate should go further than information sharing.		Section 11 of the Bill places a statutory duty to cooperate on relevant bodies, which will include specified public bodies and service providers, in matters relating to the welfare and protection of children, as well as the aftercare needs of young people leaving care. The duty is mandatory and is not limited to information sharing.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(58) Sanctions should be introduced for the non-reporting of mandated concerns.		This issue falls outside the provisions of the Bill. The Children First Act 2015 provides for mandatory reporting of child protection concerns by key professionals, including teachers, gardaí and healthcare professionals. Under the Act, mandated persons are required to report child protection concerns at or above a defined threshold to the Child and Family Agency. While it is expected that persons mandated to report will meet their statutory obligations without the necessity to impose criminal sanctions for non-reporting, there are criminal sanctions for withholding information from An Garda Síochána.
(59) The Department, policymakers and Special Rapporteur for Child Protection should engage in discussions on the proposed Head 10 and on learnings stemming from the UK experience.		Input from the Special Rapporteur's published reports and recommendations has been taken into account throughout the drafting of the Bill, including the provision on the duty to cooperate. The Department has also considered international approaches to interagency cooperation, including relevant learnings from the UK, while ensuring alignment with the Irish legal context.
(60) Heads 13 and 44 should be further considered, in line with the observations of key stakeholders as detailed in this report.		This recommendation has been considered and addressed in the drafting of the Bill. Heads 13 and 44 were the subject of detailed legal and policy consideration by the Department following pre-legislative scrutiny. In particular the Department has given further consideration to the submissions to the Committee from the Ombudsman for Children's Office and the Special Rapporteur, as requested by the Committee during pre-legislative scrutiny.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(61) The General Scheme should be amended to include strong legal provisions to ensure that the State meets children's needs, especially those in care and those with a disability or both.		The Bill seeks to strengthen interagency cooperation and accountability for the performance of functions under the Child Care Act, including through the introduction of the statutory duty to cooperate. The Implementation and Interagency Committee will play a significant role in identifying and addressing policy or service gaps for children in care complex, intersectional needs. These provisions acknowledge that addressing the needs of children in care, particularly those with disabilities, often requires coordinated input from multiple bodies across a number of relevant sectors, including health, social protection and education.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(62) The representation and input of disabled children and their carers, particularly those with care experience, should be legislated for in both the Children and Young People's Services Committees and the National Child Care Act Advisory Committee.		As outlined in the above response to Recommendation 61, the Implementation and Interagency Committee will play a role in addressing the needs of children in care who have complex needs, including disabilities. One of the Implementation and Inter-agency Committee's objectives is providing a mechanism for the key Government Departments and State agencies to work together in the planning for and implementation of the delivery by those bodies of services to relevant children, young people and their families. Its other objectives are the identification and removal of barriers, and monitoring compliance by its member bodies with their obligations under the Child Care Act 1991. While the Committee may regulate its own procedures for the conduct of its business and has all such powers as are necessary or expedient for the performance of its functions, it is expected that engagement with stakeholders on an ongoing basis, including input from children with disabilities and their carers, would inform its work. The proposal to place Children and Young People's Services Committees on a statutory basis is not being advanced in the Bill. A review of CYPSC is currently underway which will inform the future policy and legislative matters.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(63) Head 22 should be amended to mandate that the HSE, or any other relevant bodies whom the duty to cooperate under Head 10 applies to, attend proceedings and other Heads need to legally oblige such bodies to cooperate and deliver services, particularly for those with disabilities.		The duty to cooperate applies to a range of relevant bodies, including the Health Service Executive (HSE). Section 18 of the Bill amends the Child Care Act 1991 to introduce a new section 25A, which will empower the court to request the participation of relevant bodies in proceedings. Court-requested attendance carries significant legal weight, and failure to comply with a request could amount to contempt of court. In addition to this, placing the Implementation and Interagency Committee on a statutory footing is intended to strengthen systemic collaboration and address persistent service delivery gaps, including those for children with disabilities.
