

# Helpline and Legal Advice Clinics

Annual Report 2018



**CHILDREN'S  
RIGHTS**  

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**ALLIANCE**

Uniting Voices For Children

Founded in 1995, the Children's Rights Alliance unites over 100 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies and services.

22q11	Independent Hospitals Association of Ireland	Pavee Point
Ag Eisteacht	Institute of Guidance Counsellors	Peter McVerly Trust
Alcohol Action Ireland	Irish Aftercare Network	Rainbows Ireland
Amnesty International Ireland	Irish Association for Infant Mental Health	Rape Crisis Network Ireland (RCNI)
An Cosán	Irish Association of Social Workers	Realt Beag
ASH Ireland	Irish Centre for Human Rights, NUI Galway	Respond Housing
AslAm	Irish Congress of Trade Unions (ICTU)	SAFE Ireland
Assoc. for Criminal Justice Research and Development (ACJRD)	Irish Council for Civil Liberties (ICCL)	Saoirse Housing Association
Association of Secondary Teachers Ireland (ASTI)	Irish Foster Care Association	SAOL Beag Children's Centre
ATD Fourth World – Ireland Ltd	Irish Girl Guides	Scouting Ireland
Atheist Ireland	Irish Heart Foundation	School of Education UCD
Autism Network Ireland	Irish National Teachers Organisation (INTO)	Sexual Violence Centre Cork
Barnardos	Irish Penal Reform Trust	Simon Communities of Ireland
Barretstown Camp	Irish Primary Principals Network	Social Care Ireland
Bedford Row Family Project	Irish Refugee Council	Society of St. Vincent de Paul
BeLonG To Youth Services	Irish Second Level Students' Union (ISSU)	Sonias Domestic Violence Charity
Care Leavers' Network	Irish Society for the Prevention of Cruelty to Children	Special Needs Parents Association
Catholic Guides of Ireland	Irish Traveller Movement	SPHE Network
Child Care Law Reporting Project	Irish Youth Foundation (IYF)	SpunOut.ie
Childhood Development Initiative	Jack & Jill Children's Foundation	St. Nicholas Montessori College
Children in Hospital Ireland	Jesuit Centre for Faith and Justice	St. Nicholas Montessori Teachers' Association
COPE Galway	Jigsaw	St. Patrick's Mental Health Services
Cork Life Centre	Kids' Own Publishing Partnership	Step by Step Child & Family Project
Crosscare	Lifestart National Office	Suas Educational Development
Cybersafe	Mecpaths	Teachers' Union of Ireland
Daughters of Charity Child and Family Service	Mental Health Reform	Terenure Rugby Football Club
Dental Health Foundation of Ireland	Mercy Law Resource Centre	The Ark, A Cultural Centre for Children
Department of Occupational Science and Occupational Therapy, UCC	Migrant Rights Centre Ireland	The Prevention and Early Intervention Network
Disability Federation of Ireland	Mothers' Union	The UNESCO Child and Family Research Centre, NUI Galway
Down Syndrome Ireland	Mounttown Neighbourhood Youth and Family Project	Traveller Visibility Group Ltd
Dublin Rape Crisis Centre	Museum of Childhood Project	Treoir
Early Childhood Ireland	MyMind	UNICEF Ireland
Educate Together	National Childhood Network	Youngballymun
EPIC	National Organisation for the Treatment of Abusers (NOTA)	Young Social Innovators
Extern Ireland	National Parents Council Post Primary	Youth Advocate Programme Ireland (YAP)
Focus Ireland	National Parents Council Primary	Youth Work Ireland
Foróige	National Youth Council of Ireland	
Future Voices Ireland	Novas	
Gaelscoileanna Teo	One Family	
Good Shepherd Cork	One in Four	
Home-Start National Office	Parentstop	
Immigrant Council of Ireland		
Inclusion Ireland		

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# CHILDREN'S RIGHTS ALLIANCE

The Children's Rights Alliance unites over 100 member organisations to work together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies and services. In 2018, we launched our Access to Justice Initiative which provides legal information and advice to children and families. This impact report highlights key trends and emerging themes.

