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Foster

Legal issues in foster care



Irish Foster Care Association



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Foreword

Catherine Bond, IFCA Chief Executive Officer

The focus of issue two is primarily on legal issues in foster care in Ireland. It brings together articles from diverse areas of expertise and offers readers information, research, comment and debate. As with issue one of the journal, there is scope to include articles which are not related to the main theme, and in this issue we have included the very interesting outcomes of the preliminary evaluation of the Triple-A Model of Therapeutic Care which was recently piloted in Donegal.

A noteworthy development in Irish law is the commencement of certain provisions of the Children and Family Relationships Act 2015 following the insertion of Article 42A in the Irish Constitution. This groundbreaking piece of legislation extends the categories of persons who may apply to the courts to be appointed as a legal guardian of a child. Significantly, the appointment of a legal guardian may not affect the appointment of a previous guardian/s which makes it possible, if it is in the best interests of the child, to have more than two legal guardians. The new categories of guardianship together with other commenced key provisions are outlined in Beatrice Cronin's informative article on the Children and Family Relationships Act 2015.

The central premise of Article 42A is the recognition of the state of the, "natural and imprescriptible rights of the children and shall, as far as practicable, by its laws protect and vindicate those rights" (Article 42A. 1). Article 42A ensures amongst other rights that the best interests of the child are upheld, the views of children are taken seriously, and, for the first time in Irish law, allows for married parents to place a child for adoption, and for children who have been placed in foster care for longer than three years or more to be adopted. It is also recognised and acknowledged in both Beatrice Cronin's, and Dr Valerie O'Brien and Angela Palmer's, articles that Article 42A will have implications for current state delivery and how the courts will interpret and implement the "best interests of the child" which for the first time are outlined in detail in the 2015 Act.

Valerie and Angela's article focuses on the issue of permanency in foster care and issues of stability, and questions whether or not the primary focus of the Adoption Bill (2012), which was published as part of the children's referendum campaign, is in the best