(64) Section 47 should be amended so that the court can make directions for services to additional public bodies to ensure greater accountability and more effective service provision for children where interagency co-operation is required, through direct court oversight.		Section 47 of the Child Care Act 1991 currently provides that the District Court may, of its own motion or on the application of any person, give such directions and make such order on any question affecting the welfare of a child in care (other than a child under special care) as it thinks proper. The Department is seeking to strengthen interagency cooperation through other mechanisms in the Bill; see above response to Recommendation 63.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(65) The Department and policymakers should revisit the General Scheme with insight from disabled people or organisations who represent them. Every Head must be considered with regard to ‘how can we build in some additional legal protection for children with additional needs here?’ and ‘how can we use this Bill to make all agencies do better for disabled children?’.		The Regulatory Impact Analysis (RIA) undertaken as part of this legislative process included consideration of the impact of the proposals on children with additional needs. The Department has also engaged internally with its own Disability Policy Unit throughout the drafting of the Bill.
(66) People with disabilities or additional needs should not be overlooked in the legislative process. Relevant departments and policymakers should seek engagement and enable their participation when creating legislation.		During the public consultation on the Child Care Act Review, individuals and organisations, including those representing people with disabilities, were invited to make submissions. The consultation process was open and accessible, and aimed to capture diverse experiences and perspectives, including those of individuals and children with disabilities.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(67) A review of the ‘in camera’ rule should be undertaken as a priority and the recommended legislative amendments arising from that review should be made within the next 12 months, to take account of advances in social media and the need for young people in care to be able to develop and express their identity.		This issue falls outside the provisions of the Bill. A review of the operation of the ‘in camera’ rule is being undertaken by the Department of Justice, Home Affairs and Migration in a separate and ongoing process under the Family Justice Strategy.
(68) The Child and Family Agency and the Department should urgently coordinate to establish what resources are needed to enable section five of the 1991 Act to operate in the safest way possible for children temporarily out of home and the resources required should be delivered immediately.		The matter of resources falls outside the provisions of the Bill. The Department engages regularly with the Child and Family Agency on matters of financial planning, including the allocation of resources to support the full range of its statutory responsibilities. This includes ongoing engagement during the annual estimates and budgetary cycle, as well as regular bilateral meetings and the oversight of Tusla’s Corporate Plan and Business Plans. The amendments to Section 5 which will be progressed are set out below at 69.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(69) Arrangements under Head 8 should be reviewed after three months at the latest, not six months as proposed in the General Scheme.		The Department is of the view that care provided under section 5 should be a short-term temporary measure. The Agency will be required to review the review the provision of temporary accommodation to a child under this section on a regular basis, which must be at least every six months, but may be more frequently. A further safeguard is that the Minister may make regulations in relation to the operation of this provision.
(70) The Heads involving the duty of various bodies to cooperate should be strengthened and used to tackle homelessness.		The statutory duty to cooperate aims to facilitate better interagency working. Where required, this could support cooperation between relevant bodies on housing matters for care-experienced children and young adults, with a view to their needs being met holistically.
(71) A lower age limit should be reconsidered under Head 8, in collaboration with the Child and Family Agency, the Child Law Project and other social workers with expertise in this area.		This recommendation has been considered, but was not addressed by the Bill, for the reasons set out below. Introducing a fixed lower age limit could inadvertently restrict the Agency's ability to respond flexibly and appropriately to a young person's individual needs and circumstances. In practice, section 5 accommodation placements are typically used for older teenagers temporarily out of the home following a family disagreement. These are short-term responses, where the aim is often to support reunification with family in a timely manner. Furthermore, the regulation-making powers included in section 8 of the Bill allow the Minister to specify further criteria as necessary, which may include parameters relating to age.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(72) A child who is deemed homeless and accommodated under section 5, should have this duration considered for the purposes of aftercare eligibility.		Eligibility for aftercare support provided for under section 45 and is linked to time spent in care, section 5 of the Child Care Act 1991 does not constitute a formal care placement, and therefore does not meet the statutory definition of being "in care" for the purposes of aftercare eligibility.
