



Jersey

CHILDREN AND ADOPTION (AMENDMENT) (JERSEY) LAW 2016

A **LAW** to amend the Children (Jersey) Law 2002 in relation to the acquisition of parental responsibility by unmarried fathers and make consequential amendments to the Adoption (Jersey) Law 1961

Adopted by the States

13th September 2016

Sanctioned by Order of Her Majesty in Council

16th November 2016

Registered by the Royal Court

25th November 2016

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Children (Jersey) Law 2002 amended

In Article 5 of the Children (Jersey) Law 2002¹ –

- (a) in paragraph (1), before sub-paragraph (a), there is inserted the following sub-paragraph –

“(aa) subject to paragraph (1A), the father shall have parental responsibility for the child if he becomes registered as the child’s father under Article 55 or 56 of the Marriage and Civil Status (Jersey) Law 2001² (the ‘2001 Law’);”;

- (b) after paragraph (1) there is inserted the following paragraph –

“(1A) Paragraph (1)(aa) does not apply to a father who was registered under the 2001 Law before the commencement of the Children and Adoption (Amendment) (Jersey) Law 2016³.”.

2 Adoption (Jersey) Law 1961 amended

- (1) In this Article “Law” means the Adoption (Jersey) Law 1961⁴.
- (2) For Article 12(7) of the Law there is substituted the following paragraph –

“(7) Before making an order under this Article, in the case of a child whose father does not have parental responsibility for the child, the

- Court shall satisfy itself in relation to any person claiming to be the father that –
- (a) the person has no intention, within the next 6 months, of –
 - (i) requesting registration as the child’s father under Article 56 of the Marriage and Civil Status (Jersey) Law 2001⁵, or
 - (ii) applying for an order under Article 5 of the Children (Jersey) Law 2002⁶ or a residence order under Article 10 of that Law; or
 - (b) if the person did make an application referred to in subparagraph (a)(ii), it would be likely to be refused.”.
- (3) In Article 12B(3)(c) of the Law, before clause (i), there is inserted the following clause –
- “(ai) parental responsibility acquired by a father in accordance with the requirements of Article 5(1)(aa) of the Children (Jersey) Law 2002⁷.”.

3 Citation and commencement

This Law may be cited as the Children and Adoption (Amendment) (Jersey) Law 2016 and shall come into force 7 days after the day it is registered.

L.-M. HART

Deputy Greffier of the States

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- 1 *chapter 12.200*
 - 2 *chapter 12.600*
 - 3 *L.25/2016*
 - 4 *chapter 12.050*
 - 5 *chapter 12.600*
 - 6 *chapter 12.200*
 - 7 *chapter 12.200*