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An Comhchoiste um Dhlí agus Ceart, Gnóthaí Baile agus Imirce

Tuarascáil maidir leis an nGrinnscrúdú Réamhreachtach ar Scéim Ghinearálta Bhille na Leanaí (Leasú) 2024

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Joint Committee on Justice, Home Affairs and Migration

Report on Pre-Legislative Scrutiny of the General Scheme of the Children (Amendment) Bill 2024

January 2026

34/JC/07

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Senator Anne Rabbitte, Fianna Fáil

Senator Lynn Ruane, Independent

Cathaoirleach's Foreword

In June 2025, the Minister for Justice, Home Affairs and Migration, Mr Jim O'Callaghan TD, forwarded the General Scheme of the Children (Amendment) Bill 2024 to the Joint Committee on Justice, Home Affairs and Migration in accordance with Standing Orders for the purpose of pre-legislative scrutiny.

This General Scheme contains provisions that seek to amend the Children Act 2001 to address identified gaps, in the intervening period following the enactment of the Act.

The Committee welcomes certain aspects of this legislation, such as the provision of a Deferred Sentence Supervision Order (DSSO) as an alternative to a suspended sentence for the detention of a child.

However, following its hearings on the General Scheme, the Committee wishes to highlight several areas in which the proposed legislation could be improved, such as expanding the use of family conferencing, and extending the Bail Supervision Scheme nationwide.

In undertaking pre-legislative scrutiny, the Committee has sought to scrutinise the proposed legislation and provide recommendations on areas where it believes change or amendments are warranted. Among the areas identified for further examination within the General Scheme include the minimum age of criminal responsibility, extending the youth justice system up to the 25th birthday, restorative justice, and detention of young people.

The Committee has made a number of recommendations, and a copy of this report will be sent to the Minister for Justice, Home Affairs and Migration. I would like to express my appreciation to all the stakeholders for their contributions and to the Members of the Committee for their engagement on this subject.

Finally, I hope that this report will help to inform the legislative process and make a valuable contribution to the forthcoming legislation.

Matt Carthy TD

Cathaoirleach

21 January 2026

1. Recommendations

1. The Committee recommends that restorative justice processes are utilised to provide a practical alternative to detention and to reduce the number of children in detention centres, where possible.

2. The Committee recommends that Head 21 be amended to explicitly require that rehabilitation and reintegration are a paramount consideration when making a decision on the weight applied to the period of detention and that applied to the period of supervision.

3. The Committee recommends that the Bail Supervision Scheme is extended nationwide.

4. The Committee recommends that the family conferencing provisions under Section 78 of the Children Act 2001 be amended to strengthen the referral process and provide greater opportunities for children and young people to engage in restorative justice processes.

5. The Committee recommends that the General Scheme amends Part 8 of the Children Act 2001, by including provisions requiring the Court to give reasons why it has not referred a child to a family conference, or requiring a referral or Probation Officer's recommendation as to whether a family conference is appropriate.

6. The Committee recommends that the General Scheme requires a statutory information leaflet or formal notice to be provided to the child and their parents or guardian, upon referral to the Youth Diversion Programme, which would:
    a. inform the child and their family, in accessible language, of their rights, the main elements of the process, and
    b. possible outcomes and the potential consequences of accepting or not accepting responsibility.

    The Committee further recommends that information should also be provided verbally to the child (and their parents or guardians) in a way appropriate for their age and level of understanding.

7. The Committee recommends that the General Scheme includes a provision to explicitly require a written decision stating the grounds for refusal of admission to the Youth Diversion Programme.

8. The Committee recommends that the General Scheme provides for strengthened measures to provide community-based social reintegration services for children leaving the justice system.

9. The Committee recommends that the General Scheme includes a provision to adopt the Dublin Children's Court model nationwide.

10. The Committee recommends that the General Scheme includes a provision whereby the court accompaniment service for children defendants is placed on a statutory footing.

11. The Committee recommends that the General Scheme amends sections 116, 124, and 125 of the Children Act 2001 to provide a statutory limitation to the courts ability to vary the length of community sanctions, once a child turns 18.

12. The Committee recommends that the General Scheme establishes a statutory right to appropriate and integrated aftercare support following release from a children detention centre, similar to that of young people leaving the State care system. This would encourage young people to maintain the benefits gained through interventions within children detention centres and provide greater opportunities for reintegration.

13. The Committee recommends that the General Scheme includes a robust statutory duty for all agencies involved in post-detention support to coordinate and collaborate in the best interest of the child or young person.

14. The Committee recommends the expansion and increased funding of community-based social reintegration supports for young people who are leaving the justice system.

15. The Committee recommends the establishment of a youth justice agency to enable collaboration between the Department of Children, Disability and Equality, and the Department of Justice, Home Affairs and Migration.