**Every child has rights. But to protect those rights you need to know what they are.**

If you are experiencing any of the issues mentioned in this document, or have concerns about a child's rights, we are here to help.

**Contact our Helpline  
01 902 0494**

Or email us at  
**[help@childrensrights.ie](mailto:help@childrensrights.ie)**

Monday 10am–2pm  
Wednesday 2pm–7pm

For a full list of our free legal advice clinics go to  
**[www.childrensrights.ie](http://www.childrensrights.ie)**

# Introduction

Accessing legal advice or getting legal information can be a difficult and daunting task for children, young people and their families, especially those in vulnerable situations.

Launched in March 2018, we provide legal information specifically about children's rights and free one-to-one legal advice appointments with a solicitor for children or their parents. Our Helpline operates two days a week and we contract Community Law & Mediation to provide legal advice through our outreach clinics nationwide.

Children under 18 years of age have many rights and protections under Irish law. Despite this, they continue to experience discrimination or find that their rights are not being respected. This issue is exacerbated by the fact that a lot of young people and their parents do not know enough about their rights or know where to go for help when they feel their rights are being denied. The Children's Rights Alliance aims to fill this gap and provide children, young people and their families with information about the rights and entitlements they do have, what to do when they have questions or concerns and how they can take action to protect their rights.



## What we do:

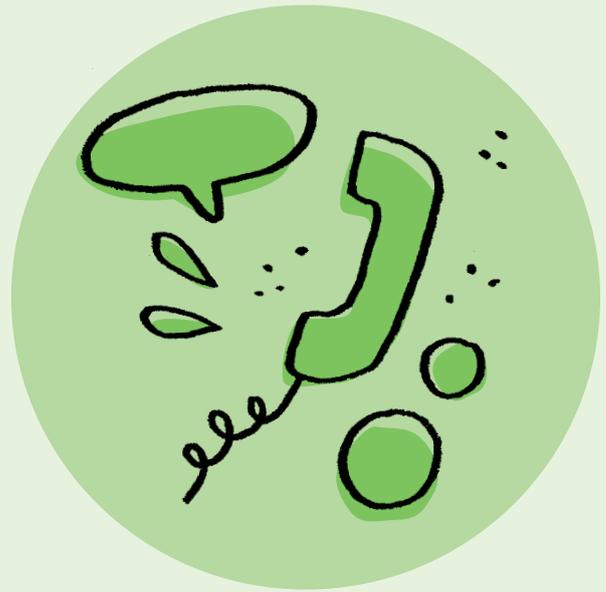
- Provide basic legal information through our Helpline;
- Offer free one-to-one appointments with a solicitor in child-friendly, community spaces;
- Hold specialist legal advice clinics on key issues like children in care and disability;
- Support legal cases that promote children's rights and broader social change.

# Helpline

Our Helpline gives families information about what they can do which helps them to take action. We identify families who need further support and refer them to our legal advice clinics if necessary.

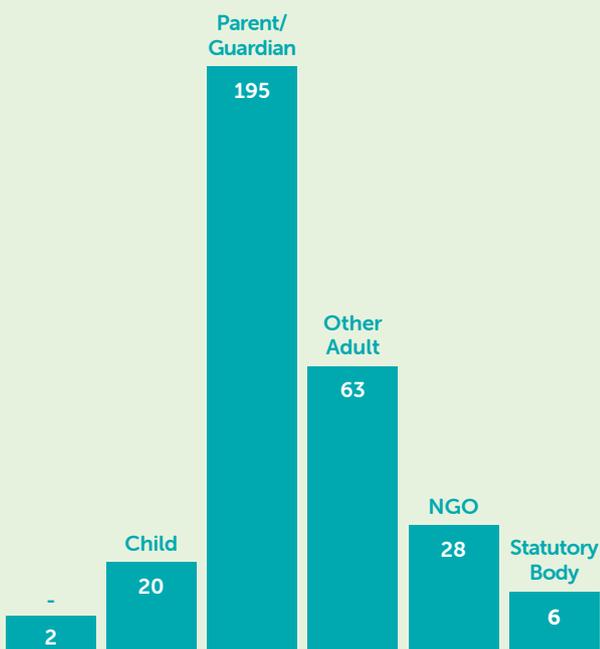
**In the last year, we have heard from over 300 children, parents and professionals.**

We have identified the most prevalent issues for children and families who contact us which point to potential issues in our legal system and support services that need to be addressed.

