Department of Finance
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Family Law Reform:

Strengthening Protections for Children Through Reform of Parental Responsibility

A public consultation

Published on 10 November 2026

This consultation will end on 8 February 2027

This consultation exercise is being conducted by the Department of Finance

This paper is also available on the Department of Finance website: https://www.finance-ni.gov.uk/consultations

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Ministerial Foreword

The safety, welfare and wellbeing of children are among the most fundamental responsibilities of government. Family law plays a vital role in protecting children, promoting their best interests and ensuring that those with parental responsibility act in a manner consistent with those objectives.

In recent years, several deeply tragic domestic homicide cases have occurred in this jurisdiction. In a number of these cases, children have lost one parent through the actions of the other, often in circumstances involving domestic abuse. Such cases have had devastating and lifelong consequences for children, wider family networks and communities.

These tragedies have given rise to understandable concerns about whether the current legal framework adequately protects children in the aftermath of the most serious criminal offending. At present, a parent who has been convicted of an offence involving the killing of the child's other parent, continues to retain parental responsibility for the child. Decisions concerning parental responsibility and child arrangements then become matters for determination by the Family Court on a case-by-case basis. While this approach provides flexibility and enables the courts to consider the individual circumstances of each child, concerns have been raised by affected families, victims' organisations and elected representatives that the existing framework may place too great a burden on those seeking protection, particularly when grieving loss. In some cases, surviving relatives have been required to initiate legal proceedings by applying to the Family Court to address issues relating to parental responsibility and decision-making following a parent's conviction for serious offending. Many have questioned whether grieving families should bear the responsibility of seeking such protections at a time of profound loss and trauma.

Having considered these concerns, I have been mindful of the need to ensure that the law reflects the welfare and best interests of children and the realities faced by families affected by domestic homicide and other forms of serious criminal offending.

Recent legislative developments in neighbouring jurisdictions have brought these issues into sharper focus. In England and Wales, the Westminster Parliament has passed legislation, commonly known as "Jade's Law". This legislation has yet to be brought into operation but it is intended to prevent a parent who has been convicted of the murder or voluntary manslaughter of the child's other parent from continuing to exercise parental responsibility, unless authorised by a court. Similar legislation, known as "Valerie's Law", has recently been enacted in the South but has not yet been commenced. These developments, together with representations from affected families, advocacy organisations and others, have informed our consideration of how best to develop a legislative framework for this jurisdiction.

Accordingly, on 30 April 2026, I announced my intention to bring forward legislation broadly comparable to Jade's Law during the next Assembly mandate.

The recent developments elsewhere have also raised wider questions about whether similar protections should apply to other high-harm offences, including cases involving attempted murder, serious sexual offending, children conceived as a result of rape, severe harm to children and similar circumstances where the exercise of parental responsibility may conflict with the welfare and best interests of a child.

While I have announced my intention to legislate in relation to the homicide of a child's other parent, important questions remain regarding the scope and operation of that framework. This consultation therefore seeks views on a number of family law reforms. In particular, it seeks views on the operation of proposed legislation relating to the homicide of a child's other parent, and on whether similar protections should apply in other circumstances involving the most serious forms of criminal offending and harm. This process will help ensure that any legislative reforms that may emerge from this work, are informed and guided by the welfare of children; and developed in a manner that is balanced, proportionate and consistent with our human rights obligations.

I am grateful to those individuals and organisations who have already engaged with these issues, particularly families whose personal experiences have helped inform public understanding of the challenges involved. I now invite practitioners, victims and survivors, representative organisations, academics, statutory agencies and members of the public to share their views through this consultation.



John O'Dowd
Minister of Finance

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Executive Summary

The Minister of Finance, John O'Dowd MLA, is seeking views on proposals to reform family law concerning parental responsibility, which refers to the legal rights, duties, powers and responsibilities that a parent has in relation to a child. The proposals are intended to provide enhanced protection for children and victims in circumstances involving serious criminal offending.

At present, decisions concerning parental responsibility and child contact are determined by the Family Court on a case-by-case basis. The law provides the courts with extensive powers to regulate parental responsibility and child arrangements where this is necessary to protect the welfare of a child. However, these powers generally require a separate application to be made which can be contested by the other parent and remains dependent upon judicial determination in each individual case.

Increasing attention has focused on whether certain categories of offending are so serious that a more structured statutory response may be required. Particular concerns have been raised regarding situations where:

- one parent murders or unlawfully kills the other parent;
- there is extended serious violence by one parent to the other parent;
- a child is conceived through rape;
- a parent has been convicted of other serious sexual offences against children; or
- a child has suffered severe abuse or serious harm.

This consultation follows the Minister's announcement on 30 April 2026 that he had instructed officials to commence detailed policy development on reforms similar in effect to "Jade's Law" in England and Wales. In making that announcement, the Minister highlighted the devastating and lifelong consequences that domestic homicide can have for children and their wider family, as well as the additional trauma that can arise when a parent who is convicted of killing a child's other parent continues to retain parental responsibility. The Minister committed to exploring legislative reforms to strengthen protections for children and families affected by some of the most serious crimes.

The consultation has also been informed by a number of tragic domestic homicide cases in this jurisdiction in recent years, together with representations from affected families, victims' organisations, elected representatives and campaigners who have called for reform of the law. These stakeholders have raised concerns that surviving family members may be required to undertake further legal proceedings to address issues of parental responsibility and parental decision-making at a time of profound grief and trauma.

The purpose of this consultation is to gather evidence and views to inform the development of family law reforms, including measures similar in effect to Jade's Law and Valerie's Law. The consultation therefore seeks views on a range of potential reforms, including restrictions on parental responsibility following serious criminal offending, the circumstances in which such restrictions should arise, the role of the courts, and the safeguards which should apply.

Any future legislative proposals will be guided by the welfare and best interests of children, informed by consultation responses, and developed in a manner that is proportionate, and consistent with human rights and equality obligations.

Responding to this Consultation

We look forward to receiving your comments and views concerning any of the proposals contained in this consultation.

We will not publish the names or contact details of individual respondents but will include the names of organisations responding.

In its report on consultation findings, the Department may quote consultation responses and will assume consent. Quotations from individual respondents will be anonymised; quotations from organisations will be attributed to that organisation.

Consultation questions are provided later in Chapter 9 (pages 51 – 56) to guide and structure your responses.

We would be grateful if you could indicate whether you are content for your response to be published on the Departmental website.

We would encourage you to respond to the consultation using the on-line facility on Citizen Space, accessible via NI Direct.

https://consultations2.nidirect.gov.uk/dof/family-law-reform

If you prefer to send a written response, this should be emailed to **familylawreform@finance-ni.gov.uk** or posted to:

Review of Family Law
Departmental Solicitor's Office—Civil Law Reform Division
2nd Floor
Lanyon Plaza
7 Lanyon Place
BELFAST BT1 3LP

A hard copy of the consultation document can be provided on request. Alternative formats may also be available. This document can also be accessed via the Department of Finance website: **www.finance-ni.gov.uk/consultations**

If you choose to respond to this consultation in writing, we would be grateful if you could provide: your name; the capacity in which you are responding (e.g. as a member of the public, elected representative, or on behalf of a group or organisation); and contact details (e.g. an email address).

If you are responding on behalf of a group or organisation, it would greatly help if you could provide some details of the group in question—name, purpose, size. If the response was collective, we would value some detail as to how it was obtained (e.g. via a meeting, through a survey).

Consultation will run for 13 weeks until midnight on 8th February 2027.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Next Steps in the Consultation Process

Following the closing date, all responses will be analysed and the Department will publish a summary of responses to the consultation.

Where respondents have given permission for their response to be made public, and after we have checked that they do not contain personal information, potentially defamatory content or product names, responses will be made available to the public at https://www.finance-ni.gov.uk/publications. If you use the consultation hub, Citizen Space to respond, you will receive a copy of your response via email.

We may also wish to make responses to this consultation available to the Northern Ireland Assembly.

Confidentiality and Data Management

All personal data will be handled in accordance with UK data protection legislation.

Information provided in response to this consultation, including personal data (see Annex D), will be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the UK General Data Protection Regulation, and the Environmental Information Regulations 2004). If we receive a request for disclosure of confidential information, we will take full account of your explanation for non-disclosure, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

The Department of Finance will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex D.

Chapter 1: Introduction

Purpose of the Consultation

1.1 This consultation seeks views on whether the law governing parental responsibility and child contact arrangements should be reformed in circumstances involving serious criminal offending by parents who obtained parental responsibility automatically.

1.2 A birth mother automatically has parental responsibility for her child, as does a father or second female parent who was married to, or in a civil partnership with, the mother at the time of birth. Other parents may acquire parental responsibility through registration on the birth certificate, a parental responsibility agreement or a court order.

1.3 Where parental responsibility was obtained automatically, it can only end in limited circumstances, including when the child reaches 18 or where an adoption or parental order is made.

1.4 The law governing parental responsibility is principally contained in the Children (Northern Ireland) Order 1995. The child's welfare is the court's paramount consideration and the Family Court has wide powers to regulate parental responsibility and child contact arrangements.

1.5 Criminal convictions do not currently result in automatic restrictions on parental responsibility or child contact. Decisions are made by the Family Court on a case-by-case basis, taking account of the individual circumstances of the child and family.

1.6 This discretionary approach has long been regarded as an important feature of our family justice system. It allows the courts to consider the particular circumstances of each case and ensures that decisions remain focused upon the welfare and best interests of the individual child. However, concerns have increasingly been raised regarding the effectiveness of the current framework in responding to the most serious forms of criminal offending.

1.7 In particular, concerns have arisen in cases involving homicide, serious violence, sexual offending or conduct causing significant harm to a child. Some stakeholders have questioned whether surviving family members should be required to initiate separate family court proceedings to obtain protective measures after serious criminal liability has been established.

1.8 Other jurisdictions have begun to address these issues. In England and Wales, provisions commonly known as "Jade's Law" will introduce automatic restrictions on the exercise of parental responsibility where a parent has been convicted of the homicide of the child's other parent. In the South, "Valerie's Law", which has been enacted but not yet commenced, allows the Court to restrict or remove guardianship rights where a parent has been convicted of the murder, manslaughter or another serious crime against the other parent. Scotland continues to rely on case-by-case judicial determination through the civil courts.

1.9 As the Minister has already announced his intention to legislate where one parent has been convicted of the homicide of the other parent, this consultation does not seek views on whether reform should be introduced in this area. Instead, it seeks views on how such legislation should operate and whether similar protections should apply to other serious offences.

Scope of the Consultation

1.10 The consultation focuses on five principal areas.

Homicide of the Other Parent
The consultation considers the circumstances in which restrictions on parental responsibility and child contact should apply where one parent has been convicted of the homicide of the child's other parent.

Extended Serious Violence
The consultation examines whether automatic restrictions should also apply where one parent has been convicted of attempting to murder the other parent or of other particularly serious violent offences.

Children Conceived Through Rape
The consultation seeks views on whether parental responsibility should be restricted where a child has been conceived through rape and the offender has been convicted of the offence.

Other Serious Sexual Offending against children
The consultation considers whether specified serious sexual offences should trigger automatic restrictions on parental responsibility and child contact.

Severe Harm to a Child
The consultation examines whether serious physical abuse, emotional abuse or serious neglect of a child should result in statutory restrictions on the exercise of parental responsibility.

Chapter 2: Current Legal Framework

The Children (Northern Ireland) Order 1995

2.1 The Children (Northern Ireland) Order 1995, as amended by the Family Law Act (Northern Ireland) 2001, provides the principal statutory framework governing decisions relating to children and family relationships in this jurisdiction.

2.2 The 1995 Order is founded upon the principle that the welfare of the child shall be the court's paramount consideration, a principle which reflects the long-established recognition that decisions affecting children should be guided primarily by their interests and wellbeing.

