

Children and Young Persons (Amendment) Bill 2012
Third Reading approved

4. Mr Turner to move:

That the Children and Young Persons (Amendment) Bill 2012 be read a third time and do pass.

The President: We move now to the Children and Young Persons (Amendment) Bill 2012, Third Reading. I call on Mr Turner.

Mr Turner: Thank you, Madam President and I would like to thank Hon. Members for their support through the passage of this Bill. I am seeking support for this, the Third Reading.

The Bill brings the Isle of Man into line with the neighbouring countries in the United Kingdom with regard to parental responsibility for children, in particular non-marital children. The effect of this Bill is to give fathers automatic parental responsibility, if the father is named on the birth certificate, when registering the child.

The current situation is that the father can only have parental responsibility, if he is married to the mother, obtains parental responsibility by the mother signing an agreement, or by obtaining a court order.

This Bill has the support of the Department of Education and Children, the Department of Social Care and the court family welfare officers. If passed, it will come into operation by an Appointed Day Order issued by the Department of Social Care.

It is my view that intervention by the state into family life should be kept to a minimum. This Bill will enable the vast majority of families to take responsibility for their children, whilst not removing any provisions for intervention in cases of vulnerability and need.

Madam President, I beg to move the Bill be read a third time.

The President: Hon. Member, Mr Lowey.

Mr Lowey: I beg to second. The last Bill we talked about was buildings, inanimate objects, but children and young people are flesh and blood. I commend the mover of this particular piece of legislation for the work he has done in pioneering it and the consultation that he has taken with the professionals, before coming up with the end result.

Certainly not rushed, very well researched, a good piece of legislation that actually puts responsibility into the framework of looking after children and young people. I commend the Bill for all those positive reasons.

The President: The Hon. Member, Mr Butt.

Mr Butt: Thank you, Madam President.

I would also like to congratulate the mover on bringing the Bill firstly through Council. It should, in effect, reduce tension between couples, in some cases. It will certainly make the work of the family courts a lot more simple and will follow the UK precedents as well, which I think are all good things. I know it has the support of the Department of Social Care and of the courts in particular and I wish the mover well with his Bill when it comes before the Keys and I hope they give it the support that the Council are doing at the moment.

I will be supporting this Third Reading.

The President: The Hon. Member, Mr Downie.

Mr Downie: Thank you, Madam President.

Likewise, I would like to be included in those who have congratulated the mover on this Bill. I know he has personally put a lot of time in and done a lot of work and that has been measured by the amount of support that he has received during its passage through this place.

What is the Bill about? It is about removing an anomaly in the current legislation, which thus far has deprived the father of a child from having rights when it comes to make decisions over his child. For whatever reason, the existing law has been placed, there are times in this day and age, when a father has to step up and assume a lot more responsibility and, as Mr Butt has said, sometimes when there is a breakdown in a matrimonial relationship outside a regular marriage, the father has to step up to the plate. At the present time, he is in a position where, legally, certain decisions he makes are not recognised. If there is a dispute at some time between the two parties, it is always, under the present system, the decision of the mother that is given preference, rather than any views that the natural father might have.

I think what we are seeing today is a much better system. It is more in keeping with modern thinking, where there is a balance of agreement between the two parties and at the end of the day, if a person accepts

responsibility for fathering that child and is keen to look after its welfare and so on, they should be included in decisions about the child's education or health matters and so on, which under the present situation, he is not allowed to take any part in, other than on a voluntary basis.

I wish the mover well and I hope that the Bill enjoys the same sort of support, when it goes off to the other place.

Thank you, Madam President.

The President: The Hon. Member, Mr Wild.

Mr Wild: Thank you, Madam President.

Just to be brief, I would say, very practical and well constructed legislation, which, in my view will hopefully lead to positive outcomes for both children and families affected.

The President: The Hon. Member, Mr Braidwood.

Mr Braidwood: Thank you, Madam President.

Following on from the comment of the Hon. Member of Council, Mr Wild, I think every child should have the opportunity to have access to both parents. I think this legislation will enshrine it in law that the father has the responsibility as well and the child will have the opportunity to meet and have access to his father. I do myself congratulate the mover of the Bill on introducing this legislation.

The President: Mover to reply.

Mr Turner: Thank you, Madam President and I would like to thank my seconder, Mr Lowey, who I did not canvass to second the Bill; he has seconded it for all the right reasons and I thank him for that.

There has been widespread consultation and it is an issue, which has been an anomaly in the Isle of Man, whereas neighbouring jurisdictions have dealt with this situation. If we look at the current position, maybe that current position was right at the time, when it was first introduced, but there have been many changes in family life over the years and the way people live their lives and it is long overdue that we had a look at this.

Again, the Departments have had quite heavy legislative programmes over the years and this is a very short Bill and one maybe that they would not have been able to take through themselves, which is why, when Members were kind enough to grant me leave to bring this, those agencies had approached me first to say they had read the *Hansard* of the debate and wanted to get involved and wanted to support it, so I was pushing at an open door straight away with the agencies and I was very grateful for that.

I think, as we discussed at previous Readings, this is not going to solve all the conflict that can arise in a breakdown of families, but this is not just about the breakdown of relationships; this is the much wider issue about responsibility for children, not rights. It is the parents' responsibility, not the parents' rights and I think that is very important that we put this into context.

So again, I thank all Members for their support during the passage of this and I beg to move the Bill be read a third time.

The President: The motion, Hon. Members, is that this Bill do pass. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.