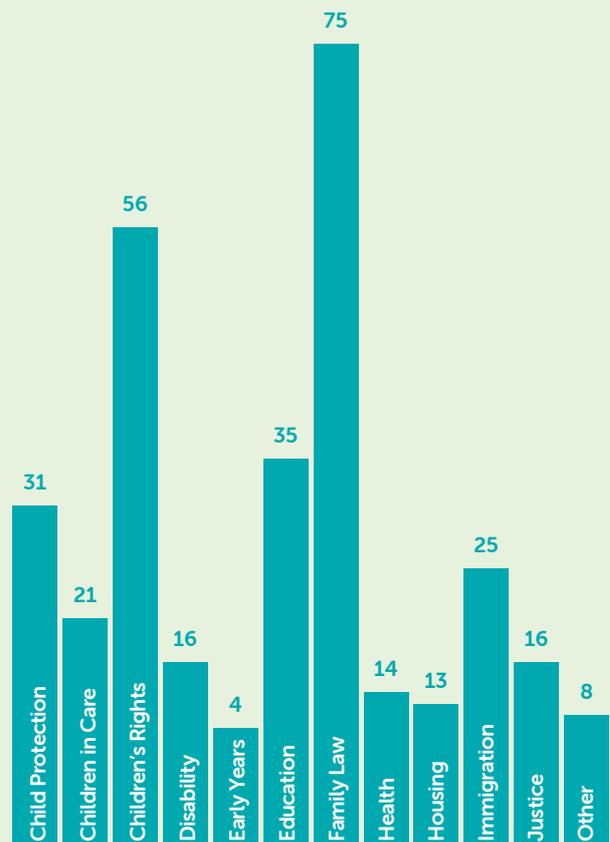


## Who is contacting us?

Parents make up the majority of calls to the Helpline. Most queries concerned older children. Last year, we received the most calls from parents with children aged 15 and 16.



Who is contacting us?



Overview of calls

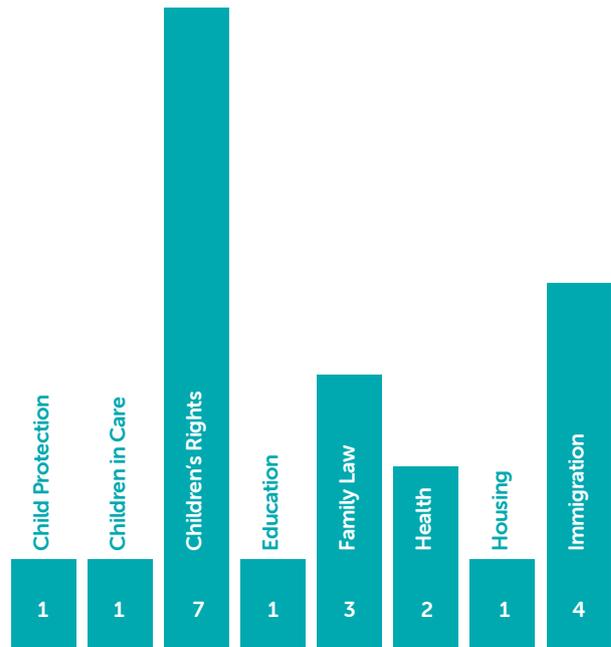
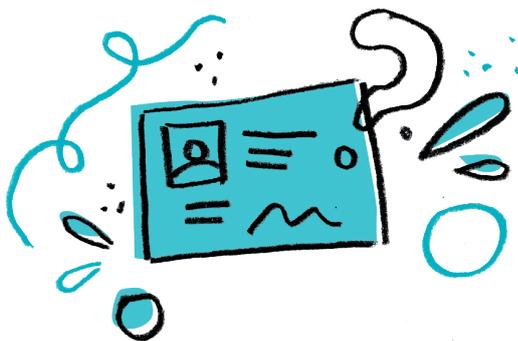
## What do children and young people contact us about?