2.3 In determining which arrangements best promote a child's welfare, the courts must have regard to a range of statutory considerations, known as the welfare principle. These include the wishes and feelings of the child, considered in light of the child's age and understanding, the child's physical, emotional and educational needs, the likely effect on the child of any change in circumstances, as well as the child's age, sex, background, relevant personal characteristics, any harm which the child has suffered or is at risk of suffering, and the capability of each parent or other relevant person to meet the child's needs.

2.4 The welfare principle underpins all aspects of decision-making under the 1995 Order. It applies irrespective of the particular legal issue before the courts and provides the primary lens through which questions relating to parental responsibility, contact and child protection are assessed.

2.5 Under Article 8 of the Children (Northern Ireland) Order 1995 the courts have a broad range of powers to protect children and regulate parental involvement. These include the ability to make the following orders:

a. a residence order which determines with whom a child should live;
b. a contact order regarding the arrangements for contact between a child and a parent or other family member;
c. a prohibited steps order which would prevent particular actions from being taken in relation to a child, such as removing a child from the jurisdiction or making significant decisions without the court's permission;
d. a specific issue order which issues directions for the purpose of determining a specific question regarding important aspects of a child's upbringing.

2.6 The courts also have a range of powers to protect children, including care orders, supervision orders and Article 8 orders, enabling them to tailor

arrangements to the needs of individual children. While criminal convictions are often highly relevant in such proceedings, they do not automatically alter a parent's legal status or parental responsibility. Protective measures generally require proceedings to be initiated and evidence considered by the courts.

Parental Responsibility

2.7 Parental responsibility encompasses the rights, duties, powers, responsibilities and authority which a parent has in relation to a child and the child's property. It constitutes the legal basis upon which parents make decisions regarding a child's upbringing and welfare.

2.8 In practical terms, parental responsibility enables individuals to participate in important decisions concerning a child's education, healthcare and medical treatment, religious upbringing, residence, international travel and wider developmental needs. It also carries corresponding obligations to promote and safeguard the child's welfare.

2.9 A number of individuals may hold parental responsibility for the same child at any given time. In many cases this will be both parents, although parental responsibility may also be acquired by others through court orders or statutory mechanisms.

2.10 The existence of parental responsibility does not mean that every decision must be made jointly. For instance, where a child lives with one parent, the day-to-day decisions are often taken independently by those caring directly for the child. However, major decisions affecting a child's welfare commonly require consultation by all those who hold parental responsibility.

2.11 Importantly, our law does not currently provide for the automatic suspension, restriction or removal of parental responsibility following a successful prosecution for a criminal offence, regardless of the seriousness of that offence. Where concerns arise regarding a parent's continued exercise of parental responsibility, general practice is that a review of parental rights requires an application to the Family Court for a judicial assessment based on the circumstances of the individual case.

Contact Arrangements

2.12 The existing law recognises that, in many circumstances, children benefit from having meaningful relationships with both parents and from maintaining family connections where this can be achieved safely and, in a manner, consistent with their welfare.

2.13 However, contact arrangements must always be assessed in accordance with the welfare of the child concerned. The courts retain broad discretion to determine whether contact is appropriate, the form that contact should take, and any safeguards that may be required.

2.14 Where concerns of harmful conduct arise regarding a parent's behaviour, the courts have the power to restrict, supervise or prohibit contact with the child. Such decisions are made on the specific facts of each case following consideration of the evidence available to the courts and based on what is in the child's best interest.

2.15 The current framework therefore enables robust judicial intervention where necessary. However, as with parental responsibility, restrictions on contact are not automatically triggered by criminal convictions but generally arise through applications to the courts. This remains the case whether the offence involves murder, manslaughter, serious violence, including serious sexual offending or significant harm to a child.

Practice and Policy Developments

Judicial Guidance

2.16 In recent years, there has been increasing recognition of the challenges posed by cases involving serious violence, domestic abuse and other forms of harmful behaviour, and the implications of such conduct for the exercise of parental responsibility.

2.17 In June 2025, the Lady Chief Justice issued *Guidance for Judiciary – Family Proceedings: Domestic Abuse* to assist the Family Courts in proceedings involving domestic abuse where there are child welfare concerns. The guidance seeks to promote greater consistency in judicial decision-making and robust consideration of risk and harm when determining arrangements affecting children.

2.18 While the guidance represents an important development in practice, it does not create automatic restrictions on parental responsibility or alter the underlying statutory framework. Such reforms require legislative amendment.

Victims' Experiences and the *Totally Invisible* Report

2.19 The current framework has also been examined in the *Totally Invisible* report, produced by the Commissioner Designate for Victims of Crime. This report

highlighted concerns raised by victims and families regarding the operation of family law processes in cases involving serious offending. Among the issues it identified were concerns regarding the burden placed on victims to seek protective measures, the perceived lack of recognition of serious harm within some family proceedings, and the ongoing impact of legal processes on children and families who have already experienced significant trauma.

Family Law Pilot Task and Finish Group

2.20 Following the release of *Totally Invisible*, a cross-departmental and multi-agency Family Law Pilot Task and Finish Group was established by the Commissioner Designate for Victims of Crime to examine practical improvements within the family justice system.

2.21 The Group brings together representatives from relevant organisations and agencies to consider how family law processes may better respond to cases involving domestic abuse, serious offending and child welfare concerns. Its work includes consideration of information-sharing arrangements, court processes, victim experiences and opportunities for improving the operation of the existing framework.

2.22 Although the Group is not responsible for legislative reform, its establishment reflects a broader recognition that family justice processes must continue to evolve to ensure that children's welfare and safety remain at the centre of decision-making.

2.23 Taken together, these developments demonstrate a growing interest in issues concerning the impact of serious offending on children and families. These developments sit comfortably with a debate on whether the existing discretionary framework relating to the exercise of parental responsibility provides the most effective response to cases involving serious criminal offending, or whether further reform may be required.

Chapter 3: Why Reform is Being Considered

3.1 As outlined in the preceding chapter, the current legal framework provides the courts with extensive powers to regulate parental responsibility, child contact and other arrangements affecting children. These powers enable the courts to respond to individual circumstances and to take account of the welfare and best interests of the child in each case.

3.2 While the existing framework is capable of addressing a wide range of family circumstances, concerns have increasingly been raised regarding whether it provides the most appropriate response in cases involving the most serious forms of criminal offending and harm. In particular, questions have arisen as to whether additional statutory safeguards may be required in certain circumstances involving significant risks to children and families.

3.3 These questions have emerged from a combination of factors, including evidence of the impact of serious offending on children, concerns raised by victims and families regarding existing legal processes, and recent legislative developments in neighbouring jurisdictions.

3.4 This chapter examines the principal factors that have contributed to consideration of reform and provides the context for the policy options discussed in later chapters.

Evidence of Harm and Safeguarding Concerns

3.5 Serious offending within domestic and family settings affects significant numbers of adults and children in this jurisdiction. Domestic abuse, serious violence and sexual offending frequently occur within family environments and can have profound consequences for children, whether they are direct victims, witnesses to offending, or affected by its aftermath.

3.6 Domestic homicide represents one of the most serious manifestations of domestic abuse. Since 2020, 30 women have been killed in domestic homicides in the North. Of those cases, 15 involved the victim being killed by a current or former partner. Fourteen of those 15 victims had children and, in at least seven cases, the perpetrator was reported to be the father of the victim's children. These figures illustrate that domestic homicide frequently affects children directly and highlight the extent to which issues of parental responsibility may arise following the most serious offending within a family.

3.7 During 2025/26, the Police Service of Northern Ireland recorded more than 31,500 domestic abuse incidents and almost 18,750 domestic abuse crimes,

including 11 domestic abuse homicides. Domestic abuse crimes account for almost one in every five crimes recorded by the police. During 2024/25, the Public Prosecution Service received more than 1,600 files relating to sexual offences, including more than 600 files involving rape offences. Between September 2021 and March 2026, more than 55,900 Operation Encompass notifications were issued to schools following domestic abuse incidents.

3.8 Taken together, this evidence demonstrates that serious offending against a parent often has significant and enduring consequences for children. It also illustrates the close relationship between domestic abuse, serious violence, homicide and child welfare concerns, providing important context for considering whether additional statutory safeguards may be required in a limited number of high-harm cases.

Experiences of Victims and Families

3.9 A recurring issue raised by victims, family members, representative organisations and other stakeholders concerns the practical and emotional burden that can arise following serious offending. Particular concerns have been expressed in cases where surviving family members or carers may need to seek legal advice and initiate Family Court proceedings in order to secure arrangements relating to parental responsibility or contact for children of the victim.

3.10 For families already coping with bereavement, trauma and significant changes in family circumstances, the prospect of further legal proceedings can represent an additional source of stress and uncertainty. Stakeholders have highlighted the emotional, practical and financial pressures associated with pursuing Family Court applications at an already difficult time.

3.11 Similar concerns have been reflected in wider discussions regarding experiences within the family justice system, including those highlighted in the Totally Invisible report and subsequent stakeholder engagement. Collectively, these discussions have drawn attention to the challenges that families may face in securing protective arrangements where serious harm has occurred.

Serious Offending and Family Law Consequences

3.12 The concerns described above raise broader questions regarding the relationship between serious criminal offending and parental responsibility.

3.13 Under the current framework, criminal and family law operate as distinct legal systems. Although a criminal conviction may constitute important evidence in

subsequent family proceedings, it does not automatically affect parental responsibility or alter existing parental rights and responsibilities.

3.14 Some stakeholders have questioned whether this approach remains appropriate in a limited category of exceptional cases involving the most serious forms of offending. They argue that certain conduct may be of such gravity that additional safeguards should be triggered unless and until a court determines otherwise.

3.15 Others emphasise the importance of preserving judicial discretion and ensuring that decisions affecting parental responsibility continue to be based on the circumstances of each case. They caution against the introduction of automatic consequences flowing directly from criminal convictions.

3.16 These differing perspectives illustrate the complexity of the issues under consideration and the need to balance child welfare, protection from harm, fairness and proportionality when considering any potential reforms.

Developments in Other Jurisdictions

3.17 The Department also recognises that significant developments have emerged in neighbouring jurisdictions in recent years. While all continue to place the welfare of the child at the centre of decision-making, they have adopted different approaches to the relationship between serious criminal offending and parental responsibility. A more detailed overview of the approaches adopted in England and Wales, Scotland and the South is provided at Annex C.

3.18 In England and Wales, reforms have moved furthest towards linking serious offending and parental responsibility. Through legislation commonly known as *Jade's Law*, automatic restrictions on the exercise of parental responsibility will apply where a parent is sentenced following a conviction for murder, or specified forms of manslaughter, of the child's other parent. Although enacted, these provisions have not yet been commenced. More recently, further legislative provisions have been enacted in relation to children conceived through rape and specified serious sexual offences against children, although these measures have similarly not yet come into operation.

3.19 Once commenced, the England and Wales model will represent the most interventionist approach within the United Kingdom. It will combine automatic statutory restrictions with ongoing judicial oversight through the family courts.

3.20 Scotland has not introduced equivalent legislation and continues to rely primarily upon judicial discretion and welfare-based decision-making. Although

Scottish courts possess broad powers to regulate parental responsibilities and rights, criminal convictions do not automatically result in restrictions. Instead, each case is assessed individually according to the welfare of the child and the circumstances before the court.

3.21 The South has adopted an approach that sits between the models operating in England and Wales and Scotland. Through Valerie's Law, conviction for the homicide of the child's other parent triggers a formal review process initiated by the Child and Family Agency. The District Court then determines whether guardianship should be maintained, restricted or removed. A similar review process may also be initiated in cases involving other serious offending against the child's other parent. Although enacted, these provisions have not yet been commenced.

