

## **Women's Aid Submission for the Committee Stage on the Guardianship of Infants (Amendment) Bill 2026**

June 2026

Women's Aid is a national, feminist organisation working to prevent and address the impact of domestic violence and abuse (hereafter DVA) including coercive control, in Ireland since 1974.

We do this by advocating, influencing, training, and campaigning for effective responses to reduce the scale and impact of domestic violence and abuse on women and children in Ireland and providing high quality, specialised, integrated, support services. More information on Women's Aid is available on our website [www.womensaid.ie](http://www.womensaid.ie).

We maintain the Women's Aid Femicide Watch recording the violent deaths of women in the Republic of Ireland since 1996. Between 1996 and 6<sup>th</sup> June 2026 283 women have died violently in Ireland, with 1 in every 2 femicide victims killed by a current or former male intimate partner (55% of resolved cases)<sup>1</sup>

Women's Aid welcomes this Bill as a significant step to protect children who have lost one parent to intimate partner homicide, recognising the very significant risk to their welfare posed by the parent who committed the homicide and ensuring the perpetrator of such harm is not in a position to continue controlling their lives through exercising Guardianship.

While broadly supportive of the Bill, we have concerns regarding the excessive discretion of the Child and Family Agency in deciding whether to apply for an order, including for retrospective cases, and the significant time period before an order can be put in place to protect the children concerned. We also believe that the implementation of the legislation needs to be monitored to assess whether it achieves its stated aims.

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1 <https://www.womensaid.ie/get-informed/campaigns-and-partnerships/femicide-watch/>

## We would like to make the following recommendations:

### Recommendation 1

In S12C insert a new subsection stating the principle that the murder or manslaughter of a parent/guardian by the other parent/guardian is recognised as an extreme form of child abuse incompatible with the safety and welfare of the child, unless there is significant mitigation, such that the convicted parent acted in self-defence.

#### Rationale

- S12C(1) provides that where a parent / guardian is convicted of murder or manslaughter of the other parent/guardian **and Tusla believes that the convicted guardian has failed in his or her duty towards the child concerned to such extent that the safety or welfare of that child is likely to be prejudicially affected** if such order is not made by the court Tusla shall apply to the District Court/ Family District court, within 6 months of conviction to remove or restrict guardianship from the convicted parent.
- Women's Aid believes that the killing of a parents/guardian by the other parent/guardian should always be considered a severe form of child abuse, which causes great and irreversible harm to the child and should cause a presumption that the perpetrator is unsuitable to continue in the role of guardian, except in very limited circumstances (for example self-defence or defence of the children).
- When there is child abuse, in particular such extreme form as to deprive the child of a parent, it is not in the best interest of the child to have the perpetrator in a position of continuing power and control over the life of the child and the child's carers.
- Therefore, Women's Aid believes that there should be a presumption that the Child and Family Agency should bring an application to remove or restrict Guardianship in all cases where there is a conviction for murder or manslaughter except in very limited exceptions such as the convicted parent having acted in self-defence or defence of the children.

- The French/Kilroy case raise questions on whether the Child and Family Agency properly assessed the killing of the mother as an action contrary to the best interest and welfare of the children, since they deemed the continuing involvement of the father compatible with the safety and welfare of the children.

Women's Aid also notes that the Child and Family Agency own submission to the General Scheme of this Bill questioned how its role under the Bill would align with its statutory function of supporting ongoing parental connection and involvement in the life of the child<sup>2</sup>. This conflict of interest has also been highlighted in the Pre-legislative Scrutiny Report<sup>3</sup> and gives raise to concerns that the Agency may not bring all relevant cases to the court.

## Recommendation 2

2.1 Insert in S12C and S12D a provision for an interim order, which would temporarily remove guardianship immediately upon conviction, until the full order application is resolved

2.2 If no interim order is included, include in S12C (2) and S12D (2) timeframes for processing of applications by the Court

2.3 Insert an additional provision in S12C and S12D to clarify that an appeal against the conviction or against the order does not stay the order

2.4 Review existing legislation and practice to determine if there is already a legitimate basis to temporarily suspend guardianship in the period between when a parent/guardian is arrested and charged with the death of the other parent/guardian and the verdict, and how these arrangements work in practice for children and carers.

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<sup>2</sup>[https://data.oireachtas.ie/ie/oireachtas/committee/dail/34/joint\\_committee\\_on\\_justice\\_home\\_affairs\\_and\\_migration/submissions/2025/2025-09-24\\_submission-tusla\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/34/joint_committee_on_justice_home_affairs_and_migration/submissions/2025/2025-09-24_submission-tusla_en.pdf)

<sup>3</sup> Joint Committee on Justice, Home Affairs and Migration Report on Pre-Legislative Scrutiny of the General Scheme of the Guardianship of Infants (Amendment) Bill, 2025 September 2025 34/JC/03, [https://data.oireachtas.ie/ie/oireachtas/committee/dail/34/joint\\_committee\\_on\\_justice\\_home\\_affairs\\_and\\_migration/reports/2025/2025-09-24\\_report-on-pre-legislative-scrutiny-of-the-general-scheme-of-the-guardianship-of-infants-amendment-bill-2025\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/34/joint_committee_on_justice_home_affairs_and_migration/reports/2025/2025-09-24_report-on-pre-legislative-scrutiny-of-the-general-scheme-of-the-guardianship-of-infants-amendment-bill-2025_en.pdf)