16. The Committee recommends that the Department of Justice, Home Affairs and Migration undertakes comparative research on youth justice systems and restorative justice practices for children and young people in Northern Ireland and the Republic of Ireland.

17. The Committee recommends that the General Scheme includes a provision for a 'Guiding Principles' section in the Children Act 2001, to ensure that the relevant children's rights standards are considered and apply across the whole amended Act. As per the general principles of the UN Convention on the Rights of the Child (UNCRC), this section should include priority areas such as:
    - the best interests of the child,
    - non-discrimination,
    - the views of the child, and
    - the right to survival and development.

18. The Committee recommends that the General Scheme sets out a new Section under the Children Act 2001, that requires the Board of Management of children detention centres to provide statutory notification to HIQA of any accidents or adverse events that occur in the facility.

2. Overview of the Committees' Consideration

2.1 Introduction

This is the report on pre-legislative scrutiny of the Children (Amendment) Bill 2024, which was approved by the Government of the 33rd Dáil on 9th of July 2024. The General Scheme was originally referred to the Joint Committee on Justice of the 33rd Dáil on 11th October 2024, however, pre-legislative scrutiny was not completed before the dissolution of the 33rd Dáil.

The proposed legislation seeks to amend the Children Act 2001 to address a number of gaps identified over the two decades since it was enacted.

2.2 Purpose of the Bill

The General Scheme consists of 29 Heads, and contains a number of amendments to the Children Act 2001, which include; the provision of a Deferred Sentence Supervision Order (DSSO) as an alternative to suspended sentences for children, to ensure that community sanctions (such as probation orders and intensive supervision orders) are enforceable once a child turns 18, and requiring the Children Court to check with Oberstown to ensure that there is a place available before ordering the remand of a child.

2.3 Procedural basis for scrutiny

Pre-legislative consideration was conducted in accordance with Standing Order 181 which provides that the General Scheme of all Bills shall be given to the Committee empowered to consider Bills published by the member of Government.

2.4 Engagement with Stakeholders

The Joint Committee on Justice, Home Affairs and Migration invited submissions from stakeholders on the Children (Amendment) Bill 2024. A list of the submissions received is provided in Appendix 1.

On 4 November 2025, the Committee held a public engagement with several of these stakeholders. A link to the full transcript of the engagement can be found here.

The full list of witnesses that attended the meeting is available overleaf.

Stakeholders	Capacity
Individual ▪ Ms Valerie McAllorum Ryan	Witness
Academic ▪ Dr Ian Marder, Associate Professor in Criminology, Maynooth University	Witness
Law Society ▪ Dr Brian Hunt, Director of Policy ▪ Ms Amanda Connolly, Member of the Criminal Law Committee	Witnesses
Academic ▪ Dr Louise Forde, Senior Lecturer in Law, Brunel University London	Witness
Irish Penal Reform Trust (IPRT) ▪ Ms Saoirse Brady, Executive Director ▪ Ms Niamh McCormack, Legal Policy and Public Affairs Manager	Witnesses
Irish Council for Civil Liberties (ICCL) ▪ Mr Sean Egan BL, Procedural Rights Fellow ▪ Ms Claire McEvoy, Head of Research and Policy	Witnesses
Department of Justice, Home Affairs and Migration ▪ Ms Marisa Gomez, Principal Officer ▪ Ms Susanna Gillespie, Higher Executive Officer	Advisors

3. Summary of Written Submissions

3.1 Introduction

A summary is provided in section 4.2 of the key issues raised in the submissions received, in relation to the General Scheme.

The Committee received submissions from the following stakeholders:

- Ms Valerie McAllorum Ryan
- Dr Ian Marder
- Law Society
- Professor Ursula Kilkelly and Dr Louise Forde
- Irish Penal Reform Trust (IPRT)
- Irish Council for Civil Liberties (ICCL)
- Ombudsman for Children's Office (OCO)

3.2 Key Issues raised in the submissions

1. Deferred Sentence Supervision Orders (DSSOs) (Head 19)

- The submission from Ms Valerie McAllorum Ryan pointed to an anomaly in the Children Act 2001, whereby there is no provision to suspend a sentence. Explanatory notes to Head 19 of the General Scheme highlight that 'the Supreme Court has held that there is no power for judges to suspend sentences for children'.

- Ms McAllorum Ryan spoke about navigating the justice system having been the victim of a crime. In her case, Ms McAllorum Ryan stated that a three-year detention order was given to the offending juvenile, which was suspended, that the juvenile went on to reoffend within the suspension period, and that she was informed that the custodial sentence could not be imposed due to an anomaly in the Children Act 2001.