Children as young as nine have contacted us for information.

### Top Issues for Children and Young People

**Children's Rights:** For children, knowing their rights and where to find information specific to their rights is the primary reason why they contact us. These queries accounted for 35 percent of calls from children and young people. We received questions about what age a young person can participate in a protest, to more specific questions such as the age they can consent to medical treatment without their parent.

**Immigration:** Twenty percent of queries from children and young people were about immigration. We have heard from young people facing deportation and from children who have questions around how their families can transfer accommodation or access schools.



Overview of calls from children and young people

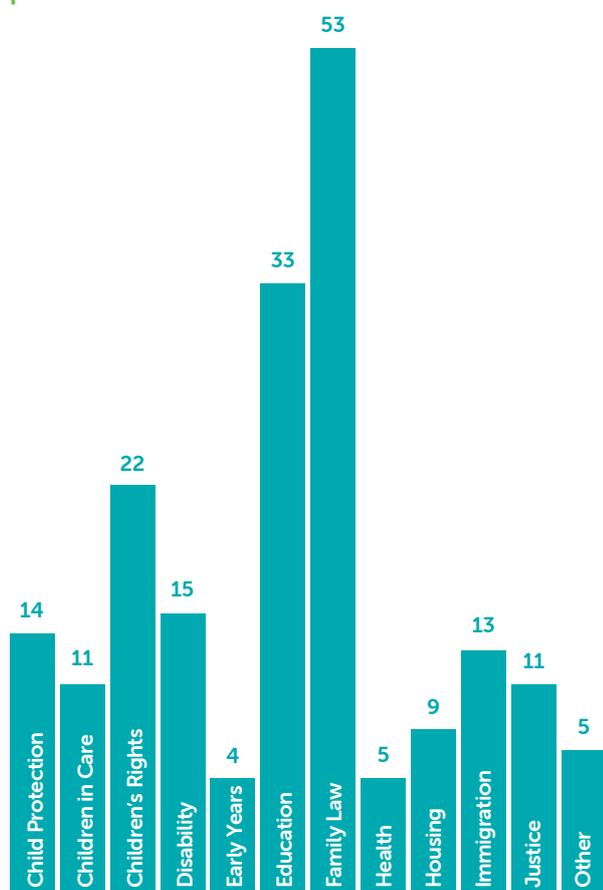
**Family Law:** This is an area of the law that deals with family matters including access, custody, guardianship, maintenance, separation, divorce and domestic violence.

A significant number of calls we received from children were about family law (15 percent). We often hear from young people who feel that their opinion has not been taken into account in family law court proceedings. Sometimes the Judge has heard the child's view but the decision is not what the young person wants. We have found that in these cases no one has explained to the child how decisions are made by the court in a way the child can understand. While the child's opinion is an important factor, it is only one factor to be taken into consideration.

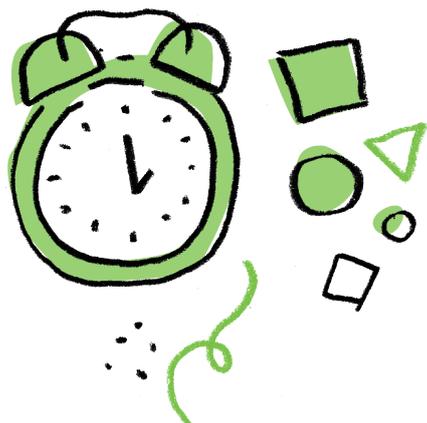
There is a distinct need for more and better information when it comes to children and young people in these cases. Through our legal advice clinics, we are able to offer them an appointment for further advice and support.

## What do parents/ guardians contact us about?

Parents made up over 60 percent of calls to our Helpline last year. In many of these cases, we found that parents have looked elsewhere for information and advice but have failed to get a solution to their problem.



