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**Launch of the Law Reform Commission Report on the
Legal Aspects of Family Relationships**

**35-39 Shelbourne Road, Dublin 4
21st December 2010**

Thank you and I am delighted to be here with you this evening to launch this report by the Commission on the legal aspects of family relationships. Firstly I want to thank the Commission for their hard work and professionalism. In an era when governance has become increasingly complex it remains vital to Government it has expert advice and research. The Law Reform Commission provides this to Government departments on a regular basis and on many issues. I also want to thank all those who have engaged with the Commission and who made submissions to it following the publication of its consultation document in September of 2009.

I am personally very honoured to be launching this report. For several years I have become increasingly familiar with the personal cases of many parents who do not have access to their children or a role in their lives, men who want to participate fully in the lives of their children but who cannot through no fault of their own. As awareness of these issues has grown through media exposure I have met more and more groups representing the plight of these fathers and I have been touched by the anger, the sorrow and the despair of these decent dads. The deprivation can often ruin lives, and in

hearing the voices of these fathers we are also hearing the voices of their children.

Some of these parents, and the groups which have worked hard to bring these issues to the fore, are here today, and for whom there is great hope that today will be an important step towards greater equality in family law. I acknowledge the work they have done to support the countless, often silent fathers who have suffered from little or no involvement in the lives of their children.

Over the past year I have also been contacted by many grandparents who do not have access to their grandchildren. These restrictions have denied many the opportunity to experience the joys of being active grandparents.

The report comes at a time of flux and change in the family patterns in Irish society. An increasing number of people are living together in non-marital relationships. We have marriage, divorce and re-marriage. Soon we will have civil partnerships. More and more children are born outside of marriage. I believe the recommendations of this report recognise that the traditional nuclear family has evolved and that family law must recognise this.

There has also been greater focus on the protection and status of children in recent years. There has been much discussion and documentation of failings in the protection of our children. In policy discourse there has been significant work to enhance the rights of

the child. Very recently the Government legislated on the issue of adoption. I see this report, and the work which will follow, as part of the ongoing need to reform the law concerning relationships between the child, the parent and the State.

I welcome the recommendations on reform of the terminology used in family law. These have been made to give greater accuracy, clarity and consistency – guardianship to be termed parental responsibility, custody to be termed day-to-day care, access to be termed contact - and this is helpful. One of the many challenges facing parents concerning the law is knowledge about the rights and responsibilities that come with parenthood. Clarity of language can only help in ensuring knowledge and understanding.

The recommendations in this report are far-reaching and ambitious and I commend the Commission for taking this approach. In its report it states that it was guided by the principles of the primacy of the rights and best interests of the child, and equality: “all parents should be treated equally in respect of their relationship with their children regardless of gender or marital status.” These principles are undeniable, and they must guide us in the work which follows this report. The child must be protected, first and foremost. Parents must be treated equally. There will always be exceptions and situations which the law must provide for, but we must work towards greater equality.

The recommendation for automatic parental responsibility is far reaching. It was made before by the Commission in 1982 in its report on illegitimacy, but was not implemented. Thankfully terms such as illegitimacy are not used, and the stereotype of the non-marital father changed. The debate and analysis which will follow this report is likely to be very different in terms of this recommendation.

Many of these recommendations are aimed at ensuring increased transparency and responsibility in the legal aspects of family relationships and this to be welcomed. The recommendation of compulsory joint registration of a child's birth by both parents is an example. By linking the registration of a birth and parental responsibility we might ensure greater involvement of more parents from the start of a child's life as well as the greatest possible chance that children will know their parents later on in life. Over three thousand or so births each year are registered without the details of a father. The Commission's recommendations in this area might prevent many of these children from having difficulty accessing their fathers later in life. The link between parents and children is fundamental, and it must be protected where appropriate and possible.

I welcome in particular the recommendations to allow the spouses and civil partners of a child's parent to have the possibility of obtaining parental responsibility for the children, by agreement or by court order. Civil partnerships will become a feature of the

family relationships structure in Ireland. A significant achievement of this Government was its Civil partnership and Certain Rights and Obligations of Cohabitants legislation, arguably the most progressive piece of civil rights legislation in many years. Children often have strong connections with the partners of their parents – be they step parents or civil partners in the future - and the method of conferring parental responsibility on spouses or civil partners needs to be examined in an open-minded way. This report will help the process.

Today's report should also serve as a reminder to all in the legal and other relevant profession about the need to uphold family law. Where someone seeks legal representation to seek access to their children they need to be provided with a fulsome defence; where there are false accusations made against parents they must be investigated; where court orders are made they must be upheld to ensure justice.

For the political class this report represents a huge opportunity to bring about greater equality and consistency in family law. In preparing for this event I read back through debates from times gone by on legislation in this area. I would like to quote to you one particular passage:

“This Bill is largely devoted to placing children in a general position of equality regardless of the circumstances relating to their birth. It is effectively devoted to ensuring that a child can establish, where

there is any doubt about it, who his mother and father are and to ensuring that children will have equal rights with regard to guardianship, property and financial matters, vis-à-vis their parents, irrespective of the circumstances to their birth.” That was said in 1987, in a debate on legislation responding to a 1982 report by the Law Reform Commission on illegitimacy. Twenty-three years ago last week the Status of Children Act was enacted. It was a positive step that followed much debate about how society had changed, that the status of children born outside of marriage needed to be regularised, that equality before the law had to be ensured. Many of the same issues remain. This report represents a crucial opportunity to reform family law, to strengthen the rights of children and parents, now and not in a generation’s time. The relevant departments need to examine this valued report with urgency, its recommendations responded to as a matter of priority.

I am pleased that this report is being published just before Christmas. Many fathers who I have listened to have spoken of the sorrow this week brings them, the long and bleak days of Christmas when they can only wonder about the time they might have had with their cherished children. This report should give hope to those fathers that a new era will arise, that their lives and those of their children will be enhanced, that times like these will be brighter in the not too distant future.

I will seek a meeting with the relevant Ministers, the Minister for Justice and the Minister for Social Protection, as a matter of priority

in the New Year. I will drive forward this agenda. I will not stop working on these issues until equality is at the heart of the law concerning family relationships.

Once again, on behalf of the Government I would like to thank the Law Reform Commission for its work in this area.