- Ms McAllorum Ryan believed that as a result of this anomaly, she did not nor could ever receive justice in relation to the crime that she was a victim of, that the juvenile concerned learned that there are little consequences for their actions, and that the opportunity to rehabilitate this individual has been lost.

- Ms McAllorum Ryan called for a more just and effective legal framework for victims of crimes whilst upholding the ethos of diverting juveniles from the criminal justice system.

- The Irish Penal Reform Trust (IPRT), Irish Council for Civil Liberties (ICCL), and the Ombudsman for Children's Office (OCO) all spoke about the introduction through Head 19 of a Deferred Sentence Supervision Order (DSSO), under which the sentencing hearing is deferred rather than the sentence of detention itself. Under a DSSO, the sentencing hearing can be deferred for up to a year while the child is under the supervision of the Probation Service.

- While IPRT and ICCL welcomed the introduction of DSSOs, highlighting that it would reduce overcrowding in Oberstown Children Detention Campus and that it is in keeping with the sentencing principles set out in the Children Act 2001 that the detention of a child should be a last resort, the OCO underlined its concerns with the provisions in Head 19.

- The OCO is concerned that according to subsection 144A(10(4)), as provided for in Head 19, the court will have the power to impose a sentence of imprisonment where a person's 18th birthday has passed prior the resumed hearing and expiry of the

DSSO. The OCO submitted that this provision is wholly inconsistent with amendments suggested under Heads 4-10, which provide for a new category of legal persons who commit an alleged offence when they were under 18 (and therefore a child) but have turned 18 before or during proceedings. The OCO called for the proposed section 144A, by way of Head 19, to be amended to provide for the resumed hearing under a DSSO to take place before the child turns 18, and avoid the risk of a child 'ageing-out' during their DSSO and being subject to a period of adult imprisonment.

- IPRT also pointed to a conflict between the proposed new approach to sentencing with the principles of youth justice at its core, and the continuation of the practice of children 'ageing-out' of a child detention centre, and underlined that 'ageing-out' of the youth justice system can have a detrimental effect on rehabilitation.

2. Minimum age of criminal responsibility (Head 3)

- While stakeholders welcomed changes proposed in Head 3, to require the Director of Public Prosecution's (DPP) permission for proceedings other than remand in custody or bail for children under the age of 14 at the time of the commission of the offence, a number of submissions believed that 12 years old as the age of criminal responsibility is considered too low by international standards.

- Stakeholders called for the minimum age of criminal responsibility in the State to be increased to 14 years of age. In their submission, Professor Ursula Kilkelly and Dr Louise Forde echoed the belief of the UN Committee on the Rights of the Child that both the maturity and ability for abstract reasoning of children aged 12 and 13 is still developing.

- Stakeholders highlighted the current situation whereby in the case of allegations of serious offences, a 10-year-old child may be prosecuted with the consent of the DPP. IPRT outlined that criminalising a child of this age is inappropriate and does not align with State obligations to protect vulnerable children and uphold their human rights.

- IPRT pointed to underlying psychological issues and sociological disadvantage, combined with the general neurological development of adolescents, and stated that these factors make many young offenders vulnerable to external influences without the cognitive ability to form criminal intent in the same way a fully-neurologically developed adult could. IPRT called for Head 3 to bring the age of criminal responsibility in line with human rights standards and State obligations.

- ICCL believed that the Children Act 2001 should be amended to state that a child under the age of 14 shall not be charged with an offence. ICCL stated that for the youngest offenders, recognition of their immaturity and ongoing neurological development should preclude criminalisation and prosecution entirely.

- ICCL submitted that detention with other troubled youths risks reinforcing problematic behaviours and embedding young people in highly negative peer groups, pointing to research showing youth incarceration has a negative impact on educational attainment and exacerbates mental and physical health issues. ICCL stated that taking a rehabilitative approach, rather than a criminal justice one, can help direct children away from further involvement in the criminal justice system.

- ICCL highlighted that there is no statutory obligation for the DPP to act in the best interests of the child, and called for Head 3 to be amended to explicitly acknowledge this principle and guarantee adherence to it.

- The OCO believed consideration should be given to principles of child friendly justice, ensuring justice is accessible, age-appropriate, and adapted to and focused on the needs of the child, and should include a statutory obligation for lawyers to undertake child-friendly justice training.

- The OCO called for the establishment of a statutory obligation for the court to appoint an intermediary to all child defendants, to help prevent a children's rights violation arising from a lack of understanding or communication difficulties in the State's judicial system.

3. Extending protections for those who 'age-out' of the youth justice system (Head 4)

- Stakeholders believed that, alongside considering changes to the minimum age of criminal responsibility, there should also be a focus on young people that 'age-out' of the child justice system. Stakeholders welcomed the new legal category of 'relevant person', as provided for in Head 4, which extends protections for those who, before or during proceedings, have turned 18.

