

STATES OF JERSEY



DRAFT CHILDREN AND CIVIL STATUS (CONSEQUENTIAL AMENDMENTS) (JERSEY) AMENDMENT NO. 2 REGULATIONS 202- (P.55/2025) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

**Presented to the States on 3rd July 2025
by the Minister for Children and Families**

STATES GREFFE

CHILDREN'S RIGHTS IMPACT ASSESSMENT (CRIA)

PART 1: SCREENING

Name and title of Duty Bearer:	Minister for Children and Families
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Minister
Assessment completed by (if not completed by duty bearer):	Policy Officer
Date:	24/06/2025

- 1) Name and brief description of the proposed decision
The subject of your CRIA may be a proposed law, policy or proposition and in accordance with the Law is referred to in this template as the '**decision**'
 - What is the problem or issue the decision is trying to address?
 - Do children experience this problem differently from adults?
- Draft Children and Civil Status (Consequential Amendments) (Jersey) Amendment No. 2 Regulations 202-
- On the 19th March 2024, the States Assembly voted through the Children and Civil Status (Amendments) Jersey Law 2024 ("the 2024 Law"). Consequential to this, on the 5th February 2025, the States Assembly approved the Children and Civil Status (Consequential Amendments) (Jersey) Amendment Regulations 2025 ("the 2025 Regulations"). This legislation, based on provisions contained in the Human Fertilisation and Embryology Act 2008, will establish new routes for parents to acquire legal parent status and parental responsibility for their children. This will establish greater equality for children whose parents are in a same-sex couple, use fertility treatment or a surrogate. In particular, the new statuses of second female parent and parent via parental order will be established.
- The implementation of the 2024 Law has been a complex and lengthy process, due to the large number of consequential amendments required across the statute book. Consequential amendments have been considered wherever the concept of parenthood and the relationship of parents to their children is provided for in Jersey law. During the policy work to develop the Draft Civil Status (Abolition of Legitimacy) Jersey Law 202- ("the Draft Legitimacy Law"), some further consequential amendments to the 2024 Law were identified. These are small enhancements and technical changes, which are important to ensure that the policy intentions of the 2024 Law are enacted throughout legislation.
- These additional Draft Consequential Regulations make small enhancements to provisions to recognise overseas equivalents of Jersey parental orders. Following family friendly policy intentions, these amendments ensure that eligible parents via overseas parental orders and equivalents may access parental benefits and parental leave, to help parents support their children at the start of their life. The interpretation of parent "via parental order" has been expanded in several pieces of legislation to cover overseas equivalents of Jersey parental orders for children born to surrogates outside of Jersey.

<p>A new article is added to the Marriage and Civil Status (Jersey) Law 2001 (“the 2001 Law”) to provide new routes to registration on a birth certificate for deceased fathers and second parents, under paragraphs 11-15 of Schedule A1 to the Children (Jersey) Law 2002, who have consented to relevant fertility treatment. As the parent will have died before the child’s conception, this applies for registration purposes only with no right of succession. It is vital for a child to have their parent registered on their birth certificate as part of their personal identity.</p> <p>The amendments also codify the customary law position for the domicile of dependence (hence domicile of origin) for children of married and unmarried mixed-sex parents in statutory law, including new routes to parenthood via fertility treatment. One small change is made so that children born to mixed-sex parents in a civil partnership will have their father’s domicile in the same manner as children currently born to mixed-sex married parents. This rationalises the position and aligns with the Government’s long-term policy that civil partnership and marriage should be treated equally. It is anticipated that this will impact a very small number of families, as there are very few mixed-sex civil partnerships. The amendments complement provisions already contained in the 2024 Law for children of same-sex female parents and children via parental orders. They also provide clarity in anticipation of the Draft Legitimacy Law, which proposes to abolish the concept of legitimacy, a factor that currently determines a child’s domicile of dependence. Overall, these changes offer greater legal certainty for all families regarding the domicile of dependence of their children, particularly those born through fertility treatment.</p>
<p>2) Which groups of children and young people are likely to be affected? Groups of children could include early years, primary or secondary education; young adults; children with additional learning needs; disabled children; children living in poverty; children from particular ethnic backgrounds; migrants; refugees; care experienced children and LGBTQ+ children</p>
<p>These amendments impact a very small number of children:</p> <ul style="list-style-type: none"> • children born to parents via overseas surrogacy who are subject of an order equivalent of a Jersey parental order; • those who are conceived via fertility treatment after a parent has passed away; and • children born to mixed-sex parents in a civil partnership.
<p>3) What is the likely impact of the proposed decision on children and on their rights?</p> <ul style="list-style-type: none"> • Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC • Will different groups of children be affected differently by this decision?
<p>The 2024 Law, and amendments consequential to that Law, are fundamentally concerned with progressing children’s rights. There are no direct or indirect negative impacts identified. These additional Draft Consequential Regulations are technical and do not alter the policy intention of the 2024 Law.</p>
<p>4) Is a full Children’s Rights Impact Assessment required?</p>

