



STATUTORY INSTRUMENTS.

S.I. No. 210 of 2020

GUARDIANSHIP OF CHILDREN (STATUTORY DECLARATION)
REGULATIONS 2020

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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.
2. In these Regulations, “Act of 1964” means the Guardianship of Infants Act 1964 (No. 7 of 1964).
3. The form of statutory declaration set out in Schedule 1 is hereby prescribed for the purpose of section 2(4)(e) (amended by section 4 of the Children Act 1997 (No. 40 of 1997)) of the Act of 1964.
4. The form of statutory declaration set out in Schedule 2 is hereby 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.
5. The Guardianship of Children (Statutory Declaration) Regulations 1998 (S.I. No. 5 of 1998) are hereby revoked.

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
(child's name)

____ day of _____ (month) ____ (year).

2. We agree to the appointment of _____ as a
guardian of _____
(parent's name)

_____.
(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 Relationships Act 2015) of the Guardianship of Infants Act 1964.

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]

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]).



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.

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