- While supportive of the changes provided for in the General Scheme, Dr Ian Marder believed that the General Scheme as drafted represents a missed opportunity to extend the protections and the young person-sensitive facets of the criminal justice system to young adults up to age 25.

- Dr Marder underlined a very strong scientific basis for treating young people differently from fully mature adults for the purpose of criminal justice processes and sentencing, and applying this logic to those aged from 18-25, as young people continue the process of psychological and neurological maturation up to the age of 25.

- Professor Ursula Kilkelly and Dr Louise Forde submitted that extending the Children Act 2001 incrementally to young adults up to the age of 23 years should be given careful consideration, in order to maximise the application of the protections of the Children Act to young adults, and called for the inclusion of further support for young people leaving detention to be considered.

- IPRT outlined its concern at a cohort of children who serve part of their sentence in a child detention centre, who 'age-out' of that centre and are moved to an adult prison from the age of 18, stating that this can have a serious effect on the rehabilitation and mental health of these young persons and does not align with the principles they were initially sentenced under.

- IPRT underlined Irish Prison Service statistics, from June 2025, indicating that there were 436 young people aged 18 to 24 in adult prison, with young men making up 10 per cent of the male adult prison population, while seven per cent of women in prison were under 25.

- Professor Kilkelly and Dr Forde pointed to amendments to legislation, suggested in the Government's Youth Justice Strategy 2021-2027, including the extension of the Youth Diversion Programme to those over the age of 18.

- IPRT believed that a dedicated diversion scheme for young adults would negate the need for many of these young people to be detained, and highlighted that the highest rates of prison recidivism statistics in Ireland have consistently been for young adults, demonstrating that prison is not an appropriate response for many of these young people.

- The Law Society outlined instances where delays in admitting a child to the Youth Diversion Programme can result in the child 'ageing-out' of eligibility for the Programme, or if the case goes to court, the child might become too old.

- The Law Society believed that while the issue of 'ageing-out' of the system in case the child is ultimately charged with an offence will not be a problem according to the General Scheme, it will still be an issue for the participation to the Youth Diversion Programme.

4. Privacy of 'relevant persons', and the 'public interest' exception in the Children Act 2001 (Head 10)

- Stakeholders welcomed the provisions set out in Head 10 of the General Scheme.

- Professor Kilkelly and Dr Forde believed that the extension of the provision which prohibits publication of the identity of persons who commit offences while under the age of 18 to 'relevant persons' within the meaning of the Children Act 2001, as well as to children, is a very welcome aspect of the General Scheme.

- Professor Kilkelly and Dr Forde stated that ensuring that the identities of children who have committed offences are not made public is also fundamental to the rehabilitative process.

- ICCL also supports amending the legislation to ensure that young people should maintain their anonymity if they are accused of offending as a child but have since reached the age of majority in further criminal proceedings, including appeals or sentencing.

- ICCL, Professor Kilkelly and Dr Forde indicated their concern regarding the so-called 'public interest' exception in Section 93(2)(iii) of the Children Act 2001, and called for the removal of this amendment in the interests of a child's right to privacy in criminal proceedings, even if they have reached the age of majority.

- Professor Kilkelly and Dr Forde outlined that, given the negative impact that publicising the identity of a child who has been convicted of a criminal offence can have on their long-term life chances, and their ability to reintegrate successfully following completion of any sanction or punishment, this amendment requires very serious consideration in line with the public interest.

- In a similar vein, ICCL's view is that the public interest would not justify the revelation of a child's identity which could expose them to significant stigma and notoriety, and could impede their development and welfare.

5. Restorative justice and conferencing

- Submissions from Dr Marder, and Professor Kilkelly and Dr Forde, called for consideration to be given in the General Scheme to the restorative justice and conferencing provisions under the Children Act 2001, particularly in Section 78.

- Dr Marder underlined that the family conferences, which are a form of court-referred restorative justice process, provided for in this Section are seldom used. Dr Marder stated that it is his understanding that there have been years in which the number of such conferences was either zero or one, and many other years where the number is in the single digits.

- Dr Marder pointed to Courts Service statistics showing that 3,922 orders were made in the District Court relating to juvenile crime that year, including 150 orders of detention, and suggested that there is greater potential to use restorative justice to meet victims' needs in situations where there is also the potential to de-escalate children towards more constructive interventions.

- Dr Marder also called for further amendments to the General Scheme whereby the Court might be required to give reasons why they have not referred a child to a conference, or there might be a requirement to seek a Probation Officer's recommendation as to whether a family conference is appropriate.

- Along similar lines, Professor Kilkelly and Dr Forde called for the consideration of amendments including a requirement for the Probation Service to indicate in their reports whether a restorative justice conference or plan is considered appropriate in this case, and to provide reasons for that decision.