<p>If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion</p>
<p>Yes, due to the number of UNCRC rights that are engaged and the impact of the 2024 Law, and amendments consequential to that Law, upon children born in Jersey and children whose parents live in Jersey.</p>

If screening determines that a full CRIA is needed, complete Part 2

Part 2: FULL CHILDREN'S RIGHTS IMPACT ASSESSMENT

<p>5) What will be the impacts (positive or negative) of the proposed decision on children's rights?</p> <p>For each of the UNCRC articles described below, click to identify any that may be relevant <input checked="" type="checkbox"/></p>			
Category	UNCRC Article	Impact? YES NO	
Guiding Principles	Non-discrimination (Art 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Best interests of the Child (Art 3) to be a top priority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Right to Life survival and development (Art 6)	<input type="checkbox"/>	<input type="checkbox"/>
	Respect for the child's views (Art 12)	<input type="checkbox"/>	<input type="checkbox"/>
Civil Rights & Freedoms	Right to birth registration, name and nationality (Art 7)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Right to an identity (Art 8)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Freedom of expression (Art 13)	<input type="checkbox"/>	<input type="checkbox"/>
	Freedom of thought, conscience, and religion (Art 14) Every child has the right to think and believe what they choose	<input type="checkbox"/>	<input type="checkbox"/>
	Freedom of association (Art 15) Every child has the right to meet with other children and to join groups and organisations	<input type="checkbox"/>	<input type="checkbox"/>
	Right to Privacy (Art 16) including family and home life	<input type="checkbox"/>	<input type="checkbox"/>
	Access to information from the media (Art 17) Right to access reliable information from a variety of sources, in a format that children can understand	<input type="checkbox"/>	<input type="checkbox"/>
	Protection against torture or other cruel, degrading or inhumane treatment or punishment (Art 37(a))	<input type="checkbox"/>	<input type="checkbox"/>

Family Environment and Alternative Care	Respect for the responsibilities, rights and duties of parents (or where applicable, extended family or community) to guide their child as they grow up (Art 5)	X	<input type="checkbox"/>
	Responsibilities of both parents in the upbringing and development of their child (Art 18)	<input type="checkbox"/>	<input type="checkbox"/>
	Children must not be separated from their parents against their will unless it is in their best interests (Art 9)	<input type="checkbox"/>	<input type="checkbox"/>
	Family reunification (Art 10)	<input type="checkbox"/>	<input type="checkbox"/>
	Abduction and non-return of children abroad (Art 11)	<input type="checkbox"/>	<input type="checkbox"/>
	Right to a standard of living that is good enough to meet the child's physical and social needs and support their development (Art 27)	<input type="checkbox"/>	<input type="checkbox"/>
	Special protection for children unable to live with their family (Art 20)	<input type="checkbox"/>	<input type="checkbox"/>
	Best interests of the child in the context of Adoption (Art 21)	<input type="checkbox"/>	<input type="checkbox"/>
	Review of treatment whilst in care (Art 25) If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.	<input type="checkbox"/>	<input type="checkbox"/>
	Protection from violence, abuse or neglect (Art 19)	<input type="checkbox"/>	<input type="checkbox"/>
Basic Health and Welfare	Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.	<input type="checkbox"/>	<input type="checkbox"/>
	Rights of disabled children (Art 23)	<input type="checkbox"/>	<input type="checkbox"/>
	Right to health and health services (Art 24)	<input type="checkbox"/>	<input type="checkbox"/>
	Right to social security (Art 26)	X	<input type="checkbox"/>
Education, Leisure and Cultural Activities	Right to adequate standard of living (Art 27)	<input type="checkbox"/>	<input type="checkbox"/>
	Right to education (Art 28)	<input type="checkbox"/>	<input type="checkbox"/>
	Goals of education (Art 29) Education must develop every child's personality, talents and abilities to the full	<input type="checkbox"/>	<input type="checkbox"/>

