

## **Summary of Ombudsman for Children’s Advice on the General Scheme of the Children and Family Relationships Bill 2014**

The Ombudsman for Children’s Office broadly welcomes the General Scheme of the Children and Family Relationships Bill. The proposals for legislative change in the General Scheme contain fundamental reforms across a wide range of domains in family law. The General Scheme is underpinned by a recognition of the need to provide legal protection for children and families that reflects the reality of their lives and the diversity of family structures in Ireland.

The Ombudsman for Children’s Office nonetheless believes that the legislation could be enhanced in a number of ways.

### **Identity rights**

People born through assisted reproduction and surrogacy should have a right to access information on their birth and origins. Ireland has a poor history of protecting this right with respect to people who have been adopted; this must not be repeated. Other jurisdictions have addressed the question of how such information is gathered, maintained and disclosed and the legislation that ultimately comes before the Oireachtas should provide for it too.

### **International and commercial surrogacy**

Our laws must be as clear as possible on how surrogacy arrangements that people enter into abroad – both commercial and non-commercial – affect the legal status of children who are born as a result of them. The General Scheme does not provide that clarity in its current form.

While maintaining the legitimate prohibition of commercial surrogacy, the Oireachtas must ensure that the sanctions imposed on parents who break the law do not leave children in a legally precarious situation.

### **Guardianship, custody and access**

The General Scheme provides for a range of measures that will support children’s right to know and be cared for by their parents; however, the Ombudsman for Children’s Office believes that the legislation could go further in places, particularly with respect to a child’s right to know and be cared for by her/his father.

### **Civil partnership and adoption**

The Ombudsman for Children’s Office welcomes the provisions of the General Scheme that reflect recommendations made by this Office a number of years ago with respect to civil partnership and adoption. This will rectify a significant omission from the relevant legislation with respect to children.

[Full advice available here](#)