3.22 This model seeks to ensure that homicide automatically triggers State action, whilst preserving judicial determination of the final outcome.

3.23 These developments illustrate that different jurisdictions are seeking to address similar concerns through different mechanisms. All continue to place significant weight on the welfare of the child but differ in the extent to which criminal convictions should give rise to automatic consequences and the degree of judicial discretion that should be retained.

3.24 The comparative experience also demonstrates increasing consideration of whether parental responsibility should be affected not only by homicide offences, but also by serious sexual offending, rape resulting in the conception of a child and other forms of conduct giving rise to significant safeguarding concerns.

Conclusion

3.25 Taken together, the available evidence, stakeholder views, existing legal processes and developments in neighbouring jurisdictions have prompted consideration of whether additional safeguards may be required in certain defined high-harm circumstances.

3.26 The following chapters therefore examine the options that may be available for reform and seek views on how any future framework should operate.

Chapter 4: Policy Approaches to Reform

4.1 The preceding chapters have examined the current legal framework in this jurisdiction and the concerns that have prompted calls for reform.

4.2 This chapter considers the principal policy approaches that could be adopted in relation to each of the five areas under consideration. These approaches are not necessarily mutually exclusive.

4.3 Respondents are invited to consider the policy approaches described below, including the balance between child protection, victim protection, judicial oversight, proportionality and legal certainty.

4A: Homicide of the Other Parent

4.4 The Department considers that the homicide of a child's other parent presents the strongest case for statutory intervention. The devastating impact upon children and surviving family members, together with the seriousness of the offending, has led the Minister to announce his intention to introduce legislation broadly comparable to Jade's Law.

4.5 Under this option, automatic suspension of the exercise of parental responsibility would apply where an individual has been sentenced following a conviction for:

- murder of the child's other parent; and
- specified forms of manslaughter of the child's other parent.

4.6 The restrictions would take effect automatically upon sentencing by a Criminal Court issuing a prohibited steps order and would remain in place until they are varied or removed by the Family Court. This would remove the need for surviving family members to seek separate orders before the Family Court.

4.7 The framework would be limited to cases involving the homicide or manslaughter of the other parent and would not extend to other categories of serious offending.

4.8 Judicial oversight would remain an important safeguard which would take place within the Family Court. While suspension of parental responsibility would take effect automatically upon sentencing, the Family Court would review the position and, where an application is made to vary or remove the restrictions, including where the person convicted succeeds in overturning that conviction on appeal, any decision by the Family Court would be made with the welfare and best interests of the child as the paramount consideration.

4.9 This approach directly addresses the concerns raised by victims, their families and stakeholders, while limiting reform to a clearly defined and exceptional category of serious offending.

4.10 This option represents the baseline legislative framework.

4.11 The key question arising from this option is whether the proposed framework should be confined to cases involving the homicide of the other parent, or whether similar protections should apply in other circumstances of serious offending. Respondents are therefore invited to consider whether additional categories of serious offending should be brought within the scope of the legislation.

4B: Extended Serious Violence

4.12 This option builds upon Option 4A by extending the framework to include other forms of exceptionally serious violence against the child's other parent.

4.13 In addition to the offences identified under Option 4A, potential qualifying offences could include:

- attempted murder of the child's other parent; and
- other specified offences involving exceptionally serious violence against the child's other parent, such as causing grievous bodily harm with intent; offences involving serious domestic violence resulting in permanent injury; other specified offences attracting minimum periods of custodial sentences.

4.14 The rationale for this approach is that offences such as attempted murder demonstrate a level of violence and intent that may justify comparable safeguards, particularly where the impact on the child, victim and wider family is similar to that arising in homicide cases.

4.15 The principal advantage of this approach is that in extending the principle underpinning Jade's Law to other forms of serious offending, it recognises the impact of the offending rather than focusing solely upon the legal outcome of the offence.

4.16 However, which offences should qualify and the thresholds required for automatic intervention would require careful consideration and clarity.

4C: Child Conceived Through Rape

4.17 This option would build upon Options 4A and 4B by extending the framework to cases where a child has been conceived through rape so that, in addition to the offences identified under Options 4A and 4B, potential qualifying offences could include rape resulting in the conception of a child.

4.18 The rationale for this approach is that where a child has been conceived as a result of rape, distinct safeguarding, welfare and autonomy concerns may arise. In such circumstances, ongoing parental responsibility may have significant implications for both the child and the victim of the rape.

4.19 This option recognises that child welfare concerns which underpin statutory intervention so as to restrict the exercise of parental responsibility of a parent, not only arise from the act of serious violence itself in the form of rape against the mother, but extend to protecting the rights, welfare and safety of children conceived as a result of rape.

4.20 The principal advantage of this approach is that it addresses a specific category of exceptionally serious offending where concerns regarding parental authority and child welfare may arise irrespective of whether the offender has committed any direct offences against the child.

4.21 However, careful consideration would have to be given to evidential requirements, eligibility criteria and the circumstances in which restrictions should apply.

4D: Other Serious Sexual Offending Against Children

4.22 This option builds upon Options 4A, 4B and 4C by extending the framework to include a wider range of specified serious sexual offences against children so that in addition to the offences identified under Options 4A to 4C, potential qualifying offences could include:

- rape of any child, not just their own;
- assault by penetration of any child, not just their own;
- sexual activity with any child, not just their own;
- causing or inciting any child, not just their own, to engage in sexual activity;
- abuse of trust offences;
- grooming offences in relation to any child;
- offences relating to indecent images of any child, not just their own; and
- other specified serious sexual offences against any child, not just their own.

4.23 The rationale for this approach is that certain forms of sexual offending may demonstrate behaviour that is fundamentally incompatible with the responsibilities associated with parenthood. In particular, offences involving the sexual abuse or exploitation of children may raise significant safeguarding concerns over the continued exercise of parental responsibility.

4.24 This option would extend the principles underpinning the previous options beyond those offences committed against the child's other parent and would recognise that other serious sexual offending may present risks to children regardless of whether the offender's own child was the direct victim.

4.25 The principal advantage of this approach is that it provides a more consistent safeguarding response in cases involving serious sexual offending and reduces the need for victims, carers or family members to initiate separate proceedings in the Family Court to seek restrictions on parental responsibility.

4.26 However, consideration would have to be given to whether the offences set out in Schedule 2 of The Criminal Justice (Northern Ireland) Order 2008 would be qualifying offences under this option, and whether sentencing thresholds should apply.

4.27 Consideration would also need to be given to proportionality, the relationship between the nature of the offending behaviour, the rights of a convicted person, the welfare of the child, and the safeguards required to ensure that restrictions operate fairly and consistently.

4E: Severe Harm to a Child

4.28 This option builds upon Options 4A, 4B, 4C and 4D and represents the most extensive form of reform under consideration so that, in addition to the offences identified under Options 4A to 4D, automatic restrictions or mandatory safeguarding reviews could apply where specified thresholds of serious harm to a child have been established.

4.29 Potential additional circumstances could include:

- severe physical abuse of a child;
- severe emotional and psychological abuse of a child;
- serious neglect of a child; and
- findings of significant harm in public law proceedings.

4.30 Under this option, restrictions or safeguarding reviews could arise following conviction and sentencing for a qualifying offence, or where specified statutory thresholds have been met through Family Court proceedings.

4.31 This approach is based upon the principle that family law should respond consistently to all forms of conduct that create serious risks to the welfare of a child.

4.32 Supporters may argue that this approach provides the strongest protection for children, particularly those which may be vulnerable, and creates a coherent statutory framework for responding to serious harm against a child.

4.33 Others may consider that it represents a more significant departure from the traditional welfare-based model and may raise complex issues regarding proportionality, evidential thresholds and human rights considerations.

4.34 This option represents the broadest legislative model under consideration and would involve the most substantial change to the current legal framework.

Assessing the Policy Approaches

4.35 The Department recognises that there are legitimate arguments both for and against extending reforms beyond cases involving the homicide of a child's other parent, in certain circumstances.

4.36 It is anticipated that views will differ regarding the categories of offending that should be included in a reform package, whether restrictions should arise automatically or following a review, the role of the courts and the safeguards required to ensure that the welfare of the child remains paramount.

4.37 The purpose of this consultation is to gather views regarding the advantages, disadvantages and practical implications of the different approaches.

4.38 Respondents are therefore invited to consider the extent to which each model:

- protects children from harm;
- supports victims and families;
- promotes consistency and clarity;
- respects rights and proportionality;
- maintains appropriate judicial oversight;
- reflects the seriousness of the conduct in question for the purpose of protecting the child; and
- provides an effective and workable framework for this jurisdiction.

4.39 The following chapters examine in more detail the specific categories of offending and the individual reform proposals that could form part of a reformed framework.

Chapter 5: Detailed Proposals

5.1 This chapter focuses on the design and operation of those proposed reform options and seeks views on whether similar protections should apply in other circumstances involving serious offending or harm.

5.2 The proposals set out below are intended to illustrate how a reformed framework might operate in practice and to assist respondents in considering the practical implications of different approaches.

5.3 While the policy intention in relation to the homicide of a child's other parent has been announced, no final decisions have been taken regarding the design of the proposed framework or the possible extension of similar protections to other circumstances. The purpose of this chapter is therefore to seek views on the circumstances in which automatic restrictions on parental responsibility may be justified, the mechanisms through which such restrictions should operate and the safeguards that should accompany any new legislative framework.

5A – Homicide of the Other Parent

Rationale

5.4 The Department considers that the homicide of a child's parent raises acute child protection and safeguarding concerns.

5.5 Where one parent has been convicted of the homicide of the child's other parent there is significant trauma for the children involved and for wider family members and questions may arise as to whether the convicted parent should be allowed to continue to exercise parental responsibility.

5.6 The Department recognises that many stakeholders consider such circumstances to be exceptional and that the issues of parental responsibility are fundamentally different from most other family law disputes. It is therefore appropriate to consider how the law should provide a specific and immediate response in such situations and what safeguards should accompany any new legislation.

5.7 The reforms in England and Wales and the South demonstrate increasing recognition that surviving family members should not necessarily bear the burden of initiating separate family proceedings in the Family Courts in order to secure protection following the homicide of a child’s parent by the other parent, and consequently that parental responsibility should be considered automatically.

Circumstances Giving Rise to Restrictions

5.8 The Department proposes restrictions to parental responsibility should arise where a parent has been convicted of:

- murder of the child's other parent; or
- specified forms of manslaughter of the child's other parent.

Proposed Legal Mechanism

5.9 A reformed legislative framework would provide for restrictions on parental responsibility to be imposed automatically following conviction and sentencing for homicide.

5.10 The model adopted in England and Wales is that the offender's ability to exercise parental responsibility will be suspended automatically by the Criminal Court through the mechanism of a Prohibited Steps Order being issued at the point of sentencing. However, in circumstances where a person has been convicted of manslaughter, there is no automatic suspension: The Criminal Court must not make a Prohibited Steps Order if it would not be in the interests of justice to do so.

5.11 Although the offender would remain the child's legal parent, they would be unable to exercise parental responsibility unless authorised by the Family Court, which would consider any application to vary or discharge the order.

5.12 Under the England and Wales model, where a parent is acquitted on appeal of the homicide offence that led to the order being made, the local authority responsible for the child at the time of the acquittal must apply to the Family Court within 14 days for a review of the order.

5.13 The Department is interested in views regarding the detailed operation of such a framework, including:

- whether restrictions should take effect automatically upon conviction, and sentencing or following a short mandatory review within a specified timeframe;
- whether any categories of manslaughter should be treated differently so that the Criminal Court has discretion to consider whether it is in the interests of justice to issue a prohibited steps order;
- the duration of the order;
- the circumstances in which an application to vary or discharge the order should be permitted, including at point of acquittal; and

- the role of the Family Court in reviewing or overseeing the operation of the order.