(73) A social worker should be appointed for children accommodated under section 5 and this should be explicit in the section.		The assignment of a Tusla Worker/social workers is addressed through the Child and Family Agency's operational policies and procedures. In practice, the Child and Family Agency conducts an initial assessment of the child's needs upon presentation and determines the most appropriate level of intervention. Where required, a social worker is assigned to support the child.
(74) It should be clarified that Children First Act applies to these services as homelessness is not listed as a relevant service in schedule 1 of the Children First Act 2015.		Schedule 1 of the Children First Act 2015 defines the "relevant services" to which certain provisions, including mandatory reporting, apply. While "homeless services" are not explicitly listed in this schedule, many services working with children who are experiencing homelessness (e.g. social workers, youth workers, and health professionals) are already mandated persons under the Children First Act by virtue of their profession or setting. Furthermore, the Children First national guidance is clear that all organisations working with or in proximity to children have a duty of care to report concerns, regardless of whether they fall under a "relevant service" under the Act. The review of the Vetting Act under the Department of Justice, Migration and Home Affairs is the most appropriate place to consider the matter of relevant service.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(75) Section five should not operate in isolation from the rest of the Act. Children under this section should receive the services, attention and care that children ‘in care’ under other parts of the Act get.		Section 5 is fundamentally different in nature from the provisions of voluntary care in section 4 or care orders in section 18. Specifically, a child accommodated under section 5 is not in the care of the State in a legal sense. Their parent(s) or guardian(s) retain full legal responsibility, and the Child and Family Agency does not acquire parental rights or duties under this provision. In all instances, where it appears to the Child and Family Agency that a child, including a child who may currently be accommodated under section 5, requires care or protection which he or she is unlikely to receive unless a court makes a care order or a supervision order in respect of the child, the Agency has an ongoing duty under section 16 of the Child Care Act 1991 to make such an application. Nonetheless, children accommodated under section 5 must receive appropriate care, supervision, and established care planning procedures will be followed, including referrals to support services where appropriate, regardless of the child’s legal status. Where the Child and Family Agency assesses that a child’s needs cannot be met safely under section 5, it may take action under other sections of the Act, including with a view to bringing the child into care.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(76) Head 8 should apply to a situation where it is dangerous for a child to remain in their home due to violence or other threatening behaviour where the safety of others is at risk, or a situation where the child is a danger to themselves.		Section 5 of the Child Care Act 1991 is intended to provide a flexible, short-term response for situations where a child is temporarily out of home and cannot return safely or immediately. The amendment in section 7 of the Bill is intentionally set out in broad terms, allowing it to capture a range of risks to child safety including, but not limited to, violence, threatening behaviour and circumstances where a child is a risk to themselves. However, where the threshold of risk escalates beyond the temporary or situational, the most appropriate pathway would likely involve application by the Child and Family Agency for an emergency care order under section 13, or other type of care intervention in line with its duty under section 16 of the Child Care Act 1991, which would remove the child from the home and provide the courts with oversight.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(77) Head 8 should explicitly underline that where a child requires welfare and protection beyond their immediate need of accommodation, a care arrangement should be considered on assessment. A further assessment shall happen within three months, rather the proposed six months.		Where it appears to the Child and Family Agency that a child, including a child who may currently be accommodated under section 5, requires care or protection which he or she is unlikely to receive unless a court makes a care order or a supervision order in respect of the child, the Agency has an ongoing duty under section 16 of the Child Care Act 1991 to make such an application. Where a child is accommodated under section 5 and additional welfare or protection concerns become apparent, the Child and Family Agency is already required to consider whether the threshold for care under section 13, section 17, or section 18 is met, and to respond accordingly. The Agency will be required to review the provision of temporary accommodation to a child under this section on a regular basis, which must be at least every six months, but may be more frequently.
