Opening Statement for Justice Committee

David French

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Thank you for the opportunity to make this submission.

My sister Valerie French was murdered by her husband on June 13/14 2019 and his conviction was in July 2024. She left three young children and he is the legal father. My experience following this event, my reading into relevant research and discussions with other victim's families inform my input to this Committee.

I strongly believe that the amendment of legislation to provide for suspension of guardianship in these situations is necessary for the safeguarding of children following domestic homicide.

The key motivating insight is that killing a parent is child abuse. Children are primary victims in this situation. Killing a parent is a direct crime against their children. It is an anomaly in law that when the killer is also a parent that their guardianship of the children currently continues.

Children need to be protected from their abusers by the State. The required protection is far more than just the physical isolation and incarceration of the convicted killer. The children's privacy, psychological safety and the actions of those caring for the children including the victim's relations need to be protected from the killer's involvement and interference. Rights under guardianship of the convict to information about the children, consultation rights or decision making powers are a direct problem and a vector for ongoing abuse and manipulation.

It is important to appreciate that the loss and consequent harm is ongoing for a child's entire life.

Court discretion is a key part of the proposed amendment of the law to suspend guardianship. This allows for edge cases such as manslaughter following domestic abuse to be handled in the best interests of the child. Nevertheless the assumption has to be that the Court will suspend/remove guardianship in the vast majority of manslaughter and murder cases.

It is also important to remember that the suspension of guardianship rights does not preclude the children or people acting for the children from accessing the convict if that is deemed in the children's best interests.

Children are people in their own right and not tools to be used in the rehabilitation of a convict. We have seen this happen.

The time from the charge of murder / manslaughter is usually in the order of years and the killing may also have preceded that by years. These timespans are significant in a child's life. The potential future suspension of guardianship can be weighed and taken into account in the interim period. Much can be done using policy and principles rather than burdening legislation with complexity and risking unconstitutionality. The suspension of guardianship has to be triggered by a guilty verdict.

The Government's Study on Familicide & Domestic and Family Violence Death Reviews and their Interim Report on that study recommend the reform of the law in this area.

It is also recommended that the victim's family are made notice parties to the Court cases in this area but this may be outside the current legislation. Judges can make interested parties such as the victim's family to be notice parties on their own application. It is to be expected that the accused will oppose this and in these cases it is important that wishes of the accused to exclude others are not supported by the State bodies such as CFA/Tusla.

Our three nephews were taken into care without properly consulting the victims family. In our case the murderer and CFA/Tusla blocked the victim's family proposal to take the children out of care. Even post-conviction CFA/Tusla does not rule out family reunification with the murderer and are focussed on rehabilitating him in the eyes of the children. His continued guardianship causes this problem.

The mechanism by which the initiative passes from the criminal court where the verdict of murder or manslaughter is given to the family law court where guardianship would be suspended needs to be absolutely guaranteed and immune to interference.

CFA/Tusla's default role is to "help and support parents". In my own experience this applies even when the parent is accused or convicted of murder. Any staff involved will be exposed to his/her defence through their interaction in advance of a verdict and may be susceptible to taking a sympathetic view of the accused. It is important that any such view is put aside and does not influence the ability of the organisation to fulfill their function. I would recommend an independent unit within the organisation submit the application to suspend guardianship.

CFA/Tusla should not be involved unnecessarily when the children are not already in care so there should also be a way for guardianship to be suspended on the initiative of another guardian or the children's relatives.

The Child Care Law Reporting Project (CCLRP) says that seven children per year are in the situation of having one parent killed by the other. Initially, this does not seem a large number but the implications for their lives and the lives of their families are immense.

Article 24 The Rights of the Child in the Charter of Fundamental Rights of the European Union states that "Children shall have the right to such protection and care as is necessary for their

well-being", that "In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.".
It also states that "Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests."
The proposed amendment supports all of these. I met Commissioner for Justice Michael McGrath on this topic in Brussels in April, 2025. In the UK "Jade's Law" introduced in May 2024 uses a prohibited steps order mechanism to suspend guardianship in these situations.

Research confirms that to abuse a child's mother is to abuse the child. An abuser should not enjoy status in relation to the child. The logic here is incontrovertible. There is extensive research in this area which is referenced in my submissions document.

Thank you for your time in considering this.

David French