Safeguards

5.14 As the proposed framework would interfere with the exercise of parental responsibility, it is essential that any legislation includes clear and robust safeguards. These may include:
- consideration of the child's welfare as the paramount consideration;
- the ability for the convicted parent to apply for review by the Family Court; and
- judicial discretion in exceptional circumstances, such as circumstances involving self-defence or domestic abuse.

5B – Extended Serious Violence

Rationale

5.15 The Department recognises that, in some circumstances, attempted murder and other forms of serious violence may have consequences for a child that are comparable to those arising from homicide.

5.16 A victim of extended serious violence may survive but suffer life-changing physical injuries, severe psychological trauma or permanent incapacity. Children may similarly suffer profound emotional harm as a result of the offending behaviour.

5.17 The Department seeks views on whether the rationale underlying reforms relating to homicide should also apply to certain offences involving exceptionally serious violence.

Circumstances Giving Rise to Restrictions

5.18 Possible qualifying offences against the child's other parent could include:
- attempted murder;
- causing grievous bodily harm with intent;
- offences involving serious domestic violence resulting in permanent injury; and
- other specified offences attracting substantial custodial sentences.

Proposed Legal Mechanism

5.19 One option would be to extend the homicide framework to attempted murder and other defined offences.

5.20 A conviction could result in either:
- automatic restrictions on parental responsibility; or
- a mandatory review process before the Family Court within a specified timeframe.

5.21 The Department is particularly interested in views as to whether attempted murder and exceptionally serious violence against the child's other parent should be treated differently from homicide.

Safeguards

5.22 Given the wider range of potential offences, safeguards would be particularly important.

5.23 Consideration may be required regarding:
- offence thresholds;
- sentence length thresholds;
- judicial discretion;
- proportionality assessments;
- opportunities for review.

5C – Child Conceived Through Rape

Rationale

5.24 The Department recognises that cases involving a child conceived through rape raise distinct issues relating to child welfare, victim protection and parental responsibility.

5.25 Stakeholders have argued that requiring a victim to continue engaging with the perpetrator through the operation of parental responsibility may perpetuate trauma and provide opportunities for continuing coercive control.

5.26 The Department is aware that reforms have been proposed in England and Wales to address these concerns and seeks views on whether similar measures should be introduced here.

Circumstances Giving Rise to Restrictions

5.27 The Department is considering whether restrictions should arise where:
- an individual has been convicted of rape; and
- the offence resulted in the conception and birth of a child.

5.28 The Department welcomes views regarding the evidential and procedural requirements that would be necessary in such cases.

Proposed Legal Mechanism

5.29 One possibility would be to provide for automatic restrictions on parental responsibility following conviction and sentencing.

5.30 An alternative would be a review process before the Family Court within a specified timeframe.

5.31 In either case, the child's welfare would remain the paramount consideration.

Safeguards

5.32 Potential safeguards could include:
- a review by a court;
- consideration of the child's views having regard to the child's age and level of understanding; and
- provisions addressing evidential issues and proof of parentage.

5D – Other Serious Sexual Offending Against Children

Rationale

5.33 The Department considers that certain forms of sexual offending may raise serious concerns regarding the continued exercise of parental responsibility.

5.34 Such concerns may arise not only where the victim is the offender's own child but also where offending against other children demonstrates behaviour fundamentally inconsistent with the responsibilities associated with parenthood.

5.35 The Department seeks views on whether restrictions should arise following conviction and sentencing for specified serious sexual offences.

Circumstances Giving Rise to Restrictions

5.36 Possible qualifying offences could include:

- rape;
- assault by penetration;
- sexual activity with any child, not just their own;
- causing or inciting any child, not just their own, to engage in sexual activity;
- abuse of trust offences;
- grooming offences in relation to any child;
- offences relating to indecent images of any child, not just their own; and
- other specified serious sexual offences against any child, not just their own.

5.37 The Department welcomes views on whether all qualifying sexual offences should be treated equally or whether restrictions should apply only where particular offence or sentencing thresholds have been met.

Proposed Legal Mechanism

5.38 One option would be for restrictions on parental responsibility to be automatically imposed at point of conviction and sentencing for a specified conviction.

5.39 Another option would be a review process before the Family Court within a specified timeframe.

Safeguards

5.40 Potential safeguards may include:

- a review by a court;
- offence and sentencing thresholds;
- consideration of risk assessments; and
- mechanisms for variation and review.

5E – Severe Harm to a Child

Rationale

5.41 The Department recognises that some of the most serious safeguarding concerns arise where a child has suffered severe physical, emotional or psychological harm.

5.42 While existing child protection legislation provides extensive powers for intervention, the Department seeks views on whether findings of particularly

serious harm should have additional consequences for the exercise of parental responsibility.

Circumstances Giving Rise to Restrictions

5.43 Possible qualifying circumstances could include:

- severe physical abuse of a child;
- severe emotional and psychological abuse of a child;
- serious neglect of a child;
- findings of significant harm in public law proceedings; and
- length of custodial sentences.

5.44 The Department is particularly interested in views regarding the most appropriate threshold.

Proposed Legal Mechanism

5.45 Options include:

- automatic restrictions following conviction and sentencing for specified offences; and
- mandatory safeguarding reviews.

5.46 The Department recognises that this represents a significant potential extension of existing law and would require careful consideration.

Safeguards

5.47 Potential safeguards could include:

- a review by a court;
- rights of appeal;
- clearly defined statutory thresholds; and
- regular review mechanisms.

Conclusion

5.48 The proposals set out in this chapter are intended to assist consideration of how a legislative framework comparable to Jade's Law might operate in this jurisdiction and whether similar protections should apply in other high-harm circumstances.

5.49 While the Minister has announced his intention to legislate in relation to the homicide of a child's other parent, important questions remain regarding the detailed design, operation and scope of any new framework. The Department

is particularly interested in views regarding the appropriate balance between child protection, victim protection, judicial oversight and proportionality.

5.50 Before turning to the consultation questions in Chapter 9, Chapters 6, 7, and 8 examine a number of important cross-cutting issues, including human rights and equality considerations, operational and implementation matters, and illustrative case studies. Respondents may wish to take these matters into account when considering their answers.

Chapter 6: Human Rights and Equality Considerations

Introduction

6.1 The Department recognises that proposals to restrict parental responsibility, limit contact arrangements or impose other family law consequences following serious criminal offending require careful consideration of the rights and interests of children, victims, family members and offending parents. Any reform in this area must therefore be developed in a manner that is compatible with domestic legal obligations, international human rights standards and equality responsibilities.

6.2 The issues considered in this consultation involve a careful balancing exercise. On the one hand, there is a legitimate public interest in protecting children from harm, supporting victims and ensuring that family law arrangements respond appropriately to serious offending. On the other hand, restrictions on parental responsibility and contact may interfere with important rights relating to family life and parental involvement.

6.3 Any legislative proposals arising from this consultation would be, subject to detailed legal analysis, to ensure compliance with relevant human rights and equality obligations. This chapter outlines the principal considerations that have informed the development of the options presented in this consultation.

European Convention on Human Rights

Article 8 – Right to Respect for Private and Family Life

6.4 The proposals considered in this consultation engage Article 8 of the European Convention on Human Rights, which protects the right to respect for private and family life.

6.5 Relationships between parents and children fall within the scope of Article 8, and any restriction of parental responsibility, contact or other aspects of family life may constitute a disproportionate interference with that right.

6.6 However, as Article 8 is a qualified rather than an absolute right, interference with family life may be justified where it:

- is in accordance with the law;
- pursues a legitimate aim; and
- is necessary and proportionate in a democratic society.

6.7 The protection of children, the prevention of crime, the safeguarding of victims and the protection of the rights and freedoms of others are all recognised as legitimate aims capable of justifying restrictions in appropriate circumstances.

6.8 The Department considers that amendments to the legislative framework relating to parental responsibility must be carefully designed to ensure that any interference with family life is proportionate and clearly connected to the protection of children or the safeguarding of victims.

6.9 The existence of judicial oversight, opportunities for review and mechanisms for varying or removing restrictions may be particularly important in ensuring compatibility with Article 8.

Articles 2 and 3 – Protection of Life and Freedom from Ill-Treatment

6.10 The Department is also mindful of the wider obligations under Articles 2 and 3 of the Convention.

6.11 Article 2 protects the right to life, while Article 3 prohibits torture and inhuman or degrading treatment. Case law has established that these provisions impose positive obligations on public authorities to take reasonable steps to protect individuals from serious harm in certain circumstances.

6.12 While the precise application of these obligations will depend upon the facts of individual cases, the Department recognises that children affected by serious violence, domestic abuse, sexual offending and other forms of significant harm may be particularly vulnerable.

6.13 The consultation therefore seeks views on the extent to which additional family law protections may assist in ensuring that the legal framework responds effectively to serious risks and promotes the welfare and safety of children.

Article 6 – Right to a Fair Hearing

6.14 Any future reforms must also be compatible with Article 6 of the Convention, which guarantees the right to a fair and public hearing.

6.15 Where restrictions of parental responsibility or contact are proposed, individuals affected by those restrictions must have access to appropriate procedural safeguards. This may include access to a review by a court, opportunities to present evidence, rights of appeal and other mechanisms ensuring fairness within the decision-making process.

6.16 The Department considers that retaining an appropriate degree of judicial oversight is likely to be an important safeguard in ensuring compatibility with Article 6.

United Nations Convention on the Rights of the Child

6.17 The United Nations Convention on the Rights of the Child (UNCRC) provides an important framework through which the rights and welfare of children may be considered.

6.18 Although the consultation focuses primarily upon parental responsibility and family law arrangements, the Department recognises that the children affected by these proposals are rights holders in their own right. Any reforms should therefore seek to ensure that children's interests remain central to decision-making.

Best Interests of the Child

6.19 Article 3 of the Convention provides that the best interests of the child shall be a primary consideration in all actions concerning children.

6.20 This principle is consistent with the welfare principle already embedded within the Children (Northern Ireland) Order 1995 and has informed the development of the proposals outlined in this consultation.

6.21 The Department considers that any restrictions on parental responsibility should ultimately be directed towards protecting and promoting the best interests of the child.

Protection from Violence and Abuse

6.22 Article 19 requires States to take appropriate measures to protect children from all forms of physical or mental violence, injury, abuse, neglect, maltreatment or exploitation.

6.23 The consultation seeks views on whether additional mechanisms should be introduced in circumstances involving serious violence, sexual offending and severe harm to children, and whether protections comparable to those proposed in relation to homicide should apply in those circumstances.

Respect for the Views of the Child

6.24 Article 12 recognises the right of children to express views on matters affecting them and to have those views given due weight according to their age and maturity.

6.25 The Department recognises the importance of ensuring that the voices of children continue to be heard within family proceedings. Any future reforms would need to operate alongside existing arrangements that enable courts to ascertain and consider the views of children, where they are of sufficient age and understanding, when determining applications relating to parental responsibility and the welfare of the child.

6.26 The Department therefore considers that the principles of participation, protection and welfare contained within the Convention should continue to inform future policy development in this area.

Equality Considerations and Section 75

6.27 The Department is committed to fulfilling its obligations under Section 75 of the Northern Ireland Act 1998.

6.28 Section 75 places a statutory duty on public authorities, when carrying out their functions, to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependants and persons without.

6.29 The legislation also requires regard to be had to the desirability of promoting good relations between persons of different religious belief, political opinion and racial group.

6.30 The Department recognises that any changes to family law arrangements may affect individuals and groups in different ways. For example, reforms relating to parental responsibility, contact and family proceedings could have varying impacts on mothers, fathers, children, victims of crime, carers and individuals with protected characteristics.

