

Review of the Draft Children and Civil Status (Amendments) (Jersey) Law 202-

23rd January 2024.

Good morning.

I refer to a letter we have received from Deputy Catherine Curtis, Chair Children, Education and Home Affairs Scrutiny Panel regarding a Scrutiny review in respect of the Draft Children and Civil Status (Amendments) (Jersey) Law 202-.

We note that we are invited to submit views in relation to the Terms of Reference, the draft Law in general as well as our views on key areas.

In reply, we firstly advise that Citizens Advice Jersey has never previously been involved with the development of the draft law. So, whilst we are not experts in this area of proposed legislation, we are happy to provide our general views on this matter.

From our perspective, if the above- mentioned draft law is approved in the States Assembly, overall, and bearing in mind the proposals included in Chapter 1, Page 3, of the draft law, we feel that this will be a positive step for same-sex parents and their children and also mixed-sex civil partners and their children. No doubt, those affected would gain a sense of achieving equality, diversity and inclusion.

Notably, we feel that the proposal of rights for same- sex parents and their children to be automatically conferred with parental responsibility and the enabling of same-sex parents to both be treated as a child's legal parents and named on the Birth certificate, can only be an improvement. Likewise, the proposed enabling of mixed-sex civil partners to acquire legal parent status & parental responsibility just as a married couple are able to will be welcomed by those concerned.

The proposal to provide appropriate legal recognition to enable parents, whose child is born to a surrogate mother, to become legal parents in Jersey is an important step. We note that changes are proposed as regards, step parents acquiring parental rights over their step children though we are unclear as to how this would take place if the biological father does not agree.

Also, we note a proposed change in the draft law that removes the existing presumption that if a child is born to a married couple, it is assumed that the married man is the child's father even if he is not the biological father. If adopted, the proposed law would determine that the biological father would be the legal father.

We wonder if it would be possible for the married father to be deemed the legal parent in this situation if the biological father consents.

As an advice agency, we hold a website providing information on a variety of subjects. In the event that the above law is passed at the States Assembly, we would incorporate the necessary changes made within the content of our website and update our staff accordingly.

Kind regards,

Lynda Taylor