4. Summary of Oral Evidence

4.1 Introduction

In the course of the public hearing on 4th November 2025, a number of important points were raised.

A summary of the main areas discussed in evidence to the Committee follows.

4.2 Key Issues raised in the submissions

1. Minimum age of criminal responsibility (Head 3)

- During the opening statements by witnesses, a number of stakeholders were united in their calls for the minimum age of criminal responsibility to be increased to 14.

- Dr Marder believed that the minimum age of criminal responsibility is far too low in Ireland and out of line with both mature democracies across Europe and with the principles of the Children Act 2001.

- IPRT was of the view that Head 3 is a missed opportunity for the State to align with its international human rights obligations and address repeated calls from the UN Committee on the Rights of the Child (UNCRC) to raise the minimum age of criminal responsibility to 14, which was echoed by ICCL.

- The Committee raised the possibility of, rather than raising the minimum age of criminal responsibility, continuing to deal with cases one-by-one before the courts, if the State has the appropriate services in place and puts forward the appropriate defences. The Committee highlighted the issue of human trafficking, in particular of children, in this regard, and drew attention to European countries that may be considering a reduction in the minimum age of criminal responsibility.

- ICCL believed that this approach would be out of step with the State's human rights obligations, citing the relevant UNCRC recommendation, and believed that the State is out of touch with its European neighbours with regard to the minimum age of criminal responsibility.

- In ICCL's view, the criminalisation of grooming behaviour towards children to get them involved in crime should be prioritised, rather than the State failing to abide by its human rights and children's rights obligations, and negatively impacting children

who, even if they are perpetrating harm, are often the victims of even greater harm themselves.

- IPRT expanded on ICCL's evidence, stating that before the enactment of the Children Act 2001, the age of criminal responsibility was 14, as it was assumed under law that from seven years up to 14 years, one would not have capacity to develop criminal intent. IPRT echoed the views of the former Special Rapporteur on Child Protection, Dr Geoffrey Shannon, who stated that if a child as young as ten years' old was committing rape or murder, it was clearly indicative of a child welfare issue. IPRT pointed to the State's duty to protect children, even those who cause harm, and asked whether having an age of criminal responsibility below 14 years would benefit anyone, when aiming to reduce that harm being caused.

- Dr Forde stated that the international legal obligations that recommend a minimum age of 14 are based on a body of neuroscientific evidence, acknowledging that the capacity of children is still evolving in a very complex way and that they do not have the full capacity to make rational decisions.

- While taking on board the element of protection in raising the minimum age of criminal responsibility, and that children might not have capacity, the Committee raised its concern for victims of serious crimes.

- The Committee discussed the issue of trafficking, noting evidence that found the average age when trafficked children are expected to start selling drugs is between ten and 12. The Committee expressed its concerns that restorative justice or rehabilitation might not work in certain cases, and that committing serious crimes may not always be a child welfare issue. The Committee asked the question that if there is no possibility of bringing the child before the courts, what should be done with that child.

- ICCL believed that as young people become frustrated at their educational experience because they have needs that go unmet or behavioural issues that make it hard to get the most out of school, they can end up in an area where they can be preyed on by figures who groom young people into being involved in crime.

- ICCL suggested a number of routes to legal recourse should the minimum age of criminal responsibility be raised to 14. These included recourse under civil law, being considered for special care under the Child Care Act, or recourse under the Mental Health Act.

- The Committee reiterated its desire to find interventions from a policing perspective and a community safety perspective regarding the commission of crimes by young children.

- IPRT expanded on its citation of Dr Shannon's position that such crimes could be symptomatic of a child protection issue, stating that it might not be a child protection issue in the home, but in what they are accessing online and all the complications that go with that. IPRT noted the provision in the Children Act 2001 that refers to antisocial behaviour, and outlined the importance of youth diversion while ensuring that it goes hand-in-hand with youth work projects. IPRT underlined that interventions like the Bail Supervision Scheme can be transformative at an early stage where there is a delay before the trial.

- IPRT called for prevention and early intervention measures, and for further investment in youth work, noting that investment in youth diversion comes at a cost to what used to go into youth work. IPRT emphasises the need to invest in those communities, investing in mental health services and investing in addiction, in particular.

- ICCL believed it clear that the vast majority of children coming before the court are from socially deprived backgrounds, and that they are often coming from families that are living in emergency accommodation or homeless hubs. ICCL added that there is a huge amount of neurodiversity, mental illness and early school leaving.

- The Law Society echoed the assessment that a huge number of juveniles who come before the court have neurodiversity issues, stating that ADHD is very prominent, which can go undiagnosed and therefore, the child drops out of school, and it becomes cyclical.