6.31 As policy development progresses, the Department will undertake the necessary equality screening processes in accordance with Section 75 obligations. This will help identify any actual or potential differential impacts and inform the design of any future legislative proposals.

6.32 The Department welcomes evidence from respondents regarding any equality implications arising from the options set out in this consultation.

Proportionality

6.33 Proportionality is a central consideration in the development of any future reform.

6.34 The Department recognises that parental responsibility represents a significant legal status and that restrictions of parental responsibility may have substantial consequences for individuals and families. Any interference with family life must therefore be justified by a sufficiently important objective and must go no further than is necessary to achieve that objective.

6.35 This principle is particularly relevant when considering the circumstances in which automatic restrictions should arise in response to specific criminal convictions or findings of serious harm and the safeguards that should accompany such restrictions.

6.36 The Department considers that a proportionate framework would require careful consideration of a number of factors, including:

- the seriousness of the conduct in question;
- the relationship between the offending behaviour and child welfare concerns;
- the extent of the proposed restriction;
- the availability of judicial review or oversight;
- opportunities for appeal, variation or discharge; and
- the overall impact on the child and family.

6.37 Different policy options may achieve proportionality in different ways. For example, some circumstances may justify automatic restrictions followed by a review by a court, while others may be more appropriately addressed through presumptions, mandatory reviews or case-by-case judicial assessment.

6.38 The consultation therefore seeks views on how restrictions should operate in practice to ensure that they remain fair, targeted and proportionate, and on whether comparable measures should apply in other categories of serious offending or harm.

Conclusion

6.39 The Department considers that human rights and equality considerations must remain central to any reform of parental responsibility and contact arrangements.

6.40 The protection of children and support for victims are important policy objectives, but they must be pursued in a manner that respects fundamental rights, preserves procedural fairness and complies with equality obligations.

6.41 The proposals presented in this consultation have been developed with these considerations in mind. The Department welcomes views on whether the proposed framework for cases involving the homicide of a child's other parent, and any potential extension of similar protections to other forms of serious offending or harm, appropriately balances the competing rights and interests involved.

6.42 The Department also welcomes views on any additional human rights, children's rights or equality considerations that should be taken into account as detailed legislative proposals are developed.

Chapter 7: Operational and Implementation Issues

Introduction

7.1 The Department recognises that any reform of the law relating to parental responsibility and child contact arrangements will have implications across a range of organisations and public services. While much of this consultation focuses on the potential policy and legal changes that could be introduced, it is equally important to consider how any new framework would operate in practice.

7.2 The effectiveness of any reforms will depend not only upon the content of any legislation but also upon the ability of the courts, public authorities and practitioners to implement changes consistently and efficiently. Consideration must therefore be given to the practical arrangements required to support implementation, including judicial processes, information-sharing mechanisms, legal aid provision, safeguarding arrangements and commencement planning.

7.3 The Department recognises that the scale of operational impacts will vary depending on the scope of the legislative framework ultimately adopted. A framework focused on homicide of the other parent may require relatively modest procedural adjustments, whereas the extension of similar protections to additional categories of offending or harm could necessitate broader changes across multiple agencies and services. This chapter sets out the practical considerations that would need to be addressed in implementing any new framework.

Implications for the Courts

7.4 The courts would play a central role in the operation of any new statutory framework which may impact the volume and nature of applications received.

7.5 For example, reforms involving automatic restrictions following conviction and sentencing may reduce the need for certain applications by victims or family members seeking protective orders in the Family Court. At the same time, any new review, variation or appeal processes that arise under these proposed reforms could generate additional applications requiring judicial determination.

7.6 The Department also recognises that some proposals may require greater interaction between criminal and family courts. Where restrictions are triggered by criminal convictions, the courts may need procedures enabling relevant decisions and information to be communicated promptly between court divisions.

7.7 Any reform would therefore need to be designed in a manner that remains efficient, proportionate and capable of operating effectively within and across existing court divisional structures.

7.8 The Department welcomes views on the practical implications that any proposals may have for court operations and case management.

Implications for the Judiciary

7.9 The judiciary would continue to play a fundamental role in safeguarding children's welfare and ensuring that decisions affecting families are made fairly and independently.

7.10 Any new framework involving automatic restrictions, presumptions or mandatory review mechanisms is likely to require supporting judicial guidance and training. Judges may be required to consider new statutory provisions, apply revised legal tests and determine applications relating to the review, variation or discharge of restrictions.

7.11 The Department recognises that family law cases involving serious offending often present complex legal and evidential issues. Proposals involving homicide, serious sexual offending, severe harm to children or domestic abuse may require careful interaction between criminal findings and family law decision-making.

7.12 Consideration may therefore need to be given to the development of judicial guidance, procedural rules and training arrangements to support consistent application of any new legislation.

7.13 The Department would work closely with relevant partners to ensure that any changes are accompanied by appropriate implementation arrangements and support for judicial decision-making.

Legal Aid Considerations

7.14 The Department recognises that any reforms may have implications for Legal Aid expenditure and access to legal representation.

7.15 One of the issues identified throughout this consultation is the burden currently placed on victims and families who may need to pursue separate family court proceedings in order to secure restrictions following serious offending. The proposed framework relating to homicide of the other parent may reduce the

need for some applications by creating automatic restrictions or mandatory review mechanisms. Any extension of similar protections to other categories of offending may have further implications for the volume and type of proceedings requiring legal representation.

7.16 However, reforms may also generate new categories of proceedings, including applications for review, appeal, variation or discharge of restrictions before the Family Court. These proceedings may create additional demands upon publicly funded legal services.

7.17 The Department considers that access to justice will remain an important consideration regardless of the policy option ultimately adopted. Individuals affected by restrictions should have access to fair procedures and should be able to participate effectively in proceedings affecting their rights and responsibilities.

7.18 Any detailed proposals would therefore require careful assessment of their likely impact upon legal aid demand, legal representation and court users more generally.

7.19 Respondents are invited to provide evidence regarding the potential legal aid implications of the options outlined in this consultation.

Implications for Health and Social Care Trusts and Children's Services

7.20 Health and Social Care Trusts and other child protection agencies would likely play an important role in the implementation of any future reforms.

7.21 In many circumstances, these organisations already hold responsibility for safeguarding children, assessing risk and participating in family proceedings where welfare concerns arise. Depending upon the final design of the framework, Health and Social Care Trusts may have additional responsibilities in relation to identifying qualifying cases, providing information to courts on the child's best interest, initiating and participating in review processes before the Family Court and supporting safeguarding arrangements.

7.22 The operational impact on Health and Social Care Trusts would need careful consideration. This may include resource implications, staffing considerations, guidance requirements and potential training needs.

7.23 Any future reform must ensure that safeguarding agencies are able to fulfil their responsibilities effectively without creating unnecessary duplication or administrative burden.

Information Sharing and Data Management

7.24 Effective information sharing is likely to be critical to the successful operation of any new framework.

7.25 In cases involving serious offending, relevant information may be held by a range of organisations, including criminal courts, family courts, police services, prosecution authorities, prisons, probation services, Health and Social Care Trusts and other safeguarding agencies.

7.26 Some reform options would require information concerning convictions, sentencing outcomes or child protection findings to be communicated promptly to other relevant bodies. Without effective information-sharing arrangements, there is a risk that restrictions could be delayed, overlooked or implemented inconsistently.

7.27 The Department recognises that information sharing must be balanced against important legal obligations relating to confidentiality, privacy and data protection. Any future arrangements would therefore need to operate within existing legal frameworks governing the handling and disclosure of personal information.

7.28 Consideration may also need to be given to the development of standard procedures, referral processes and technological solutions that facilitate timely communication between agencies.

7.29 The Department welcomes views on how information sharing could be improved to support child protection while ensuring compliance with legal and ethical requirements.

Training and Professional Guidance

7.30 Any significant reform is likely to require supporting guidance and training for those responsible for implementing the legislation.

7.31 This may include members of the judiciary, legal practitioners, court staff, social workers, children's services professionals, police officers and other relevant practitioners.

7.32 The Department considers that guidance may be particularly important where reforms introduce new statutory concepts, qualifying offences, review procedures or safeguarding mechanisms. Clear guidance can assist

practitioners in understanding legislative requirements, promote consistency of approach and improve confidence in the operation of the system.

7.33 Training arrangements would also provide an opportunity to ensure that those involved in implementing the reforms understand the objectives of the legislation, the human rights considerations involved and the importance of maintaining a child-centred approach.

7.34 The scale and scope of any training programme would depend upon the nature of the reforms ultimately adopted.

Commencement and Transitional Arrangements

7.35 As reforming legislation is intended to be introduced during the next Assembly mandate; careful consideration will need to be given to commencement and transitional arrangements.

7.36 The Department is also conscious that implementation may require the development of court rules, administrative procedures, guidance materials, training programmes and information-sharing arrangements. It may therefore be necessary to provide for phased commencement to ensure that all relevant organisations are adequately prepared before provisions become operational.

7.37 Final decisions regarding commencement, transitional arrangements and implementation timetables will be informed by consultation responses, legal advice and detailed implementation planning.

Resource Implications

7.38 The Department recognises that any reform programme will have resource implications.

7.39 The extent of those implications will depend upon the final scope of the legislative framework and whether protections are limited to homicide of the other parent or extended to other categories of offending and harm. More limited reforms may require modest procedural changes and associated training. More extensive reforms could involve additional demands on the courts, legal aid systems, safeguarding services and other public authorities.

7.40 An assessment of operational and financial impacts would be undertaken as part of any future legislative development process. This would include engagement with relevant stakeholders, consideration of implementation costs

and evaluation of potential benefits arising from improved safeguarding and reduced litigation burdens for victims and families.

7.41 The Department welcomes any evidence or data that respondents are able to provide regarding the likely costs, benefits or practical implications associated with the options outlined in this consultation.

7.42 The Department welcomes views from practitioners, statutory agencies, representative organisations and members of the public regarding the practical implications of any future reforms.

Chapter 8: Illustrative Case Studies

Introduction

8.1 The following case studies are illustrative examples intended to assist respondents in understanding how the current legal framework operates and how the various reform options discussed in this consultation could apply in practice. They do not represent actual cases and are not intended to reflect the circumstances of any particular individual or family.

8.2 The examples are designed to demonstrate some of the practical issues that may arise where serious criminal offending intersects with parental responsibility, child contact and wider family law arrangements. They also illustrate the potential differences between the current legal framework, the proposed legislative framework relating to the homicide of a child's other parent, and the wider reform proposals set out in this consultation.

8.3 The Department recognises that every family situation is unique and that individual circumstances will vary. These examples are therefore intended only to support consideration of the issues raised by the consultation and should not be regarded as definitive illustrations of how any particular case would be decided.

Case Study 1: Homicide of the Other Parent

Background

8.4 Rachel and Thomas have two children aged seven and ten. Both parents hold parental responsibility and have been actively involved in the children's upbringing. Following a period of domestic abuse, Thomas is convicted of the murder of Rachel and is sentenced to life imprisonment.

8.5 Following Rachel's death, the children move to live with their maternal grandparents. They are only placed in the care of their grandparents with the consent of Thomas.

8.6 The grandparents support the children's day-to-day care, support their education and help them cope with the significant trauma resulting from the loss of their mother in violent circumstances.

8.7 Despite his conviction and imprisonment, Thomas continues to hold and can exercise parental responsibility under the current legal framework. This means that he remains legally entitled to be consulted regarding significant decisions

affecting the children's lives, including decisions relating to education, healthcare and travel unless the court orders otherwise.

