

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

4.1. Mr Crookall to move:

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

The Speaker: Item 4, Bill for Third Reading, Children and Young Persons (Amendment) Bill and I call on the mover, Mr Crookall.

Mr Crookall: Thank you, Mr Speaker.

I would like to thank Hon. Members for allowing this Bill to progress so far and supporting it on its way.

The amendment to the Children and Young Persons Act 2001 has been drawn up after consultation with the relevant Departments – that is, the Department of Education and Children, the Department of Social Care, and the Family Court Welfare Office in the courts.

As I have previously explained to Members, this amendment seeks to address the anomaly of parental responsibility for the father of a child outside of a marital relationship. Parental responsibility is the basic responsibility a parent has for their child and it is to do with matters such as health care, education and over the discipline and general upbringing and well-being of the child. If a man and woman have a child and they are married, the marital status determines that they both automatically hold parental responsibility and the man does not cease to hold such status if the couple divorce.

What the Bill does is to alter the provision so that when an unmarried man and woman have a child and go to the registry to register the birth, the father and the mother are named in that registration. It is that process that will determine that both these individuals hold parental responsibility for the child.

Currently, even if both parents are named on the registration birth certificate, the man, if not married, would not have any legal parental responsibility for that child and can have no say in the child's life. The only current options for the unmarried man would be to enter into a parental responsibility agreement with the mother and to lodge it with the courts; or if the mother refuses, the father has to apply to the courts to have the court grant parental responsibility. This can be costly, upsetting, confrontational, and of course is completely avoided if the man is married.

Mr Speaker, can I thank my colleague, the Hon. Member for Douglas East, Mrs Cannell, for seconding me throughout this.

Mr Speaker, I beg to move that this be read for the third time.

The Speaker: Mrs Cannell.

Mrs Cannell: Thank you, Mr Speaker.

I am happy to second and reserve my remarks.

The Speaker: Hon. Member for Ramsey, Mr Singer.

Mr Singer: Thank you, Mr Speaker.

I do support the Bill; but I wonder if the mover could comment on the situation where sometimes the mother will register the child, but father is not put onto the birth certificate. What rights does that father have? Are any of his rights increased?

The Speaker: I call on the mover to reply, Mr Crookall.

Mr Crookall: Thank you, Mr Speaker.

I do not have that, I think it is the first time it has been mentioned, but I would imagine that would then become a legal challenge from the father to the mother.

The Speaker: Hon. Members, I put the question that the Children and Young Persons (Amendment) Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.