

## Response to the draft Children and Civil Status (Amendments) (Jersey) Law 202-

Advocate Barbara Corbett January 2024

- What previous consultation, if any, you have been involved with in the development of the draft Law and are there any aspects raised that have not been included within the draft Law?
- ***I wrote a parentage, assisted reproduction and surrogacy scoping paper for the Jersey Law Commission in December 2016 dealing with the matters included in the draft law. I, on behalf of the Jersey Law Commission commissioned a Report on parentage, assisted reproduction and surrogacy by Marisa Allman of 36 Family chambers. This was completed in September 2019. The report was sent to Ben Sandeman (policy officer) on 7<sup>th</sup> October 2019 and to Senator Sam Mezec, Ben Sandeman and Ruth Johnson on 22<sup>nd</sup> January 2020.***
- ***The draft Law covers all the aspects previously raised by me.***
- Your views on the key areas outlined in the report accompanying the draft Law and whether these are sufficient in scope/omitting any key aspects.
- ***The report accompanying the draft Law covers all the key areas which I consider to be relevant. It is full and comprehensive and seeks to remove the significant discrimination, particularly in relation to same sex parents, that currently exists in the law. It also makes provision in respect of new forms of reproduction (and surrogacy) which are (certainly in the context of customary law) relatively novel. The planned legislation, building as it does on English law as it has evolved over the past 40 years or so, is more comprehensive and simpler than the English provisions which is to be commended. This is an excellent piece of work.***
- The Panel understands that the draft Law removes the presumption that the man is the father of a child born into a married couple, which currently exists even when the biological father is different. Please could you provide your views about the impact of this change on parents and children in Jersey?
- ***The main effect that this will have is that both parents will need to have a role in the registration of a birth. Currently, with a married couple, on the basis of the presumption, the registration process is slightly simpler. This is small price to pay for more accuracy in the registration of parentage of children.***
- The Panel also understands that the draft Law allows stepparents to acquire parental responsibility with agreement between the parents who already have this right. Do you believe that the draft Law provides clarity about the acquisition of parental responsibility by stepparents?
- ***Yes, the draft Law does provide clarity on this issue. The ability for step-parents to obtain parental responsibility will avoid the desire of some to adopt their step-children (not an advisable approach as this legally deprives a child of half of their birth family permanently). The requirement for consent of the other birth parent is a helpful safeguard. The child gains people with responsibility for them, rather than losing or exchanging people legally connected to them.***
- Whether the draft Law provides clarity for parents regarding legal parental responsibility for children born through a surrogacy arrangement in England and Wales prior to the draft Law coming into effect.
- ***Yes, the provisions in respect of parental orders will give legal recognition to intended parents in Jersey which is currently absent.***