Overview of calls from parents/guardians



### Top Issues for Parents and Guardians

**Family Law:** It is not just children who are contacting us about family law. Over a quarter of all queries from parents and guardians (27 percent) were on family law issues. Parents often contact us when they feel that their child's view is not being adequately heard in court, especially in access disputes. Parents are often not aware that their child has a right to be heard in court. We are able to tell them about the different ways they can ask the Judge to do this. Sometimes parents already have a solicitor, but their solicitor may not be providing them with this information or explaining to them how a decision has been made.

**Education:** We received many calls for help from parents and guardians in relation to education. One common issue is the struggle parents have securing a place in an appropriate school for their child with a disability or accessing supports such as a Special Needs Assistant (SNA). We have helped parents in cases when children with disabilities are being put on a reduced timetable in school because the school does not have adequate supports in place.

Disputes with schools is another recurring issue for parents who have accessed our service. We have found that parents often do not know their rights or how to appeal the suspension or expulsion of their child from school. Some parents also find it difficult to communicate with the Board of Management or State services.

## Themes emerging from our Helpline

### Child Protection

- Parents have contacted us for information on child protection services and how they work. They want to know what they can expect and what their rights are.
- Parents have called asking how they can make a complaint about the way Tusla, the Child and Family Agency has handled their case. This can include them not being happy about the way in which Tusla, the Child and Family Agency has investigated a child protection concern or that they feel Tusla, the Child and Family Agency did not give them a fair chance to put forward their side to any child welfare or protection issues being investigated.



### Children in Care

- Foster parents have contacted us for information about how they can support children in their care, for example, gaining sibling access for a child in their care.
- Children have called us looking for information on their own rights in care and who they can contact for support.
- Families representing themselves in court have called seeking information on how the courts operate and what to expect.
- Parents have called looking for information on their rights when their child has been taken into care.
- We have also heard from parents asking how they can still support their child in care when they hear the child is unhappy or is not able to access services such as Child and Adolescent Mental Health Services (CAMHS).



## Disability

- Parents have called with questions about accessing respite care for a child. We are seeing cases where parents cannot access respite care for their child with a disability, or when they have respite care coming into their house they are being told that the nurse cannot be left alone with their child and a parent has to be present at all times.
- Parents have contacted us about difficulties they are having accessing Special Needs Assistant (SNA) support, in particular for children with additional needs who do not have a formal diagnosis and are starting school.
- Parents have called for information about their rights when a child has Autism and also needs to access mental healthcare but is struggling to get support from either service.
- Parents have called us about situations where a child with a disability has been put on reduced hours in school due to the behavioural and care needs of another student.
- We have heard from parents struggling to access school places, particularly for children with Autism. Related to this is the difficulty parents face when they do find a suitable Autistic Spectrum Disorder (ASD) unit that may be far from their home, to access school transport services for their child.



# Legal Advice Clinics

Accessing legal advice specifically on children's rights and issues is almost impossible for most families.

**Children and young people under 18 have no enforceable right to legal aid or legal advice. They cannot take cases on their own.**

We established our legal advice outreach clinics to offer one-to-one advice from a solicitor for free. One in five of our legal advice appointments has been child-led, that is, the child has been the primary client directing the solicitor.

Since launching in September 2018, we have helped 25 families across Dublin, Cork, Limerick and Galway and are already beginning to see recurring issues for families where more information and support is required. Once again, education and family law are amongst the top issues. We work closely with our members, Inclusion Ireland and The Irish Foster Care Association to hold specialised clinics on the issue of disability and children in care having identified them as prevalent issues for the families contacting us.

## What happens at a legal advice clinic?

Some families require advice and support to help them find a solution to their problem and to explain how they can take action.

Our clinics offer free, one-to-one advice with a solicitor. Appointments are typically 45 minutes long and involve the individual explaining their problem, the solicitor outlining the options available to them and guidance on how to take action.

Our clinics are designed to be as accessible as possible. They are held in child-friendly, community spaces across the country.