	Leisure, play and culture (Art 31) Every child has the right to relax, play and take part in cultural and artistic activities	<input type="checkbox"/>	<input type="checkbox"/>
Special Protection Measures	Special protection for refugee children (Art 22)	<input type="checkbox"/>	<input type="checkbox"/>
	Children and armed conflict (Art 38 and Optional Protocol #1) Governments must do everything they can to protect and care for children affected by war and armed conflict.	<input type="checkbox"/>	<input type="checkbox"/>
	Children and juvenile justice (Art 40) Right to be treated with dignity and respect, right to legal assistance and a fair trial that takes account of age.	<input type="checkbox"/>	<input type="checkbox"/>
	Inhumane treatment and detention (Art 37 (b)-(d)) Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible.	<input type="checkbox"/>	<input type="checkbox"/>
	Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life	<input type="checkbox"/>	<input type="checkbox"/>
	Child labour and right to be protected from economic exploitation (Art 32)	<input type="checkbox"/>	<input type="checkbox"/>
	Drug abuse (Art 33)	<input type="checkbox"/>	<input type="checkbox"/>
	Sexual exploitation (Art 34)	<input type="checkbox"/>	<input type="checkbox"/>
	Abduction, sale and trafficking of children (Art 35)	<input type="checkbox"/>	<input type="checkbox"/>
	Protection from other forms of exploitation including for political activities, by the media or for medical research (Art 36)	<input type="checkbox"/>	<input type="checkbox"/>
	Children belonging to a minority or an indigenous group (Art 30)	<input type="checkbox"/>	<input type="checkbox"/>
	Optional Protocol on the sale of children, child prostitution and child pornography	<input type="checkbox"/>	<input type="checkbox"/>
	Optional protocol on the involvement of children in armed conflict	<input type="checkbox"/>	<input type="checkbox"/>

6) Information and research What evidence has been used to inform your assessment?		
Evidence collected (include links to relevant publications)	What did the evidence tell you?	What are the data gaps, if any?
Policy intentions and impact of the 2024 Law: • Draft Children and Civil Status	The overall positive impact of, and urgent requirement for, the new legislation, especially for same-sex couples.	None

<p>(Amendments) (Jersey) Law 202-</p> <ul style="list-style-type: none"> • Submissions to the ‘Review of the Draft Children and Civil Status (Amendments) (Jersey) Law’ • S.R.2-2024 Scrutiny Report - Review of the Children and Civil Status (Amendments) (Jersey) Law 202- 13th March 2024 [CEHA].pdf • S.R.2-2024 Res.pdf • Letter - Minister for Children and Education to CEHA Re Children and Civil Status Law - 14th February 2024.pdf 		
Extensive search of relevant legislation requiring consequential amendment on Jersey Law Home and guidance on appropriate amendments from the Law Officers’ Department.	Multiple amendments were identified to allow the policy intentions of the 2024 Law to be fully enacted throughout Jersey legislation. These minor Draft Consequential Regulations are supplementary to the 2025 Regulations and enhance some rights contained in those Regulations for children of parents via overseas parental orders.	There may be some very limited areas of extended UK legislation, reciprocal agreements for Social Security purposes, or unidentified provisions that have not been captured. The impact of these will be limited.

<p>7) Engagement with children What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?</p>		
Groups consulted	How they were involved	What were the findings?
Various groups including Children’s Social Services, Same Sex Parents Group, Bailiff and Deputy Bailiff, Jersey Community Relations Trust, Jersey Family Law Society, the Superintendent Registrar,	<p>Discussion meetings and provided with copies of the draft 2024 Law to review.</p> <p>A late-stage copy of the additional Draft Consequential</p>	Stakeholders have been supportive of the approach and provisions of the 2024 Law. A change to Jersey Law was identified as being vital for family rights, especially for children born via fertility

