

Children & Family Relationships Bill

Eoghan Murphy TD, 26th February 2015

Draft Remarks

I wish to congratulate the Minister on bringing forward this Bill.

It is a complex piece of legislation which, once adopted, is not going to necessarily change the world that we know today in Ireland, but – more appropriately – reflect it.

The ‘traditional’ concept of the family evolved a long time ago and it’s about time that the politicians in here brought the laws up to speed.

And it’s great to be part of a government which is doing that.

One area I would like to touch upon at this stage is the area of father’s rights. We have discussed this already Minister and so my views are known to you.

The Bill does not give automatic rights to the unmarried father of a child.

It says, instead, that if you want these rights, you have to earn them – you have to prove your commitment to the child, but also to the mother.

And how do you do this? By living with the mother and child for a 12 month period.

But what about the natural rights of the father? What about recognition of the father’s natural rights in the guardianship and raising of their child?

If there is no recognition of such natural rights, does this not then undermine the notion of a natural responsibility – an automatic responsibility, which is something to be encouraged where it can unfortunately sometimes be lacking.

And if we look at the practicalities of achieving guardianship for the father, the test to achieve such rights and responsibilities seems to contradict the kinds of modern families and their arrangements that we see today.

The kind of modern families that the entirety of the rest of the Bill is attempting to address.

On the requirement to live with the mother for 12 months, and where at least 3 of those months are after the child’s births, is this really the best test to ‘prove’ that a father is interested in his child? And in the absence of recognising a natural right or an automatic right to guardianship, is it really the best standard by which we would then give that person such guardianship?

I believe there should be automatic rights to guardianship for the unmarried father of the child.

Another area I would like to touch upon is the idea of a *Central Register for Joint Guardianship Agreements*. I know that there is a request for the government to amend the bill for such a register that would provide a central register of statutory declarations agreeing guardianship rights. The Committee and the Law Reform Commission recommended something similar. I think we could consider this further at Committee stage.

I look forward to the debate progressing through the House and I hope that we can develop as much consensus as possible.

I commend the Minister on this excellent piece of legislation.

Thank you.