# How We Can Help

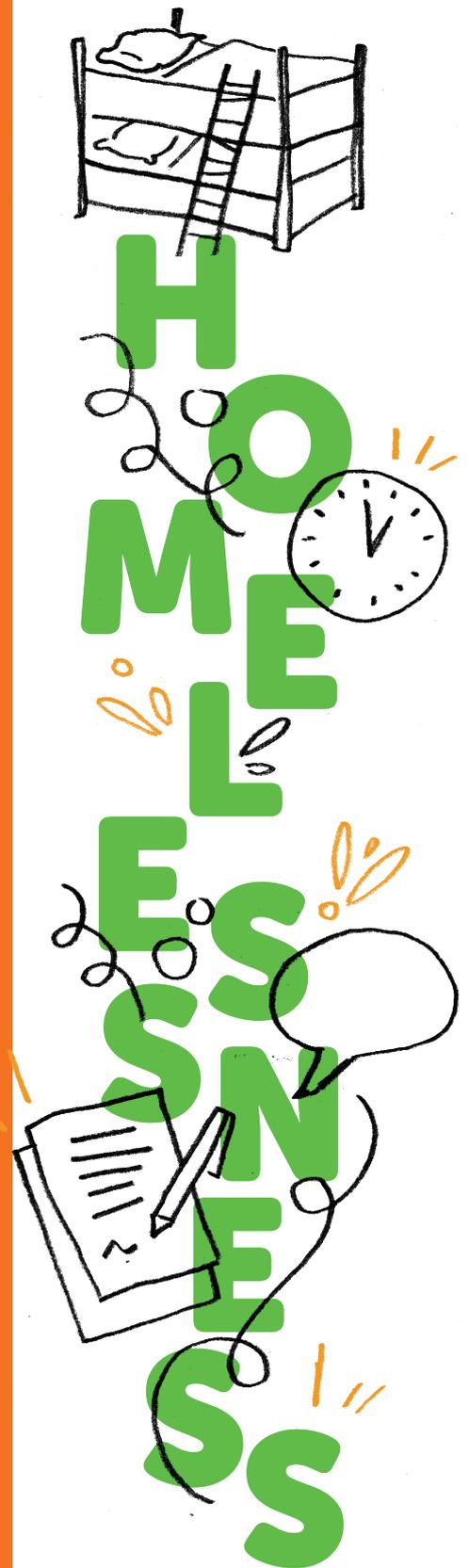
## Aleksja's story

### Homelessness

Aleksja sought out the help of our legal advice clinics for herself and her two young boys, Danny (1) and Noah (2). Aleksja had lost her husband and had been living in emergency accommodation outside of Dublin, for nine months. The accommodation was a former B&B which was shared with other families, but the building was far from family-friendly. There were no stair gates on the stairs, there were rat traps in the hallways and Aleksja was given bunk beds to sleep in with her baby and toddler. The communal kitchen was only open for limited periods making it extremely difficult to prepare meals and when it was closed, there was no running water except in the bedrooms. Aleksja had been granted the Housing Assistance Payment (HAP), yet still it was proving difficult for her to secure a permanent home for her family. Despite complaining many times to the local authority about these problems, nothing had changed.

**Issue** Immediately, Aleksja's story exposed very serious risks to the health and safety of Danny and Noah; the absence of vital safety features for any home with young children. This case also highlights the difficulty many families outside Dublin face accessing advocacy services.

**How we helped** Through our clinic, Aleksja was advised that she should make a formal complaint in writing to the local authority in relation to the standard of accommodation and the issues of child safety and welfare. We identified a potential local advocate to help Aleksja through this process and also made her aware of the role the Ombudsman for Children's Office and Irish Human Rights and Equality Commission can play and how she could engage with them. The solicitor also discussed with Aleksja the prohibition on discriminating against a person on the HAP scheme when seeking accommodation, as well as the steps she could take if she experienced discrimination in this process.



# Patrick's story

## Disability

Patrick came to us looking for advice on accessing treatment for his son Jack, who has dyspraxia and Autism. Jack was in danger of developing a significant movement difficulty so Patrick went to a local service that could provide the type of dyspraxia treatment Jack needed. However, he was refused on the basis that Jack also had a diagnosis of Autism.

