LAW SOCIETY OF IRELAND

Opening Statement to Joint Committee on Justice, Home Affairs and Migration on General Scheme of the Children (Amendment) Bill 2024 (4 November 2025)

I thank the Committee for the invitation to address members today and share the perspective of the Law Society of Ireland on the General Scheme of the Children (Amendment) Bill 2024.

I am joined by my colleague Brian Hunt, Director of Policy.

The Law Society of Ireland is the representative, professional and educational body of the solicitors' profession in Ireland. We represent over 12,000 practising solicitors.

Many members of the Law Society deal with juvenile justice matters in courts across the country on a daily basis.

Society has progressively moved away from considering children as fully formed adults subject to criminal liability. The Children Act 2001 marked a welcome change in the approach to juvenile justice by placing the interests of the child at the centre of the justice system.

The General Scheme of the Children (Amendment) Bill is a further step forward that seeks to protect the interests of children.

Among other things, the General Scheme will end the unfair situation of minors who have been charged with an offence 'aging out' of the children courts.

Also positive is the proposal to extend the entitlement to anonymity to adults prosecuted for offences committed as a child.

We also welcome the proposal to abolish parental supervision orders. It will align Ireland with the international approach which provides that parents should not be criminalised for their child's offending behaviour.

In our view, the General Scheme also represents an opportunity to correct other elements of unfairness inherent in the juvenile system – I am referring here to the Youth Diversion Programme. In the Submission that we presented to you in August of this year, we proposed that additional provisions be included in the General Scheme.

Firstly, we proposed that the General Scheme should introduce a requirement for a statutory information leaflet or notice to be provided to the child and their parents or guardian upon referral. The leaflet or notice would inform the child and their family of their rights, the main elements of the process as well as possible outcomes and the potential consequences of accepting or not accepting responsibility.

Secondly, we proposed that it should be made clear in the General Scheme that an admission provided by the child during the discussion for consideration of their inclusion in the diversion programme would not be admissible in subsequent proceedings.

Thirdly, we proposed that the General Scheme should amend section 24 of the Children Act 2001 to explicitly require a written decision stating the grounds for refusal of admission to the Diversion Programme.

Fourthly, we recommend the General Scheme should provide a structured timeline that reflects the principle of prompt intervention in youth justice.

Fifthly, we proposed that the General Scheme should include a provision that requires that the information advising the child of their rights, including the right to consult a solicitor, be provided a second time and that it be recorded on camera.

We wish to also add that the General Scheme represents an opportunity to give consideration to how the Legal Aid Scheme recognises the role of solicitors in advising juveniles. For example, under the current Legal Aid Scheme, there is no provision for a juvenile to avail of free legal aid in order to seek advice from a solicitor when considering whether to accept the Diversion Programme. Similarly, the Legal Aid Scheme does not enable a juvenile to be legally advised in circumstances where they opt to provide a voluntary statement at a Garda station.

In summary, the General Scheme is a good step towards an improved juvenile justice system but we recommend that the Bill should include the additional provisions that I have just outlined.