- The Law Society described it as a recipe for disaster if a child is on the waiting list for CAMHS and then drops out of school, and that if they have an underlying neurodiversity issue and start taking drugs, any underlying mental health issues are exacerbated, and there is no support mechanism to try to get them into treatment.

2. Extend protections of youth justice to young adults (Head 4)

- Several stakeholders outlined, in their opening statements to the Committee, that protections of youth justice should be extended to young adults.

- Dr Marder suggested that the definition of "relevant person" in Head 4 should include young adults up to their 25th birthday.

- IPRT echoed these calls, stating that the children's rights principles underpinning proposals in the General Scheme, should continue to apply for young adults up to the age of 24. IPRT highlighted the detrimental effect on rehabilitation of ageing out of the youth justice system, as a young adult that turns 18 loses access to age-appropriate interventions and supports overnight.

- The Committee tried to get a consensus on which age the youth justice system should be extended to. IPRT, Dr Marder, and Dr Forde all concurred that such protections should be extended up until the person's 25th birthday.

- IPRT cited the Youth Work Act, the National Policy Framework for Children and Young People, and the Youth Justice Strategy as examples where young people are recognised up until the person's 25th birthday.

- Dr Marder believed that the higher the age to which protections are extended, the greater the number of people who lack full cognitive maturity will be included.

- Dr Forde stated that extending protections up until the person's 25th birthday would be in line with the neuroscientific evidence.

- The Committee highlighted the mental health policy, Sharing the Vision, as an example of where protections are extended up until the person's 25th birthday.

- The Committee discussed the recommendation by the Ombudsman for Children's Office for the establishment of separate facilities for the detention of young people between 18 to 24 years old.

- IPRT agreed with the recommendation, citing Hydebank Wood in Belfast as an effective facility for 18-24-year-olds. IPRT spoke about the cognitive differences between young adults and other adults, and underlined that 10% of the adult prison population is currently under the age of 25, which is that 18 to 24 cohort.

- The Committee raised concerns about potentially housing young adults together with children in Oberstown, and suggested giving every opportunity through the Youth Diversion Programme first.

- IPRT told the Committee of its conversations with people who work at the Oberstown campus, and pointed to the contrast between the rehabilitative Oberstown campus and the overcrowded environment in the adult prison system, which is not conducive to rehabilitation.

3. Family conferencing and restorative justice

- In his opening statement, Dr Marder conveyed the benefits of family conferencing, stating that it allows for flexible restorative justice processes that can include victims or a young person's family or other significant people. Dr Marder called for section 78 of the Children Act 2001 to be amended to strengthen the family conferencing referral process, so that more people are considered for restorative processes, which was echoed by Dr Forde.

- When invited by the Committee to expand on the potential for greater use of this restorative practice, Dr Marder spoke about the use of restorative justice in Northern Ireland. Dr Marder noted that their courts are required to make a referral for all cases in between conviction and sentencing where the child consents, apart from those that would result in a mandatory life sentence.

- Dr Marder pointed to statistics showing that victim participation was very high at 69%, and that victim satisfaction was above 75% each year. Dr Marder added that this has correlated with a significant reduction in the use of imprisonment for children in Northern Ireland, as over three-quarters of restorative justice agreements were found by a 2015 review to be deemed appropriate as being part of the resulting sentence.

- Dr Marder underlined the high compliance with these agreements, referencing a 2019 review which found that only 15 out of 560 conferences, on average each year between 2015 and 2018, were returned to prosecutors for non-compliance.

- Dr Marder also highlighted a finding in a 2014 review that reoffending after a youth conference order was at 54%, compared with 63% for young people who received a probation or supervision order.

- The Committee asked Ms McAllorum Ryan how she felt she could have been better served by the system with more emphasis put on restorative justice.

- Ms McAllorum Ryan asserted that the system let her down because there were no consequences for either offender in her case, that having no apology was really hard, and that they did not even seem remorseful.

- Ms McAllorum Ryan told the Committee that she really believed in the rehabilitative process of the Children Act 2001, and that if they had sat in front of each other and the main offender saw the consequences of how her life and her family's lives have been turned upside down, it might have had some impact.

- Ms McAllorum Ryan stressed that she would have been agreeable to restorative justice, and that a mixture of restorative justice, the Bail Supervision Scheme and the supervised detention orders would close a huge gap, giving the victims the feeling that they have been seen and heard while the juvenile who needs to be treated differently to an adult is not overly punished.

4. The Bail Supervision Scheme and Youth Diversion Programme

- IPRT discussed the Bail Supervision Scheme (BSS) in its opening statement to the Committee, calling for it to be extended nationwide, and for Head 9 to be amended to provide that a child must not be remanded to detention where an alternative order is available to the court, including a bail supervision order.

- IPRT noted the proposal by Extern, which provides BSS services, to extend the scheme nationwide by providing it in Donegal, the Midlands and Waterford. Ms McAllorum also spoke in support of this proposal.