(78) Clarity is needed to identify whether the state is acting in <i>loco parentis</i> in this section, and what duties they assume as a result.		The State does not act <i>in loco parentis</i> in respect of children accommodated under section 5. This section does not constitute a care order and does not involve the transfer of parental rights or responsibilities. Parental authority remains with the child's parent or guardian unless a formal care order is pursued under other sections in the Child Care Act 1991. This is consistent with the current legal framework, and with the intended purpose of section 5 as a crisis response, and not as a substitute for full care.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(79) Children under this section should be able to be brought 'into care' if they so wish.		While the views of the child are emphasised throughout various sections of the Bill, it is important to note that pursuing a care order is not a matter of choice, even on the part of the child concerned. These decisions are subject to legal thresholds, which must be met before the Child and Family Agency can initiate care proceedings. Parental rights cannot be set aside based solely on the child's wish to be taken into care, in the absence of a legal basis and an evidential threshold. Where it appears to the Child and Family Agency that a child requires care or protection which he or she is unlikely to receive unless a court makes a care order or a supervision order in respect of the child, the Agency has an ongoing duty under section 16 of the Child Care Act 1991 to make such an application. This may arise where a child accommodated under section 5 expresses a wish to be brought into care, in which case the Child and Family Agency would assess their circumstances, which would include consideration of the child's views. If the threshold is met, the Agency is legally required to act.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(80) Accommodation provided under section five should be regulated and inspected.		Under the Health Act 2007, the Health Information and Quality Authority (HIQA) has the statutory authority to inspect both statutory and non-statutory accommodation where services fall under its remit. HIQA currently inspects the Child and Family Agency's Children's Welfare and Protection services and has conducted inspections of accommodation services provided for unaccompanied minors who have been accommodated under section 5. Care placements are subject to robust registration and inspection mechanisms, as provided for in the Child Care Act 1991 and regulations under the Act.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(81) Aftercare eligibility should be brought within the scope of the General Scheme and amended to ensure that: A. Aftercare is placed on a statutory footing for every child leaving State care; B. Aftercare supports are extended to 26 years of age based on an assessment of need; C. Discrimination in the allocation of aftercare services based on progression in further and higher education should be removed.		Aftercare already has a statutory basis, introduced through the Child Care (Amendment) Act 2015. Under the current statutory framework a young person is entitled to an assessment of need where they were in care for at least 12 months prior to turning 18. If eligible, an aftercare plan will be developed, and the young person will be entitled to appropriate supports, based off this assessment. This does not create a statutory entitlement to specific services or payments, but rather a statutory right to be assessed and supported, where appropriate. Certain entitlements that may be part of an individual's care plan, namely education or training allowances, are contingent on being in formal education, which is standard across many social protection systems. Nonetheless, the aftercare assessment and planning process is designed to consider each young person's individual needs, regardless of their academic status. In 2023, the Child and Family Agency published its Strategic Plan for Aftercare Services for Young People and Young Adults. Under the Plan, the Agency committed to commissioning research to further examine the scope of service provision for care leavers, including a focus on those who require support post 23 years. The matter of aftercare is also being examined in the development of a national policy framework on alternative care.

**PLS recommendation as per
Committee report**

(82) The eligibility criteria for aftercare should be widened to allow flexibility for consideration of individual circumstances and the impact of these on a young person's need for aftercare. Circumstances to be considered should include: The length of time the child and their family were known to or involved with social services; The length of time a child spent in care before the age of 13 and whether a child was taken into care after their 17th birthday. The level of vulnerability and risk experienced by a young person should be considered, as should waiving of the criteria requiring a young person to have spent 12 cumulative months in care.

**Whether addressed (either in whole or in part) in the Bill**

See above response to Recommendation 81 regarding the assessment of eligibility for aftercare.

These matters are being examined in the development a national policy framework for alternative care. The current statutory framework for aftercare places emphasis on an assessment of need, during which process individual circumstances, such as past involvement with social services and length of time in care, are taken into account.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(83) Bespoke aftercare should be provided to neurodiverse children and children with disabilities and the Child and Family Agency-HSE Joint Protocol for Interagency Collaboration should be updated in this respect.		See above response to Recommendation 81 regarding the assessment of eligibility for aftercare and development of an individualised aftercare plan. The Child and Family Agency–HSE Joint Protocol for Interagency Collaboration is an operational instrument and it would not be appropriate to amend this protocol via legislation. Updating of the protocol is a matter for the Child and Family Agency and the HSE, in consultation with the Department of Health.