Current Legal Position

8.8 Although the Family Court would be likely to regard the conviction as a highly significant factor, restrictions on the exercise of parental responsibility would not arise automatically. Under the current law, the Family Court could only consider imposing restrictions on Thomas' right to retain and exercise parental responsibility if it believed that an Article 8 order should be made under the 1995 Order. This would only arise where an application is made to the court by a person who has the requisite standing (locus standi) to bring such an application. Grandparents are not automatically entitled to issue Article 8 proceedings and would first have to apply for leave to issue the proceedings under Article 10(9) of the Children (NI) Order 1995. Therefore, Rachel's family would need to consider whether to bring separate proceedings before the Family Court in order to restrict Thomas's ability to hold or exercise parental responsibility.

8.9 The grandparents may therefore be required to obtain legal advice, initiate proceedings and participate in litigation at a time when they are already supporting two bereaved children, are themselves suffering profound loss, and dealing with the consequences of a serious criminal offence in their own lives. If the grandparents are not entitled to assistance through the legal aid fund, then they will have to consider privately funding the proceedings, which are likely to incur significant legal costs.

8.10 The Family Court would ultimately decide whether restrictions should be imposed and what form those restrictions should take, applying the welfare principle and considering the specific circumstances of the children. Thomas would retain parental responsibility until such time as the Family Court has made a decision. In applying the welfare checklist, the Family Court is likely to seek assistance through professional assessment in the form of social work assessment, possible other professional assessment, and will likely appoint a legal representative for the child, either a Court Children's Guardian if there are public law proceedings, or Official Solicitor if the proceedings are private law.

Possible Effect of the Proposed Framework

8.11 Under the proposed Jade's Law-style framework, restrictions on parental responsibility would arise automatically following conviction and sentencing for a qualifying offence, such as the murder of the other parent. Thomas would no

longer be able to exercise parental responsibility without the permission of the Family Court.

8.12 This would remove the need for Rachel's family to initiate proceedings through the Family Court to secure protection and would provide greater certainty regarding the legal position of who can decide in relation to the children following conviction.

8.13 The grandparents may still require an appropriate Family Court order to confer parental responsibility on them and to provide a clear legal basis for decision-making in relation to the children's care and welfare.

Issues Raised

8.14 This scenario illustrates the rationale underpinning the proposed legislative framework and raises questions regarding the detailed operation of automatic restrictions, the role of judicial oversight and the safeguards that should accompany such measures.

Case Study 2: Extended Serious Violence

Background

8.15 Claire and David have one child aged nine. Following the breakdown of their relationship, David attacks Claire. Claire survives but suffers severe physical injuries, ongoing psychological trauma and a permanent disability which significantly affects her daily life. David is sentenced to a term of imprisonment following a conviction for attempted murder.

8.16 The child witnessed parts of the incident and subsequently requires therapeutic support to address the emotional impact of the offence.

Current Legal Position

8.17 Although David is sentenced to a lengthy term of imprisonment, he retains parental responsibility for the child under the current legal framework. Despite the seriousness of the offence, no automatic restrictions apply to David's parental responsibility as a consequence of the conviction.

8.18 The Family Court could consider imposing restrictions on David's right to exercise parental responsibility if it considered that an Article 8 order should be made under the 1995 Order, and providing an application was properly brought. However, if that did not happen, and if Claire wanted to restrict David's

ability to make decisions concerning their child, she would need to seek appropriate orders from the Family Court. The court would undertake a welfare-based assessment of the child's circumstances, taking account of the attempted murder conviction, any safeguarding concerns and the child's needs before determining what restrictions, if any, should be imposed.

8.19 This process may involve further legal proceedings at a time when Claire is already adapting to the consequences of the attack and supporting the child's recovery.

Possible Effect of Extended Protections

8.20 An extended serious harm model could treat attempted murder of the other parent in a similar manner to homicide cases. Under such a model, conviction and sentence for attempted murder could trigger either automatic restrictions or a mandatory review process.

8.21 The rationale would be that the impact upon the child and family may, in some circumstances, be comparable to cases involving homicide, even where the victim survives.

Issues Raised

8.22 This case study raises questions regarding whether the distinction between homicide and attempted homicide remains justified for the purposes of parental responsibility and whether serious violence against a child's parent should carry automatic family law consequences.

Case Study 3: Child Conceived Through Rape

Background

8.23 Orla is raped and, following criminal proceedings, the offender is convicted.

8.24 The rape results in the conception and birth of a child.

8.25 Several years later, the offender seeks information regarding the child and indicates an intention to exercise parental responsibility. Orla experiences significant distress and fears that continued parental rights may provide an avenue for the offender’s ongoing control and unwanted involvement in her life and the life of the child.

Current Legal Position

8.26 The current framework does not provide automatic restrictions on parental responsibility in these circumstances.

8.27 Any application concerning parental responsibility or involvement in the child's life would need to be addressed through family proceedings. This may require the victim to engage in further legal processes despite the criminal conviction already having established the offending behaviour.

8.28 The Family Court would decide what arrangements best promote the child's welfare, taking account of all relevant circumstances.

Possible Effect of Extended Protections

8.29 Under reforms similar to those proposed in England and Wales, parental responsibility could be restricted automatically where a child has been conceived as a result of rape and the offender has been convicted.

8.30 Such restrictions could prevent the offender from exercising parental responsibility unless a court subsequently determined that involvement would be appropriate and consistent with the child's welfare.

Issues Raised

8.31 This scenario raises questions regarding victim protection, ongoing coercive control and the extent to which conception through rape should affect parental responsibility.

Case Study 4: Other Serious Sexual Offending Against Children

Background

8.32 John is convicted of multiple serious sexual offences involving children unrelated to his own family. He receives a substantial custodial sentence and is made subject to a range of post-release restrictions.

8.33 Although none of his own children, for whom he has parental responsibility, were directly harmed, concerns arise regarding whether John should continue to exercise parental responsibility and whether he should retain the ability to influence decisions concerning his children.

Current Legal Position

8.34 John's parental responsibility remains unaffected by the conviction unless a Family Court orders otherwise.

8.35 Any restrictions would require separate family proceedings and judicial determination. While the conviction would be a highly relevant consideration, there is no automatic consequence arising from the criminal court's findings. The paramount welfare principle would continue to apply, requiring an assessment of risk and the individual circumstances of the child.

Possible Effect of Extended Protections

8.36 Under an extended serious harm model, specified sexual offences could trigger automatic restrictions by a criminal court on parental responsibility of an offender's children.

8.37 This might apply where the offence falls within a prescribed list of serious sexual offences or where the conviction results in a sentence above a specified threshold. The intention would be to provide a clearer and more consistent response in cases involving significant safeguarding concerns.

Issues Raised

8.38 This example raises the question whether, and in what circumstances, conviction for serious sexual offences against a child other than the offender's own child should have consequences for the exercise of parental responsibility in relation to the offender's children, and whether any such consequences should arise automatically or following an individual welfare and risk assessment by the court.

Case Study 5: Severe Harm to a Child

Background

8.39 A child is admitted to hospital after suffering severe physical injuries. Following a criminal investigation, a parent is prosecuted and subsequently convicted of a specified offence involving severe abuse, neglect or other serious harm to the child, receiving a custodial sentence.

8.40 Separate Family Court proceedings may also be undertaken to ensure the child's ongoing welfare and protection.

Current Legal Position

8.41 While the criminal conviction may be taken into account in any subsequent Family Court proceedings, there is no automatic effect on the parent's parental responsibility arising solely from the conviction and sentence.

8.42 If the other parent, guardian or other person with standing considers that the offending parent's parental responsibility should be restricted, suspended or otherwise regulated, a separate application would generally need to be made to the Family Court. The court retains discretion to determine what arrangements are in the child's best interests and what, if any, restrictions should be imposed

Possible Effect of Extended Protections

8.43 A comprehensive child protection model could provide that conviction and sentencing for specified offences involving severe harm, abuse or neglect of a child automatically trigger a review of parental responsibility.

8.44 Under such a model, the non-offending parent would not be required to make a separate application to initiate consideration of parental responsibility. Instead, conviction and sentencing for a specified offence could automatically trigger either restrictions on the exercise of parental responsibility or a Family Court review to determine whether the parent should continue to exercise parental responsibility and, if so, on what basis.

Issues Raised

8.45 This case raises questions regarding whether conviction and sentencing for serious offences committed against a child should be sufficient to trigger an automatic review of parental responsibility, thereby removing the need for the non-offending parent to bring separate Family Court proceedings, and whether any restrictions should arise automatically or only following consideration by the Family Court.

Conclusion

8.46 These case studies demonstrate the variety of circumstances in which serious offending may intersect with parental responsibility, child welfare and family justice processes. They also illustrate the practical differences that may arise between the current legal framework, the proposed legislative framework relating to the homicide of a child's other parent, and the wider reform proposals considered in this consultation.

8.47 The Department invites respondents to consider these examples when evaluating the proposals set out in this document and to reflect on how the law should respond in each of the situations described, including whether protections proposed in relation to homicide of the other parent should be extended to other forms of serious offending or harm.

Chapter 9: Consultation Questions

Introduction

9.1 The Department welcomes views on all aspects of this consultation. The questions below are structured around the five reform options and are intended to assist respondents in considering the issues discussed throughout the document. Respondents are not required to answer every question and are encouraged to provide any additional comments, evidence or alternative proposals that they consider relevant.

9.2 Respondents should consider each question in light of the policy proposals set out in Chapters 4 and 5. Chapter 4 sets out the principal policy approaches to reform, while Chapter 5 examines the detailed proposals and potential mechanisms through which they could operate. Responses should be informed by these chapters as well as the overarching principles set out below:

- the welfare and best interests of the child;
- reducing burdens on victims and families;
- ensuring appropriate consequences for serious offending;
- maintaining judicial oversight;
- proportionality; and
- clarity and consistency in the law.

9.3 The Department is particularly interested in receiving evidence-based responses from victims and survivors, legal practitioners, academics, voluntary and community organisations, representative bodies, Health and Social Care Trusts, criminal justice agencies and other stakeholders with experience of the family justice system.

9.4 **We would encourage you to respond to the consultation using the on-line facility on Citizen Space, accessible via NI Direct.**

https://consultations2.nidirect.gov.uk/dof/family-law-reform

Part A: Homicide of the Other Parent

As set out in this consultation, the Minister has announced his intention to bring forward legislation broadly comparable to Jade's Law. The Department therefore seeks views on the operation of that framework.

Question 1

Do you agree with the proposed operation of the framework for restricting the exercise of parental responsibility where a parent has been convicted and sentenced for the murder of the child's other parent, or for manslaughter? (Refer to paragraphs 5.4-5.14)

- Yes
- No
- Unsure

Please provide reasons, including any views on qualifying offences; automatic restrictions or review mechanisms; safeguards; and the role of the Family Court.

Part B: Extended Serious Violence

Question 2

Do you agree that protections similar to those proposed for homicide should be extended to attempted murder and other specified offences involving exceptionally serious violence against the child's other parent? (Refer to paragraphs 5.15-5.23)

- Yes
- No
- Unsure

Please provide reasons, including any views on qualifying offences; sentencing thresholds; safeguards; and judicial oversight.

Part C: Child Conceived Through Rape

Question 3

Do you agree that restrictions on parental responsibility should apply where a child has been conceived through rape and the offender has been convicted and sentenced for that offence? (Refer to paragraphs 5.24-5.32)

- Yes
- No
- Unsure

Please provide reasons, including any views on automatic restrictions; court review mechanisms; evidential requirements; and safeguards.

Part D: Other Serious Sexual Offending Against Children

Question 4

Do you agree that specified serious sexual offences should trigger restrictions on parental responsibility at point of sentencing? (Refer to paragraphs 5.33-5.40)

- Yes
- No
- Unsure

Please provide reasons, including any views on qualifying offences; offence or sentencing thresholds; safeguards; and judicial oversight.

Part E: Severe Harm to a Child

Question 5

Do you agree that severe harm to a child should be capable of triggering restrictions on parental responsibility at point of sentencing? (Refer to paragraphs 5.41-5.47)

- Yes
- No
- Unsure

Please provide reasons, including any views on criminal convictions; Family Court findings; child protection thresholds; safeguards; and review arrangements.