- IPRT remarked that those in the youth justice system, particularly those who end up on remand in Oberstown, are coming from areas where the scheme is not available.

- IPRT emphasised the cost effectiveness of the BSS, stating that it costs €232,000 a year to keep a person in Oberstown, while it is costs €20,000 to provide bail supervision with much more effective supports and lower reoffending rates.

- When asked by the Committee about the rates of reoffending among those who complete the BSS scheme, compared to those who do not, IPRT referred to a review which found that there was a 72% reduction in reoffending from six months post BSS versus six months pre-BSS. IPRT noted that for 63% of participants, there were no new arrests.

- Dr Marder believed that everyone at risk of being remanded in Oberstown should have access to the BSS and that everyone who accepts responsibility for offending, and goes through the criminal justice process, should have access to restorative justice.

- The Committee asked IPRT about the BSS, and enquired about the therapies and rehabilitation services that the participant receives in the scheme.

- IPRT described the BSS scheme as transformational, and informed the Committee that team members for the scheme undertake the following assessments:
    - the likelihood of that young person re-offending,
    - their suitability for the BSS scheme,
    - the underlying factors led them to offending in the first place,
    - whether they are in school or training,
    - the family supports that are in place, and whether there are substance misuse issues or mental health issues, and

    - whether there is underlying trauma that has never fully been identified in the first place, or addressed afterwards.

- IPRT indicated that the team may meet the family and the young person two to three times a week, going into their home and carrying out the interventions, including therapeutic interventions, and that they will engage with their school or a youth training programme to see if they can get them back in.

- The Committee acknowledged that sometimes the home may be one of the causes of the trauma that the child is experiencing in the first place, and enquired as to whether interventions only take place in the home.

- IPRT asserted that the BSS scheme team will identify a network of people around the young person, and that while a lot of interventions take place in the home, therapies can take place outside the home if needs be. IPRT stated that young people can be referred into the scheme from 12 years of age.

- The Law Society used a large portion of its opening statement to call for amendments to the General Scheme regarding the Youth Diversion Programme.

- The Law Society proposed that the General Scheme should introduce a requirement for a statutory information leaflet or notice to be provided to the child, and their parent(s) or guardian, upon referral. The Law Society stated that 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.

- The Law Society called for a provision to be included in the General Scheme that an admission provided by the child during the discussion for consideration of their inclusion in the programme would not be admissible in subsequent proceedings.

- The Law Society believed that the General Scheme should provide a structured timeline that reflects the principle of prompt intervention in youth justice, and called for the inclusion of a provision to explicitly require a written decision stating the grounds for refusal of admission to the programme.

- The Committee highlighted that the proposals being made are going to put a huge emphasis on the Probation Service, and called for continued investment in the Probation Service and, in particular, the Youth Diversion Programme.

5. Deferred Sentence Supervision Orders (DSSOs) (Heads 19 and 21)

- In her opening remarks to the Committee, Ms McAllorum Ryan spoke about her experience as a victim in the justice system, stating that currently, there is no legal framework for a suspended sentence for juvenile offenders, leaving judges with very limited powers – detention or no detention at all.

- Ms McAllorum Ryan informed the Committee that she faced two criminal cases, noting that one of the offenders received a custodial sentence which was later suspended on appeal despite further offending, while the juvenile driver received a three-year detention order suspended on conditions, one of which was not to reoffend, and reoffended within that period.

- Ms McAllorum Ryan added that she was told, when the case returned to court, that the sentence could not be enforced as there is no power under the Children Act 2001 to reactivate a suspended detention order, and that while section 144 of the Act allows for suspension, there is no mechanism to enforce it when breached, stemming from a Supreme Court ruling in 2017.

- In Ms McAllorum Ryan's view, the proposed Deferred Sentence Supervision Order (DSSO) is a fair and balanced solution, giving judges flexibility, while recognising the seriousness for both offender and victim.

- Ms McAllorum Ryan expressed the need for any reform to ensure such orders remain enforceable, and that while restorative justice is an underused but valuable tool, no justice is not an option, asserting that when the law lets consequences and accountability slip through its fingers, it fails not only victims, but everyone.

- The proposed DSSO under Head 19 was also welcomed by IPRT and ICCL in their opening statements, with ICCL remarking that the DSSO will allow the court to acknowledge a serious offence has occurred, while still giving a child an opportunity to demonstrate that they have desisted from offending before a final sentence is imposed.

- Ms McAllorum Ryan conveyed to the Committee that she was satisfied with the suspended sentence in respect of the juvenile offender, and was then floored when it could not be enacted upon the juvenile's reoffending.

