

Question 9

Termination Parental Responsibilities

- Civil Code (speaks of parental authority)

Grounds when Parental Authority ceases:

154. (1) Saving any other punishment to which he may be liable according to law, a parent may be deprived, by the said court, wholly or in part, of the rights of parental authority, in any of the cases following:

(a) if the parent, exceeding the bounds of reasonable chastisement, ill-treats the child, or neglects his education;

(b) if the conduct of the parent is such as to endanger the education of the child;

(c) if the parent is interdicted, or under a disability as to certain acts, as provided in articles 520 to 527 inclusive of the Code of Organization and Civil Procedure, and articles 189 and 190 of this Code;

(d) if the parent mismanages the property of the child; (e) if the parent fails to perform any of the obligations set out in article 3B in favour of the child.

(2) If the interests of the child so require, the Court may order that only one of the parents shall exercise the rights of parental authority and the Court may also restrict the exercise of these rights and, in serious cases, exclude both parents from the exercise of these rights.

(3) The Court may also restrict the exercise of the afore mentioned rights where one or both of the parents are charged with one or more of the offences listed in **Title VII of Part II of Book First of the Criminal Code.**

(4) Nevertheless, the court may, even in the cases mentioned in sub-article (1) of this article, reinstate the parent in the exercise of the rights of which he has been deprived, when the cause of such deprivation ceases to exist.

- Minor Protection (Alternative Care) Act (speaks of parental responsibilities)

19. (1) In those cases in which the Director (Child Protection) acts for the issuing of a protection order for a minor, the Court may authorise any one or more of the following orders:

(a) (i) a welfare care order entrusting the care and custody of the minor to such person or entity that operates in social welfare which the Court deems appropriate when such minor has been deemed to have suffered or have been at risk of suffering significant harm or

has been deemed to be in need of care and protection or has been deemed to be in need of permanency as provided for in this Act;

(b) a supervision order placing the minor under the supervision of the entity identified by the Director (Child Protection) for a period specified by the order and according to those conditions which the Court deems appropriate to impose, including the granting of parental responsibility or aspects thereof to such person or persons as the Court deems appropriate

(c) a treatment order by which the parent or parents of the minor or the person caring for the minor or the minor are ordered to: (i) receive treatment for the abuse of substances or alcohol abuse; or (ii) follow programmes to address domestic violence; or (iii) follow parenting skills training; or (iv) receive inter-relational therapy; or (v) receive psychiatric or psychological care; or (vi) receive any other treatment or assistance which the Court deems appropriate after having heard experts in the fields;

Emergency Order

20. (1) When the Director (Child Protection) has reasonable information which leads him to be convinced that the minor is suffering significant harm or when no legal guardian is present to care for the minor, the Director (Child Protection) may, with the assistance of the Executive Police, immediately proceed towards the removal of the minor from the place in which such significant harm is being occasioned, and this without any need of any form of authorisation

(13) After having considered the report, the care plan, all the evidence and when necessary the submissions of the parties, the Court shall authorize or reject the order or orders recommended by the Director (Child Protection) in the care plan, and also decide on the allocation of parental responsibilities to any person as it may deem appropriate.

N.B. All types of care orders are reviewed periodically in a transparent and impartial manner prescribed by law.