## Rationale

- Women's Aid believes that the time in which a child who has lost a parent due to intimate partner homicide remains under the Guardianship of the parent who committed the homicide needs to be minimised to give the child the best chance of recovery and healing.
- S12C (1) and S12D (1) of the Bill provides that Child and Family Agency shall/may apply for an order to remove or confirm Guardianship of a child within 6 months of a parent being convicted of murder, manslaughter or a serious offence resulting in the incapacitation of the other parent.
- The times from charging to verdict can take years, for example 5 years in the case of Valerie French.
- We note there is no timeframes in relation to how quickly the Court will decide on the Child and Family Agency application or any indication it needs to be determined urgently.
- Therefore, there may be quite a significant time between charging and conviction, a further 6 months can pass until the Child and Family Agency applies for an order, and more time until the application is determined. **In all this time, which can last years, the parent who killed the other parent retains Guardianship rights on the child.** This means that they can actively hinder the recovery of the child and make it difficult for the people who are taking care of the child to do so, for example by not consenting to the child having therapeutic counselling, changing schools, having a passport, or preventing the child from residing with the victim's kin.
- In his closing remarks of the 2<sup>nd</sup> stage debate on this Bill the Minister stated that in the aftermath of a murder/manslaughter "measures are immediately put in place in order to put a childcare plan in place for the children" and that "measures will have to be put in place immediately from that night onwards and that sometimes happens as a result of applications made under the Childcare Act."<sup>4</sup> It is however unclear if such measures only deal with day to

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4 <https://www.oireachtas.ie/en/debates/debate/dail/2026-05-21/33/>

day care of the child or if they include at least temporary suspension of Guardianship rights.

- The Pre-legislative Scrutiny report includes a recommendation “*that a legal review is undertaken to examine the mechanisms available to Tusla under child welfare concerns and child protection obligation to determine if there is a legitimate basis to suspend guardianship once a parent/guardian is arrested and charged with the death of the other parent/guardian*”<sup>5</sup>

It is not clear to Women’s Aid whether such a review was undertaken and its outcomes. There is also a need to research how it applies in practice.

- Women’s Aid notes that a similar Bill by the Social Democrats provided for an interim order to be made **immediately** on conviction, which would last 3 months, while an application for a full order is considered.
- It is not clear whether an appeal against the conviction will or will not have the effect of staying the application
- It is also not clear whether an appeal against the removal of Guardianship order will or will not have the effect of staying the order

### Recommendation 3

Insert a provision in S12C (6) and S12D (6) to the effect that any termination of the order will be contingent on successful completion of an effective rehabilitation programme

### Rationale

- Section 12C (6) and S12D (6) provide that when making an order to remove Guardianship rights, the Court can also specify its duration and conditions for

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5 Recommendation 12, Joint Committee on Justice, Home Affairs and Migration Report on Pre-Legislative Scrutiny of the General Scheme of the Guardianship of Infants (Amendment) Bill, 2025 September 2025 34/JC/03, [https://data.oireachtas.ie/ie/oireachtas/committee/dail/34/joint\\_committee\\_on\\_justice\\_home\\_affairs\\_and\\_migration/reports/2025/2025-09-24\\_report-on-pre-legislative-scrutiny-of-the-general-scheme-of-the-guardianship-of-infants-amendment-bill-2025\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/34/joint_committee_on_justice_home_affairs_and_migration/reports/2025/2025-09-24_report-on-pre-legislative-scrutiny-of-the-general-scheme-of-the-guardianship-of-infants-amendment-bill-2025_en.pdf)

reviews. The Study on Familicide & Domestic and Family Violence Death Reviews recommends that restoration of Guardianship in these cases should “be contingent on successful completion of an effective rehabilitation programme”<sup>6</sup>. Women’s Aid believes this should be reflected in legislation.

#### Recommendation 4

In S12J (1) substitute

*the Child and Family Agency shall, as soon as practicable after commencing of this Act*

for

*the Child and Family Agency may, if it considers it appropriate to do so,*

#### Rationale

- S12J provides for the application of the new Bill to pre- commencement convictions for murder or manslaughter. Women’s Aid welcomes this retroactive measure in the Bill, as there are currently a number of children where a parent who killed the other parent still retain Guardianship and is in a position to control their lives and influence them negatively.
- S12J (1) provides that the Child and Family Agency **may, if it considers it appropriate**, apply to the court for a restriction or removal order in those retrospective cases.
- The equivalent provision under S12C for new cases, provides that the Child and Family Agency **shall** apply for an order to the court within 6 months
- Therefore, the provision for retrospective cases is weaker (“may if it considers it appropriate” versus “shall”) and has no timeframe

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<sup>6</sup> Paragraph 7.3.18.3, Department of Justice. (2023) Study on familicide and domestic and family violence death reviews. Dublin

- Women's Aid believes that the provision for children bereaved in these horrific circumstances before or after commencement of this Bill should be equal, therefore there should be a similar obligation (shall) on the Child and Family Agency.
- While the resources of the Child and Family Agency may be an issue in looking at past cases within 6 months of commencement, a deadline should nevertheless be set for decision on such cases.

### **Recommendation 5**

5.1 Insert a provision in the Bill to provide for the release of anonymous statistical data on number of orders applied for and granted on a regular basis

5.2 Include cases under this Bill in planned Family Law research

### **Rationale**

- While Family Law proceedings are held in camera, there is a need for statistical data to be made available regularly on the proposed orders to monitor how the legislation works in practice. As the number of families affected each year is small, the statistical period considered may have to be longer than one year to preserve their privacy.
- Qualitative research on how this legislation works in practice and its impact on children and carer should also be carried out and planned for.

**ENDS**