**Issue** We know that parents of children with disabilities often have severe difficulty in accessing services and support that their child needs. What was unusual about this case was the fact that Jack was excluded from services for a person with disabilities based on the nature of his disability. This case highlights the situation where parents face difficulties in accessing services for children with a second diagnosis alongside Autism.

**How we helped** At the clinic, the solicitor examined the correspondence that had taken place between the parties and other documents relating to the service. The solicitor advised Patrick that in cases like these, he could take a case to the Workplace Relations Commission or raise a complaint with the Ombudsman for Children's Office because this could be considered discrimination under equality legislation.



# Sara's story

## Family Law

Sara came to us looking for advice on supervised access visits between her 18 month old twins and their father. Supervised access visits are when a parent is only allowed to visit their children under the supervision of another person, such as a family member or a social worker. A court had ordered such visits between Sara's twins and their father, one of whom has disabilities and complex medical needs. There was no service provider with facilities to host supervised access so a private supervised access provider was used instead. This involved the young children being handed over to a representative of this service in a car park where they were brought to meet their father. Sara was concerned that this service did not appear to have a Child Safeguarding Statement. A Statement like this is an important child protection document that provides an overview of the measures in place to keep children safe.

**Issue** The case illustrates the difficulties that arise from not having a court welfare service. This is an independent body whose job it is to promote the welfare of children and families involved in family court. Such a service exists in the UK and elsewhere. In this case, it appears the Court had to rely on the services of a private and unregulated service provider.

**How we helped** Through our clinic, Sara was advised on the protection her young twins were entitled to under law and child protection regulations that should be in place. She was informed that such a service must have a Child Safeguarding Statement and this should be available to parents, guardians, Tusla and members of the public. The service provider did not have a Safeguarding Statement and this was brought to the attention of Tusla's Child Safeguarding Statement Compliance Unit.



# Gráinne's story

## Children in Care

Gráinne is a foster carer and came to us for advice about Lucy, a child she has in her care. Lucy did not want to have overnight stays with her father and Gráinne wanted to know what options were available to her as a foster carer. Lucy was becoming increasingly anxious and upset about the overnight stays and the foster carer was concerned that the stays were being introduced without court oversight and before a parenting assessment had taken place.

**Issue** Children not wanting to go on access visits with a parent is something we have heard about a lot through the service. This can arise in both family law cases and cases where children are in care. We have heard directly from children that these visits can cause increased anxiety and stress. Again, this case shows the confusion around hearing the child's view in court and how legal professionals need to ensure that children and their families are having decisions and processes explained to them in a way they can understand.

**How we helped** In this case, a *Guardian ad Litem* had been recently appointed. A *Guardian ad Litem* (GAL) is a person that provides children with an independent voice to make sure a child's opinion is heard in court and taken into account when decisions are made about the child within care proceedings. The solicitor explained that this was the primary way for the child's voice to be heard in care proceedings and that the GAL would prepare a report for the Judge. This report should set out the child's wishes, detail any impact that overnight stays were having on the child and advise as to the child's best interests.

Gráinne was concerned that decisions were being made outside of court between the father and Tusla, the Child and Family Agency that affected Lucy without considering her views. The solicitor advised that if she was concerned that the direction of the court was required on a question affecting the welfare of the child, it was possible to seek such directions under section 47 of the Child Care Act 1991.



Featured stories are indicative of the issues that we hear through our Helpline and our Legal Advice Clinics. (Names and some details have been changed to protect the anonymity of the families).

# A Special Thanks

We would like to extend a special thank you to our members who have supported the legal advice clinics in 2018 including Cork Life Centre, Irish Foster Care Association, Inclusion Ireland and the ISPCC. We would also like to thank the solicitor Ruth Barry and the Community Law & Mediation team.

We would not be able to provide this service for children, young people and their families without our funder, the One Foundation. We would like to thank them for their continuous support.



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## The **One** Foundation



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