Part F: Applying the Proposed Reforms

The consultation discusses a number of possible legislative models through which restrictions on the exercise of parental responsibility could operate. Respondents are invited to indicate which model they consider most appropriate for each reform area.

Question 6

Which legislative model do you consider most appropriate for each reform area?
For an explanation of the legislative models referred to below, including illustrative examples of how they could operate in practice, please refer to Annex A.

Reform Area	Automatic Restriction Model	Mandatory Family Court Review Model	Discretionary Model
Homicide of the other parent	□	□	N/A
Extended serious violence	□	□	□
Child conceived through rape	□	□	□
Other Serious sexual offending against children	□	□	□
Severe harm to a child	□	□	□

Question 7

Which safeguards should apply across any new legislative framework?

Please indicate all safeguards which you consider should be included.

Safeguard	Include
Judicial oversight by the Family Court	□
Ability to apply to review the restrictions in the Family Court	□
Consideration of the child's views where appropriate	□
Right of Appeal	□
Judicial discretion in exceptional circumstances	□
Other (please specify)	□

If you selected "Other", please provide details.

Question 8

Are there any significant operational or implementation issues that should be addressed in developing a new legislative framework?

- Yes
- No
- Unsure

If yes, please provide details, including any views regarding court processes and case management; information sharing between agencies; legal aid implications; Health and Social Care Trust responsibilities; training and guidance requirements; and commencement and transitional arrangements.

Part G: Exceptional Circumstances

Question 9

The Department recognises that there may be exceptional cases, including some homicide offences committed in the context of serious domestic abuse suffered by the offender, where the automatic operation of the proposed framework may not be appropriate.

Do you agree that legislation should allow a court to disapply or modify the framework in such exceptional circumstances where this would be in the welfare and best interests of the child?

- Yes
- No
- Unsure

PART H: Human Rights, Equality and Overall Assessment

Question 10

Do you wish to raise any additional human rights, children's rights, equality or Section 75 considerations?

- Yes
- No

If yes, please provide details.

Question 11

Do you agree that the proposals outlined in this consultation appropriately balance the following considerations?

Consideration	Yes	No	Unsure
Protecting children from harm	□	□	□
Supporting victims and families	□	□	□
Maintaining judicial oversight	□	□	□
Respecting family life and human rights	□	□	□
Ensuring proportionality	□	□	□
Promoting clarity and consistency in the law	□	□	□

Question 12

Do you have any other comments on the proposals contained within this consultation?

Please provide details.

Annex A – Illustrative Legislative Models

Purpose of this Annex

1.1 This Annex provides illustrative examples of how legislation broadly comparable to Jade's Law might be structured in this jurisdiction. The Annex is intended to assist respondents in considering the design and operation of a possible legislative framework and does not represent draft legislation or settled departmental policy.

1.2 The information in this Annex is intended solely for consultation purposes and should not be interpreted as indicating a preferred approach.

1.3 The purpose of the Annex is to assist respondents in understanding how a legislative framework could operate in practice and to seek views on the potential mechanisms through which restrictions on parental responsibility might be imposed.

1.4 The Department recognises that a number of different legislative models are possible.

1.5 The examples below are intended to illustrate the principal models discussed in Chapters 5 and 6. They are not mutually exclusive and elements of different models could potentially be combined within a future legislative framework.

Scope of Application

1.6 Any future legislative framework could provide that specified legal consequences arise where a person who holds parental responsibility for a child has been convicted and sentenced of a qualifying offence.

1.7 The legislation would identify the offences to which it applies and could provide different consequences depending upon the seriousness and nature of the offending behaviour.

1.8 For example, homicide offences might trigger automatic restrictions, while other offences could trigger a mandatory review process before the Family Court.

1.9 The Department is interested in views on whether any future framework should distinguish between different categories of offending and whether different legal consequences should apply depending upon the seriousness and nature of the conduct involved.

Automatic Restriction

1.10 Under an automatic restriction model, a restriction order would come into force automatically upon conviction and sentence for a qualifying offence in the Criminal Court which would suspend the parental responsibility authority of the convicted parent.

1.11 The effect of such an order could be to prevent the offender from exercising parental responsibility. This could include restrictions relating to decisions concerning education, healthcare, residence, travel, religion and other significant matters relating to the child's upbringing.

1.12 The restrictions would take effect immediately without the need for a separate application to the Family Court by victims, carers or family members.

1.13 The rationale for this model would be to provide immediate protection for children and families, reduce burdens on those affected by serious offending and provide legal certainty from the point of conviction or sentencing.

Mandatory Family Court Review

1.14 Under a mandatory model, conviction for a qualifying offence would automatically trigger consideration by the Family Court.

1.15 The Family Court would be required to consider whether parental responsibility should remain unchanged, be restricted, suspended or otherwise regulated and the courts would determine the appropriate outcome having regard to the welfare and best interests of the child and any other matters specified in legislation.

1.16 The rationale for this model would be to ensure that serious offending automatically receives judicial scrutiny while preserving individualised assessment and judicial discretion regarding the final outcome.

Discretionary

1.17 Under a discretionary model, conviction for a qualifying offence would not itself result in automatic restrictions or mandatory proceedings in the Family Court.

1.18 Any person with a sufficient interest in the child's welfare, or anybody specified in legislation, could apply to the Family Court for appropriate orders.

1.19 The court would determine each application according to the welfare and best interests of the child based on the particular facts of the case.

1.20 The rationale for this model would be to preserve maximum judicial discretion and avoid automatic legal consequences arising solely from the fact of conviction.

Exceptional Circumstances

1.21 The Department recognises that circumstances may arise in which the ordinary operation of a legislative framework may not produce the most appropriate outcome for a particular child.

1.22 Consideration may therefore need to be given as to whether legislation should permit the courts to depart from the general operation of the framework in clearly defined exceptional circumstances. This may include where a homicide offence was committed in the context of serious domestic abuse suffered by the offender, and where the automatic application of the proposed framework may not be appropriate in light of the child's welfare and best interests.

1.23 Any such provision would need to be carefully framed, operate consistently with the welfare and best interests of the child, and include appropriate safeguards to ensure transparency and consistency of decision-making.

Illustrative Application Across Reform Areas

1.24 Different areas of reform may be capable of operating under different legislative models. For example:

- homicide of the other parent could be addressed through an automatic restriction model, mandatory review model, presumption model or discretionary model;
- extended serious violence could be addressed through any of those models depending upon the qualifying offences included;
- cases involving a child conceived through rape could be addressed through an automatic restriction, mandatory review or discretionary model, depending on the scope of the reform;
- serious sexual offending could be addressed through one or more of the legislative models described above; and
- severe harm to a child could be addressed through mandatory review, discretionary powers or other child protection mechanisms.

1.25 The Department welcomes views on which model, or combination of models, is most appropriate for each reform area considered within this consultation.

Relationship with Existing Law

1.26 Any future legislative framework would need to operate alongside the Children (Northern Ireland) Order 1995 and other relevant legislation and could entail amendments to the Order and related legislation.

1.27 The welfare of the child would remain the Family Court's paramount consideration and existing powers relating to contact, residence and child protection would continue to apply. The purpose of any new framework would be to provide additional safeguards in cases involving serious offending rather than to replace existing family law mechanisms.

1.28 The illustrative framework set out in this Annex is intended solely to assist consideration of the proposals contained within this consultation. The Department welcomes views on the extent to which the mechanisms described would provide an appropriate balance between protecting children, supporting victims and families, ensuring proportionality and preserving the welfare and best interests of the child.

Annex B – Illustrative Schedule of Qualifying Offences

Purpose of this Annex

1.1 A key issue identified throughout this consultation is the scope of offences that should be captured by any future legislative framework. The consultation seeks views on whether the proposed reforms should apply only in cases involving the homicide of a child's other parent or should extend to other categories of offending and harm.

Homicide Offences

1.2 Many reform proposals in this area have centred upon offences involving the unlawful killing of a child's parent.

1.3 The proposed framework would apply to convictions for murder and, potentially, certain forms of voluntary manslaughter, including manslaughter convictions arising from the partial defences of loss of control and diminished responsibility, where the victim is the child's other parent. These offences represent the most serious category of criminal offending and have formed the basis of recent legislative reforms in England and Wales.

1.4 The Department is interested in views on whether the proposed framework should apply solely to convictions for murder or should also extend to specified forms of voluntary manslaughter, including manslaughter convictions arising from the partial defences of loss of control and diminished responsibility.

Extended Serious Violence Offences

1.5 The consultation also explores whether certain non-fatal offences should be included.

1.6 Examples could include attempted murder, causing grievous bodily harm with intent and other offences involving exceptionally serious violence resulting in permanent injury or long-term incapacity.

1.7 The Department recognises that views may differ regarding whether serious violence should be treated in the same way as homicide and welcomes responses on this issue.

Child Conceived Through Rape

1.8 The consultation also considers circumstances in which a child has been conceived as a result of rape.

1.9 These cases raise distinct considerations. In addition to the serious harm caused by the offence itself, the offending may result in a continuing legal parental relationship between the offender and the child.

1.10 The Department recognises that views may differ on the extent to which a conviction for rape resulting in the conception of a child should affect the exercise of parental responsibility and other parental rights.

1.11 The Department welcomes views on whether specific provisions should apply where a child has been conceived through rape and, if so, what legal consequences and safeguards should form part of any future framework.

Other Serious Sexual Offences Against Children

1.12 The Department is also considering whether offences involving sexual violence or sexual exploitation should trigger restrictions.

1.13 Possible examples include rape, assault by penetration, sexual activity with a child, causing or inciting a child to engage in sexual activity, abuse of trust offences, grooming offences and offences relating to indecent images of children.

1.14 The consultation seeks views on the most appropriate mechanism for addressing such offences, including whether restrictions should arise automatically, following a mandatory court review, or through another form of statutory safeguard.

Severe Harm to Children

1.15 The Department recognises that some of the most significant safeguarding concerns arise not through criminal convictions but through findings made within family proceedings.

1.16 Accordingly, consideration is also being given to whether findings of severe physical abuse, severe emotional abuse, serious neglect or significant harm established through judicial processes should be capable of automatically triggering additional safeguards.

Offence Thresholds and Eligibility Criteria

1.17 The Department recognises that different offences may present different levels of safeguarding concern. In some circumstances respondents may consider that restrictions should arise automatically following conviction and sentencing, while in others they may favour the use of sentencing thresholds, mandatory review mechanisms or judicial discretion.

Annex C – Comparative Review of Approaches in Other Jurisdictions

1.1 This Annex provides a comparative overview of developments in neighbouring jurisdictions relevant to parental responsibility, child contact and serious criminal offending.

1.2 Historically, England and Wales, Scotland and the South have each relied upon broadly similar family law principles. In all three jurisdictions, decisions relating to parental responsibility and contact arrangements have traditionally been determined by reference to the welfare of the child and have generally depended upon individual judicial assessment.

1.3 In recent years, however, different approaches have begun to emerge, particularly in response to concerns regarding the treatment of serious criminal offending within the family law system. While some jurisdictions have moved towards automatic statutory restrictions or formal review mechanisms, others have retained a predominantly discretionary and welfare-based model.

1.4 The Annex examines these developments by reference to each of the policy issues considered in this consultation and highlights matters that may be relevant to future reform in this jurisdiction.

Homicide of the Other Parent

England and Wales

1.5 A significant reform has occurred in England and Wales through the introduction of the Victims and Prisoners Act 2024, commonly referred to as Jade's Law which introduced provisions, although yet to be commenced, requiring the Crown Court to make a Prohibited Steps Order in most cases when sentencing a parent convicted of the murder, or, in certain circumstances, manslaughter of the child's other parent.