(84) A pathway for foster care involvement in aftercare should be available, where appropriate.		It is currently open to foster carers to remain involved in the lives of young people after they turn 18, subject to the agreement of both parties. Many foster carers continue to support the young person informally, for example through housing or practical assistance, even after the formal care relationship ends. In certain cases, aftercare supports or payments may be directed to the foster carer, if they continue to provide accommodation or other forms of support under an agreed aftercare plan. These arrangements are determined on a case-by-case basis.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(85) It should be considered whether, if a person leaving care becomes a relevant person for the purposes of the Assisted Decision-Making legislation, a duty should be placed on the Child and Family Agency to assist the child in entering into an appropriate assisted decision-making arrangement, including the making of a Part 5 application in appropriate circumstances.		This issue falls outside the provisions of the Bill. The Child and Family Agency, through its aftercare services and planning, may identify care leavers with additional needs who would benefit from assisted decision-making supports. Where appropriate, the Agency may signpost or refer young people to relevant supports, including legal services or disability advocacy organisations, and may coordinate with the Decision Support Service.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(86) Appropriate new provisions on special care should be developed and included in the General Scheme. Funding should be provided accordingly.		This issue falls outside the provisions of the Bill. Part IVA is an operationally complex section of the Act, dealing with some of the most vulnerable children in the care system. Any amendments to Part IVA require a separate and focused policy process, distinct from the broader amendments being progressed under this Bill. The intention is to ensure that any future changes are informed by operational evidence, best practice, legal clarity, and appropriately reflect the complex nature of special care interventions. Considerable work continues to be undertaken to address the complex challenges in the provision of special care, the operation of which is a statutory responsibility of the Child and Family Agency. The Report of the External Review Group on Special Care, commissioned by the Child and Family Agency, was published on 20 May 2025 and presents recommendations for the future delivery of Special Care. The Department of Children, Disability and Equality will continue to examine longer term actions for the future provision of special care, informed by the Report of the External Review Group on Special Care. The Child and Family Agency continues to coordinate with relevant Government Departments and state agencies to ensure that appropriate therapeutic supports, placements and funding are in place to meet the needs of children requiring special care.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(87) The General Scheme should include specific provisions for protecting unaccompanied minors.		All children, regardless of background or immigration status, are treated equally under the Child Care Act 1991 and be subject to the same care thresholds and protections. In practice, the vast majority of unaccompanied minors are brought into care under the same legal provisions as any other child, and are provided with the same standard of care and support. Ireland has opted in to the EU Asylum and Migration Pact which will significantly reform the approach to migration and asylum both in Ireland and across the EU. A cross-departmental Programme Board is overseeing the development of a national implementation plan that will set out the State's proposed approach to meeting the requirements of the Migration Pact, which comes into effect from June 2026. The new International Protection Bill to give effect in Irish law to measures in the Pact includes specific provision for matters relating to minors, including unaccompanied minors. As is the case in the current system, it is envisaged that all unaccompanied minors will be referred to the Child and Family Agency as soon as possible after making their application for international protection. The International Protection Bill will provide for the necessary safeguards for children throughout the screening and international protection application process.

PLS recommendation as per Committee report		Whether addressed (either in whole or in part) in the Bill
(88) The status of a child as an unaccompanied minor itself should be enough to enable him or her to go into care.		See above response to Recommendation 87.
(89) Upon leaving care, their status as care leavers should override their status as international protection applicants for the purposes of eligibility for aftercare.		See above response to Recommendation 87. Under current legislation, the provision of aftercare applies regardless of nationality or immigration status, subject to the young person meeting the eligibility criteria.

Source: Compiled by Oireachtas Library & Research Service from the Child Care (Amendment) Bill, Explanatory Memorandum and commentary provided by the Department of Children, Disability Equality.