STATUTORY INSTRUMENTS.

S.I. No. 210 of 2020

GUARDIANSHIP OF CHILDREN (STATUTORY DECLARATION) REGULATIONS 2020
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GUARDIANSHIP OF CHILDREN (STATUTORY DECLARATION) REGULATIONS 2020

The Minister for Justice and Equality, in exercise of the powers conferred on him by section 2(4)(e) (amended by section 4 of the Children Act 1997 (No. 40 of 1997)) (as adapted by the Justice and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 138 of 2011)) and section 6B(4)(c) (inserted by section 49 of the Children and Family Relationships Act 2015 (No. 9 of 2015)) of the Guardianship of Infants Act 1964 (No. 7 of 1964), hereby makes the following regulations:

1. These Regulations may be cited as the Guardianship of Children (Statutory Declaration) Regulations 2020.


Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 16th June, 2020.
SCHEDULE 1
Statutory Declaration of Father and Mother in relation to Joint Guardianship of Child

Regulation 3

THE MAKING OF THIS DECLARATION WILL SERIOUSLY AFFECT THE LEGAL POSITION OF BOTH PARENTS. IT IS ADVISABLE TO OBTAIN LEGAL ADVICE BEFORE MAKING THIS DECLARATION.

THIS DECLARATION IS AN IMPORTANT DOCUMENT AND ON COMPLETION SHOULD BE KEPT IN A SAFE PLACE.

FORM OF STATUTORY DECLARATION

In the matter of a declaration under section 2(4)(e)(amended by section 4 of the Children Act 1997) of the Guardianship of Infants Act 1964 —

We —

________________________ of
(father’s name)

______________________________________________________________
(father’s address)

and

____________________
(mother’s name)

of

______________________________________________________________
(mother’s address)

do solemnly and sincerely declare that:

1. We have not married each other.
2. We are the father and mother of ____________________________
   (child’s name)

   who was born on ______day of ___________ (month) ______ (year).

3. We agree to the appointment of ____________________________ as a
   guardian
   (father’s name)

   of

   ____________________________

   (child’s name)

We make this solemn declaration conscientiously believing the same to be true
by virtue of the Statutory Declarations Act 1938 (No. 37 of 1938), and pursuant
to section 2(4)(e) (amended by section 4 of the Children Act 1997) of the
Guardianship of Infants Act 1964.

Signed ______________________ (Father)

Signed ______________________ (Mother)

Declared before me ____________________________ (name in capitals) a [notary public] [commissioner for oaths] [peace commissioner]
[person authorised by section 27A of the Civil Registration Act 2004 (No. 3 of
2004) to take and receive statutory declarations] by

__________________________ (father)

[who is personally known to me]

or

[who is identified to me by __________________________ who is personally
known to me]

or
[whose identity has been established to me before the taking of this Declaration by the production to me of

passport no.________________ (passport number) issued on __________ (date of issue) by the authorities of __________________________ (issuing state), which is an authority recognised by the Irish Government

or

national identity card no. ______________ (identity card number) issued on __________ (date of issue) by the authorities of __________________________ (issuing state) which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement

or

Aliens Passport no. (document equivalent to a passport) ______________ (passport number) issued on ______________ (date of issue) by the authorities of __________________________ (issuing state) which is an authority recognised by the Irish Government

or

refugee travel document no. _______________ (document number) issued on ____________ (date of issue) by the Minister for Justice and Equality

or

travel document (other than refugee travel document) ______________ (document no.) issued on ______________ (date of issue) by the Minister for Justice and Equality]

and

__________________________ (mother)

[who is personally known to me]
or

[who is identified to me by ______________________ who is personally known to me]

or

[whose identity has been established to me before the taking of this Declaration by the production to me of]

passport no. ______________ (passport number) issued on ______________ (date of issue) by the authorities of ______________ (issuing state), which is an authority recognised by the Irish Government

or

national identity card no. ______________ (identity card number) issued on ______________ (date of issue) by the authorities of ______________ (issuing state), which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement

or

Aliens Passport no. (document equivalent to a passport) ______________ (passport number) issued on ______________ (date of issue) by the authorities of ______________ (issuing state), which is an authority recognised by the Irish Government

or

refugee travel document no. ______________ (document number) issued on ______________ (date of issue) by the Minister for Justice and Equality

or

travel document (other than refugee travel document) ______________ (document no.) issued on ______________ (date of issue) by the Minister for Justice and Equality]
at ______________________________ (place of signature) this
___ day of _________________ (month) ______ (year)

__________________________________________
(Signature of [notary public] [commissioner for oaths] [peace commissioner]
[person authorised by section 27A of the Civil Registration Act 2004 (No. 3 of
2004) to take and receive statutory declarations].)
SCHEDULE 2

Statutory Declaration of Parent (under section 5 of the Children and Family Relationships Act 2015) and Mother in relation to Joint Guardianship of Child.