- Ms McAllorum Ryan emphasised that it felt like absolutely everything she had gone through meant nothing, and that the juvenile was free to move on with his life

whereas her life has been changed irrevocably, stating that she has not been back to work and is still constantly facing having operations and procedures nearly seven years later. Ms McAllorum Ryan believed she suffered a lot of consequences, and the offender has had absolutely no consequences.

- In response to Ms McAllorum Ryan's evidence, ICCL believed she was let down because the laws were inadequate, and that such victims who go through this horrible process, having found some measure of closure, should not have the rug pulled out from under them after the fact.

- When asked by the Committee if it believed that the General Scheme addresses the anomaly regarding suspended sentences, ICCL was of the view that it does.

6. Detention and Aftercare

- In his opening remarks, Dr Marder urged caution when introducing new sentencing measures that permit alternatives to prison, to ensure they are used only to reduce the sentencing tariff for children, and not to up-tariff them.

- IPRT stressed the importance of upholding the principle of detention as a last resort under the 2001 Act, and while it welcomed the flexibility of dealing with individuals on a case-by-case basis, it cautioned against any unintended consequences resulting in a young person spending a disproportionate length of their sentence in detention.

- IPRT called for Head 21 to explicitly require that rehabilitation and reintegration are the primary considerations, when calculating the length of a detention period.

- Ms McAllorum Ryan believed there has to be consequences, especially in the case of the more serious crimes, commenting that probation and the Youth Diversion Programme should be used for more minor crimes, while a heinous crime like murder deserves detention, and that restorative justice and DSSOs would close the gap for crimes in between.

- When asked by the Committee if there is any scenario in which youth detention works, Dr Marder stated that youth detention is extremely effective in making the child suffer, and if the aim is retribution.

- Dr Marder added that if the goal is to reduce crime and help people solve the problems in their lives that lead to crime in the first place, it is not going to be very effective, and that there are non-criminal approaches to incapacitation, whereby children can be placed in secure care that is not criminalising.

- While IPRT gave the view that detention may be appropriate for a particular period of time, for instances where a young person poses a threat to public safety and they have been given chances, it emphasised the need to effect change, and change offending behaviour.

- IPRT highlighted cases where young people are going to Oberstown who require some of the intervention they get there, and asserted that these people should not have to go to detention to get these services, underlining the need to invest in community services, prevention and early intervention, so they never reach a crisis level.

- When prompted by the Committee to speak to the impact on the life chances of a child incarcerated through grooming, ICCL highlighted that youth detention is criminogenic, stating that when one is detained as a young person, he or she is more likely to go out and commit further offences.

- ICCL pointed to evidence indicating that someone involved in the criminal justice system at an early age is more likely to reoffend than the other young people who are diverted through the Garda national Youth Diversion Programme.

- ICCL was of the view that the way to address the criminogenic factors in the community is by addressing income inequality and the gaps in youth services, and that just because an individual might come from a deprived background, and there are criminogenic factors when they are on the outside, it cannot be ignored that there are criminogenic factors related to detention in the first instance.

- The Law Society told the Committee that it represents a lot of young adults who went through the care system, became homeless and are now in the adult prison system and have no support mechanism, stating that people who have mental health issues are criminalised, of which some have very low cognitive ability.

- On the subject of aftercare following a period of detention, Dr Forde underlined the need for more robust supports for young people leaving Oberstown, and to help them to maintain any benefits that have been gained through the interventions within Oberstown.

- IPRT agreed with this sentiment, stating that once a young person leaves Oberstown, they cannot be expected to maintain that behaviour by themselves if the proper supports are not in place for the aftercare.

Appendix 1 – Opening Statements and Written Submissions

Opening Statements – meeting of 4th November 2025

Name of Stakeholder	Link to Submission
Ms Valerie McAllorum Ryan	Opening statement
Dr Ian Marder	Opening statement
Law Society	Opening statement
Dr Louise Forde	Opening statement
Irish Penal Reform Trust (IPRT)	Opening statement
Irish Council for Civil Liberties (ICCL)	Opening statement

Written Submissions

Name of Stakeholder	Link to Submission
Ms Valerie McAllorum Ryan	Submission
Dr Ian Marder	Submission
Law Society	Submission
Professor Ursula Kilkelly and Dr Louise Forde	Submission
Irish Penal Reform Trust (IPRT)	Submission
Irish Council for Civil Liberties (ICCL)	Submission
Ombudsman for Children's Office (OCO)	Submission

Appendix 2 – Committee information

Publications

All publications for this committee are available on the Oireachtas website.

Committee videos

Footage of Committee proceedings can be found on the Committee videos page.

Committee debates

Transcripts of Committee debates can be found on the Committee debates page.

Contact details

The contact details for the Committee can be found on the Committee page.

Orders of reference

Read the Orders of reference for the Committee.