and Liberate Jersey were consulted as part of the policy development process for the 2024 Law. These additional Draft Consequential Regulations help to fully implement the policy intentions of the 2024 Law.	<p>Regulations was shared with the CEHA Scrutiny Panel and Legislation Advisory Panel as part of a Schedule to the Draft Legitimacy Law.</p> <p>Further consultation on the operational roll out of the 2024 Law and Consequential Regulations has been conducted with the Superintendent Registrar, Assisted Reproductive Unit, and the Family Court.</p>	treatment or to same-sex parents.
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<p>8) Assessing Impact on children's rights</p> <p>Based on the information collected and analysed above, what likely impact will the proposed decision have on the specific children's rights identified in question 5)?</p>		
Relevant UNCRC Articles (rights) identified in Q5	Describe the positive or negative impacts on these rights	Which group(s) of children are likely to be affected?
<p>Article 2</p> <p>The Convention applies to every child without discrimination, whatever their ethnicity, sex, religion, language, abilities or any other status, whatever they think or say, whatever their family background.</p>	<p>Article 2 requires that children are not discriminated against because of their family background. These amendments improve rights for children born to parents with overseas equivalents of Jersey parental orders. The amendments also enhance the rights of children whose parents die before they are conceived to have their parent registered on their birth certificate.</p>	<p>Children who are conceived via fertility treatment after a parent has passed away, children born via surrogacy subject to an overseas equivalent of a Jersey parental order, and children born to mixed-sex parents in a civil partnership.</p>
<p>Article 3</p> <p>The best interests of the child must be a top priority in all decisions and actions that affect children.</p>	<p>It is in the best interests that a child has their parent registered on their birth certificate, even if their parent has died before they were conceived via fertility treatment. This forms an important part of the child's identity.</p>	<p>Children who are conceived via fertility treatment after a parent has passed away and children born via surrogacy subject to an overseas equivalent of a Jersey parental order.</p>

	Eligible parents of children who are subject to an overseas equivalent of a Jersey parental order will have rights to parental benefits and leave on the same basis as parents of children who are subject to Jersey parental orders. This will help parents to care for their children at the start of their life.	
Article 4 Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights	The additional Draft Consequential Regulations will ensure that original policy intentions of the 2024 Law are fully enacted in an equitable manner as intended.	Children who are conceived via fertility treatment after a parent has passed away, children born via surrogacy subject to an overseas equivalent of a Jersey parental order, and children born to mixed-sex parents in a civil partnership.
Article 5 Governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that they fully enjoy their rights. This must be done in a way that recognises the child's increasing capacity to make their own choices.	The amendments ensure that parents via an overseas equivalent of a Jersey parental order can access leave and parental benefits to assist them in caring for their child.	Children born via surrogacy subject to.
Article 7 Every child has the right to be registered at birth, to have a name and nationality, and, as far as possible, to know and be cared for by their parents.	A child's deceased parent, who consented to relevant fertility treatment, will be registered on their birth certificate. This forms an important part of the child's identity.	Children who are conceived via fertility treatment after a parent has passed away.
Article 8 Every child has the right to an identity. Governments must respect and protect that right, and prevent the child's name,	A child's deceased parent, who consented to relevant fertility treatment, will be registered on their birth certificate. This forms an	Children who are conceived via fertility treatment after a parent has passed away.

nationality or family relationships from being changed unlawfully.	important part of the child's identity.	
Article 26 Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.	The Draft Consequential Regulations ensure that parents whose children are subject to an overseas equivalent of a Jersey parental order, and born via surrogacy outside of Jersey, will have rights to parental benefits. This will assist with the cost of bringing up the child in the first years of life, and help these parents care for their child.	Children born via surrogacy subject to an overseas equivalent of a Jersey parental order.
<p>9) Weighing positive and negative impacts</p> <ul style="list-style-type: none"> • If a negative impact is identified for any area of rights <u>or</u> any group of children and young people, what options are there to modify the proposed decision to mitigate the impact? • Could any positive impacts be enhanced? <p>These additional Draft Consequential Regulations, alongside the 2024 Law, 2025 Regulations, and Draft Legitimacy Law, uphold all of the rights identified above. No negative impacts have been identified, and the additional Draft Consequential Regulations ensure that identified policy issues would be addressed in legislation. They will help to ensure that this package of legislation is brought into force in an equitable manner and that the intentions of the 2024 Law are fully enacted as intended.</p>		
<p>10) Conclusions</p> <p>In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children?</p> <p>A small number of additional Draft Consequential Regulations to the 2024 Law were identified. These Draft Consequential Regulations are brought before the States Assembly to ensure that known policy issues are addressed to improve the rights of children before the 2024 Law is brought into force in autumn 2025.</p>		