1.6 A Prohibited Steps Order automatically prevents the offender from exercising parental responsibility without the permission of the High Court or Family Court. The Order takes effect at sentencing and remains in force unless and until it is varied or discharged by the court. This removes the burden from surviving family members and carers to initiate proceedings in order to restrict parental responsibility rights of the sentenced parent.

1.7 While the restriction arises automatically through the criminal court process, judicial oversight is retained through the family justice system. The legislation requires the Family Court or High Court to consider any subsequent application

to vary or discharge the Order, including where the person convicted succeeds in overturning that conviction on appeal. The legislation ensures that any decisions made by the Family Court while the Order is in force remain effective, ensuring the welfare and best interests of the child remain central to decision-making.

Scotland

1.8 There is no automatic mechanism in Scots law to restrict or suspend parental responsibilities and rights within the criminal courts. Parental responsibilities and rights continue to be regulated under the Children (Scotland) Act 1995. A person can only be deprived of parental responsibilities and rights by a civil court under that Act, where it is deemed necessary to protect a child's welfare. However, intervention remains dependent upon individual applications (any person who claims an interest in the child can seek an order) and judicial assessment. In some cases, a Children's Hearing can place restrictions on parental rights for a child's safety and protection.

1.9 Accordingly, a conviction for murder or manslaughter does not automatically affect parental responsibilities and rights. Any restriction must be sought through proceedings before the court and determined on the facts of the individual case.

The South

1.10 The South has adopted an approach that sits between the automatic model emerging in England and Wales and the discretionary model retained in Scotland.

1.11 Historically, a parent convicted of killing the other parent generally retained guardianship rights unless separate proceedings were brought before the court to remove them. Following sustained public and political debate, the Irish Government enacted the Guardianship of Infants and Child Care (Amendment) Act 2026, a measure commonly referred to as Valerie's Law. The Act, which came into force in July 2026, can lead to the complete removal of parental responsibility.

1.12 Where a person has been convicted of the murder or manslaughter of the other guardian, the 2026 Act requires the Child and Family Agency (Tusla) to first consider whether the safety or welfare of a child is likely to be prejudicially affected if an order removing or restricting guardianship rights of a convicted guardian is not made by the court. If Tusla considers that the child is likely to

be prejudicially affected, it must, as quickly as possible and within six months at the latest from the date of conviction, apply to the court for an order.

1.13 The six months period may be extended where the court is satisfied that there is sufficient reason for doing so, and it is in the best interests of the child. Upon an application by Tusla, the court must determine whether the guardian's rights should be maintained, restricted or removed.

1.14 The southern model therefore introduces a mandatory review process by Tusla, while preserving judicial discretion regarding the ultimate outcome where an application for the restriction or removal of guardianship is made.

Key Issues Emerging

1.15 Developments relating to homicide reveal three distinct policy approaches.

i. A fully discretionary model, represented by Scotland.
ii. A mandatory review model initiated at point of conviction, represented by the model in the South, which, in cases of homicide, would lead to an application to the court for restriction or removal of parental responsibility rights.
iii. An automatic restriction model initiated at point of sentencing, represented by England and Wales.

1.16 In developing reform in this jurisdiction, the Department considers that the experiences of England and Wales, Scotland and the South provide valuable insights into the strengths and challenges of different legislative approaches.

Extended Serious Violence

England and Wales

1.17 Although Jade's Law applies to murder and voluntary manslaughter, it does not currently extend to attempted murder or other forms of serious violence committed against a child’s other parent.

1.18 Consequently, where a parent has been convicted of attempting to murder, or other serious violent offence against the child's other parent, any restrictions on parental responsibility would, in accordance with the Children Act 1989, be via an application to the Family Court, or on the Court’s own determination, following a judicial assessment of the individual circumstances.

1.19 This position has prompted consideration of whether the principles underpinning Jade's Law should extend beyond homicide cases to situations involving attempted murder or other serious violent offending, particularly where the impact on the victim and child may be profound and long-lasting despite the victim surviving the attack.

Scotland

1.20 Scotland has no automatic statutory provisions concerning attempted murder or serious violent offending and their effect on parental responsibilities and rights.

1.21 Cases involving serious violence continue to be addressed through the existing discretionary framework, with the court determining what arrangements are necessary to protect the child's welfare.

The South

1.22 The Guardianship of Infants and Child Care (Amendment) Act 2026 (Valerie's Law) is not limited to homicide cases. While the legislation was developed following concerns arising from domestic homicide cases, the Act also applies where a guardian is convicted of a serious offence against another guardian of the child. The 2026 Act defines 'serious offence' as one which involves the causing of serious harm to the victim which is punishable by a term of imprisonment of not less than 10 years.

1.23 In these cases Tusla must consider whether the safety or welfare of a child is likely to be prejudicially affected if an order removing or restricting guardianship rights of a convicted guardian is not made by the court. Once that review has been conducted, Tusla may apply to the court for such an order where it considers it appropriate to do so. Any such application should be made as soon as possible and within six months of the date of conviction. This period may be extended where the court is satisfied that there is sufficient reason for doing so, and it is in the best interests of the child.

Key Issues Emerging

1.24 The comparative review illustrates differing approaches to attempted murder and serious violent offending. While England and Wales, and Scotland, currently rely on discretionary court-based processes in cases involving attempted murder or serious violence, the South has legislated for a specific mechanism that may apply in certain cases involving serious offending against a child's other guardian.

1.25 This raises a broader policy question as to whether family law consequences should be linked solely to the death of a parent, or whether equivalent protections should be available where attempted murder or serious violence has resulted in significant harm to the victim and has affected the child's welfare, safety or family circumstances.

Children Conceived Through Rape

England and Wales

1.26 The law in England and Wales has gone furthest in considering specific reforms relating to restrictions on the exercise of parental responsibility where the child was conceived through rape by the parent convicted of that offence.

1.27 Through the Victims and Courts Act 2026, parental responsibility may be automatically restricted where an offender has been convicted and sentenced for a rape that resulted in the conception of a child. In such cases, the Crown Court is required to make an order restricting the offender's ability to exercise parental responsibility, subject to limited exceptions

1.28 These reforms are intended to prevent perpetrators from continuing to exercise influence or control over victims through the operation of parental responsibility and to remove the need for survivors to seek separate family court orders.

Scotland

1.29 Questions relating to parental responsibilities in such circumstances continue to be addressed through the general family law framework and welfare-based judicial decision-making.

The South

1.30 While the South has introduced reforms through Valerie's Law in relation to guardianship rights following certain serious offences, it has not enacted legislation comparable to the provisions in England and Wales that automatically restrict parental responsibility in cases where a child has been conceived through rape.

Key Issues Emerging

1.31 The law in England and Wales has recognised children conceived through rape as a potentially distinct category requiring a specific statutory response.

1.32 The key policy question here is whether conception through rape justifies imposing automatic restrictions on the exercise of parental responsibility, rather than reliance upon the determination by the Family Court.

Other Serious Sexual Offending Against Children

England and Wales

1.33 In England and Wales, the Victims and Courts Act 2026, has introduced provisions restricting the exercise of parental responsibility by individuals convicted of specified serious sexual offences against children and sentenced to four years' imprisonment or more. Although these provisions have not yet been commenced, they will require the Crown Court to make a prohibited steps order with respect to each child for whom the offender has parental responsibility. The list of serious sexual offences is set out in Schedule ZA1 of Children Act 1989, which was inserted by the 2026 Act, and can be amended by way of regulations. They include offences such as possession of indecent photograph of a child, meeting a child following sexual grooming and causing a child to watch a sexual act.

1.34 The restrictions take effect automatically following sentencing, reducing the need for separate family court proceedings to secure immediate protection for children.

1.35 These reforms represent a significant expansion to the principle underpinning Jade's Law. They demonstrate an increasing willingness in England and Wales to link the exercise of parental responsibility directly to conviction and sentencing for particular categories of serious sexual offending against children. However, wider questions also arise as to whether other child sexual offences, including offences relating to indecent images of children, should give rise to similar restrictions where child protection concerns are present.

Scotland

1.36 Although courts may restrict or remove parental responsibilities and rights where safeguarding concerns arise, there are currently no automatic restrictions triggered by convictions for sexual offences.

The South

1.37 The Guardianship of Infants and Child Care (Amendment) Act 2026 does provide for the restriction or removal of guardianship rights where a person has been convicted of a serious offence which is defined as one which involves the causing of serious harm to the victim which is punishable by a term of imprisonment of not less than 10 years. This could therefore include serious sexual offending. However, because the Act requires the serious harm to have been committed against the other guardian, the 2026 Act does not provide for serious sexual offending against children.

Key Issues Emerging

1.38 Serious sexual offending against a child raises significant concerns as to whether the offender can safely exercise the responsibilities associated with parenthood.

Severe Harm to a Child

Comparative Position

1.39 Across all three jurisdictions, courts possess extensive powers to intervene where children have suffered abuse, neglect or other forms of serious harm.

1.40 These powers include restrictions on parental responsibility, limitations on contact and the making of protective public law orders where required. However, no jurisdiction has introduced a specific statutory scheme that automatically restricts parental responsibility solely because a parent has caused severe harm to a child, including through serious physical abuse, significant emotional or psychological abuse, or serious neglect.

1.41 Instead, intervention continues to depend upon child protection proceedings, Family Court applications or other welfare-based processes.

Key Issues Emerging

1.42 This is perhaps the least developed area of reform across the jurisdictions.

1.43 While all jurisdictions recognise severe harm as a basis for intervention, none have established automatic statutory consequences of the type now seen in relation to homicide in England and Wales.

1.44 This raises questions regarding whether we should continue to rely upon established child protection mechanisms or whether new statutory safeguards should be considered.

Conclusions from Comparative Analysis

1.45 The comparative analysis demonstrates that across the jurisdictions there is no single approach to the relationship between serious criminal offending and parental responsibility.

1.46 England and Wales have moved furthest towards automatic statutory intervention at point of sentencing in cases involving homicide of the other parent and specified serious sexual offences against children. Scotland has retained a predominantly welfare-based discretionary model. The South has adopted an intermediate approach at point of conviction, based upon an initial mandatory review by Tusla with judicial determination in homicide and manslaughter cases and a potential judicial determination in cases involving serious harm.

1.47 Taken together, these developments illustrate the range of legislative approaches available and the different ways in which jurisdictions have sought to balance child protection, victim protection, judicial discretion, legal certainty and human rights. They also demonstrate a broader trend towards examining whether certain forms of serious criminal offending should have more direct consequences for the exercise of parental responsibility where the best interests of a child are engaged.

1.48 This comparative analysis illustrates the range of approaches that have emerged across neighbouring jurisdictions and provides context for the policy options considered elsewhere in this consultation.

Annex D – Data Protection

Personal Data

1.1 The following is to explain your rights and give you the information you are entitled to under UK data protection legislation. Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally), not the content of your response to the consultation.

1.2 The identity of the data controller and contact details of our Data Protection Officer

The Department of Finance (DoF) is the data controller.

The Data Protection Officer can be contacted as follows:
Data Protection Officer
Craigantlet Buildings
Stoney Road
Belfast BT4 3SX

Email: dataprotectionofficer@finance-ni.gov.uk

Why we are collecting your personal data

1.3 Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

Our legal basis for processing your personal data

1.4 The UK GDPR states that, as a government department, DoF may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

1.5 Your personal data will be held for two years from the closure of the consultation.

Your rights, e.g. access, rectification, erasure

1.6 The data we are collecting is your personal data, and you have the right:

a) to see what data we have about you;
b) to ask us to stop using your data, but keep it on record;
c) to ask to have all or some of your data deleted or corrected;
d) to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at ni@ico.org.uk or telephone 0303 123 1114.