

Who advocates for parents in child protection processes and why? An Irish perspective

Trish Walsh

School of Social Work and Social Policy

Historically the legal framework for Irish state interventions into family life was the 1908 Children Act. Under this legislation, child welfare bodies could apply for an order placing the child in the care of state agencies under a range of moral, physical and/or welfare grounds. With the establishment of a child and family social work service within the health board structures from the 1970's, the processes governing the interactions between troubled families and social workers became formalised, with the court system taking a more central role. Early advocacy services for parents were established by voluntary organisations which brought together concerned advocates from social work, community work, family law and women's organisations and provided support and information for parents caught in child welfare proceedings (Family Link, 1987). In more recent times the landscape has changed considerably in three ways: (i) a more authoritarian interventionist system has been established and legislation 'updated' with the 1991 Child Care Act. (ii) The traditional family-centred ethos of the Irish constitution is in the process of being reformulated with the passing of a 'children's rights' referendum, albeit itself now subject to a legal challenge from conservative family rights petitioners who object to increased state involvement in family matters. (iii) The complexity of legal proceedings has intensified and increased in expense. Central to the new order is the widespread use of an unregulated Guardian Ad Litem system which with unrestricted powers has significantly affected the balance of power between statutory authorities, parents and children in child welfare cases. Given this evolving situation and the return to action of some far-right conservative 'family rights' groups, it is timely to document and analyse the evolution of advocacy for parents in Irish child protection processes.