Regulation 4

THE MAKING OF THIS DECLARATION WILL SERIOUSLY AFFECT THE LEGAL POSITION OF BOTH PARENTS. IT IS ADVISABLE TO OBTAIN LEGAL ADVICE BEFORE MAKING THIS DECLARATION.

THIS DECLARATION IS AN IMPORTANT DOCUMENT AND ON COMPLETION SHOULD BE KEPT IN A SAFE PLACE.

FORM OF STATUTORY DECLARATION

In the matter of a declaration under section 6B(4)(c) (inserted by section 49 of the Children and Family Relationships Act 2015) of the Guardianship of Infants Act 1964 —

We—

________________________ of

    (parent’s name)

_______________________________________________________________

    (parent’s address)

and

________________________

    (mother’s name)

of

_______________________________________________________________

    (mother’s address)

do solemnly and sincerely declare that:

1. We are the parent (under section 5 of the Children and Family Relationships Act 2015) and
mother of _____________________________ who was born on
(cchild’s name)
___ day of ___________ (month) _____ (year).

2. We agree to the appointment of _____________________________ as a
guardian of _____________________________.

(child’s name)

We make this solemn declaration conscientiously believing the same to be true
by virtue of the Statutory Declarations Act 1938 (No. 37 of 1938), and pursuant
to section 6B(4)(c) (inserted by section 49 of the Children and Family

Signed ______________________ (Parent)

Signed _____________________

(Mother)

Declared before me ______________________ (name in capitals) a [notary
public] [commissioner for oaths] [peace commissioner] [person authorised by
section 27A of the Civil Registration Act 2004 (No. 3 of 2004) to take and
receive statutory declarations] by

_________________________ (parent)

[who is personally known to me]

or

[who is identified to me by ____________________ who is personally known
to me]

or

[whose identity has been established to me before the taking of this Declaration
by the production to me of]
passport no. __________________ (passport number) issued on __________________ (date of issue) by the authorities of ________________________ (issuing state), which is an authority recognised by the Irish Government

or

national identity card no. __________________ (identity card number) issued on ____________ (date of issue) by the authorities of ________________________ (issuing state) which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement

or

Aliens Passport no. (document equivalent to a passport) ______________ (passport number) issued on ____________________ (date of issue) by the authorities of ________________________ (issuing state) which is an authority recognised by the Irish Government

or

refugee travel document no. ________________ (document number) issued on ________________ (date of issue) by the Minister for Justice and Equality

or

travel document (other than refugee travel document) ________________ (document no.) issued on ________________ (date of issue) by the Minister for Justice and Equality]

and

____________________________ (mother)

[who is personally known to me]
[who is identified to me by __________________ who is personally known to me]

or

[whose identity has been established to me before the taking of this Declaration by the production to me of

passport no. ______________ (passport number) issued on ______________ (date of issue) by the authorities of ___________________ (issuing state) which is an authority recognised by the Irish Government

or

national identity card no. ______________ (identity card number) issued on ______________ (date of issue) by the authorities of ___________________ (issuing state) which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement

or

Aliens Passport no. (document equivalent to a passport) ______________ (passport number) issued on ______________ (date of issue) by the authorities of ___________________ (issuing state) which is an authority recognised by the Irish Government

or

refugee travel document no. ______________ (document number) issued on ______________ (date of issue) by the Minister for Justice and Equality

or

travel document (other than refugee travel document) ______________ (document no.) issued on ______________ (date of issue) by the Minister for Justice and Equality]

at __________________________________________________________________________________ (place of signature)
this _____ day of __________ (month) _____ (year)

________________________________________
(Signature of [notary public] [commissioner for oaths] [peace commissioner] [person authorised by section 27A of the Civil Registration Act 2004 (No. 3 of 2004) to take and receive statutory declarations]).

GIVEN under the Official Seal of the Minister for Justice and Equality 10 June, 2020.

CHARLES FLANAGAN,
Minister for Justice and Equality.
EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations set out in Schedule 1 the form of statutory declaration prescribed for the purpose of section 2(4)(e) (amended by section 4 of the Children Act 1997 (No. 40 of 1997)) of the Guardianship of Infants Act 1964 (No. 7 of 1964) to be made by the mother and father of a non-marital child who wish the father to become a guardian of the child jointly with the mother.

These Regulations also set out in Schedule 2 the form of statutory declaration prescribed for the purpose of section 6B(4)(c) (inserted by section 49 of the Children and Family Relationships Act 2015 (No. 9 of 2015)) of the Act of 1964 to be made by the mother and the other parent of a child (where the other parent is, along with the mother, a parent of the child under Section 5 of the Act of 2015) and both agree to the other parent becoming a guardian of the child jointly with the mother.

The Guardianship of Children (Statutory Declaration) Regulations 1998 (S.I. No. 5 of 1998) are revoked by these Regulations.