

Legal Issues – Child Protection and Welfare Issues in Ireland

Overview of Topic Areas

1. Children’s Safety and Well Being – (Child Abuse)
2. Domestic Violence (Issues for Parenting) The Law and impact on children.
3. Mental Health Issues – (Impact on children- attachment)
4. Housing Issues
5. Parental Strategies

(1). Children’s Safety and Well Being – (Child Abuse)

Children can suffer abuse in various ways. It is the responsibility of adults to ensure that children are protected from abuse. There are different types of abuse which are highlighted in Ireland’s Children First National Guidance for the Protection and Welfare of Children (2017). Children First guidelines set out the following types of abuse which parents need to be aware of. Neglect, physical abuse, and emotional abuse or sexual abuse.

Failing to prevent any of these instances happening to a child is also putting a child at risk or harming a child. Having knowledge of a child being abused and not reporting it is a criminal offence in Ireland. Sometimes, child abuse can be wilful, other times adults might not realise they are putting a child at risk. Either way in Ireland the State has a duty to protect children if parents wilfully or unwillingly are unable to look after their children or abuse their children.

Different Types of Abuse:

(a) Emotional Abuse

This type of abuse involves

1. Humiliating a child.
2. Shouting and cursing at a child.
3. Excessively criticising a child, not showing him/her affection
4. Preventing a child from having a social interaction, isolating a child
5. Having your child witness incidents of Domestic Abuse is also a form of emotional abuse

(b) Neglect

This type of Abuse Involves

1. Not caring for a child properly by often leaving the child alone and unsupervised (under the age of 18).
2. Leaving an older sibling to supervise and care for younger siblings.
3. Not providing suitable housing/ shelter arrangements for a child to live in.

4. Not attending to a child's physical needs by leaving a child hungry, dirty or not clothed according to the weather requirements.
5. Not attending a child's medical or psychological appointments.
6. Not providing a child with affection and emotional support.
7. Not sending a child to school. It is the law in Ireland that children attend school.

(c) Physical Abuse

This type of Abuse involves

1. Any action that causes a child pain or discomfort (i.e. cigarette burns, hot oil).
2. Physical punishment as a way of disciplining a child.
3. Hurting a child by shaking, hitting, and beating, slapping, punching or kicking a child.
4. Force feeding a child.
5. Depriving a child of sleep.
6. Allowing a child no recreation time.
7. Chocking, drowning, poisoning or suffocating a child.
8. Delay in seeking medical help if a child is injured, sick or has a disability.
9. Female genital mutilation (FGM) is a form of both physical and emotional abuse

(d) Sexual Abuse

This type of abuse involves

1. Involving a child in any sexual activities of an adult.
2. The Irish law states that a person must be 17 years of age to consent to have sexual intercourse. The age of consent is the same for males and females.
3. Intimidating, forcing or pressurising a child into touching his/ her private parts or kissing.
4. Involving a child into inappropriate naked/ semi-naked photographs or videos.
5. Sending a child text messages or other online communication with explicit content.
6. Marrying a child to an adult. Forcing a child into prostitution

(2) Domestic Violence (Issues for Parenting) The Law and impact on children.

The law governing Domestic violence in Ireland is the Domestic Violence Act (2018)

The Different types of orders under this Act are:

1. Barring Order
2. Interim Barring Order
3. Emergency barring Order
4. Safety Order
5. Protection Order

While the law is there to protect you from domestic violence, the Gardaí can only enforce the law following a complaint or when ordered by the court to do so. It is therefore important to report incidences of domestic violence through the legal channels or to seek support to do so from organisations such as e.g Women's Aid: Contact Details are contained in the Resource listing under Who to Contact for help. Research shows that Domestic Violence impacts on

children's wellbeing and on parent's ability to parent positively. Therefore it is important that DV is addressed and not allowed to continue. Domestic violence results in children being taken into state care.

Mental Health Issues and the Parenting

The impact of parental mental health issues on family life and children's well-being can be significant. Children whose parents have a mental illness are at risk of developing social, emotional and/or behavioral problems. The environment in which children grow affects their development and emotional well-being as much as their genetic makeup does.

Issues relating to Mental Illness include:

- The impact of mental illness on parenting capacity.
- The impact of parental mental illness on children.
- The stigma surrounding mental illness.
- Legal issues—parents maintaining custody and contact with their children.

It is important to seek help when a parent suffers from mental illness: Support services available in Ireland on Metal Health/Mental Illness are listed in the resource list

4. Housing Issues

While homelessness can be an issue of concern for some parents. Tulsa, the Child and family agency can support parents in accessing housing. Being homeless on its own does not lead to children being taken into care. Other issues associated with homelessness such as drug and alcohol misuse can however lead to children being taken into care

Parental Strategies:

It is important to seek support in all situations. Self-care is also very important in order to parent effectively

References

Children First National Guidance for the Protection and Welfare of Children 2017
https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf

The Domestic Violence Act (2018)
<http://www.irishstatutebook.ie/eli/2018/act/6/enacted/en/html>

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Saunders, A. et al., 1995. *'It hurts me too': children's experiences of domestic violence and refuge life*, London]: [National Institute for Social Work].

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