

### **Update on changes to the Guardianship of Infants Act**

Certain changes were made to the Guardianship of Infants Act by the implementation of the Child and Family Relationships Act, 2015 which have now come into operation.

These can be summarised as follows:

1. Where a cohabitant is the father of the child and has lived with the mother for more than 12 consecutive months following the birth of the child he will be appointed guardian if he can prove this period of cohabitation under Section 2(4) (a) and Section 6(f) of the 1964 Act.
2. Section 49 of the 2015 Act has inserted a new entitlement for a cohabitant to apply for guardianship where he or she is over the age of 18 years and on the date of the application he or she has been a cohabitant of a parent of the child for a least three years and has shared in the day to day parenting duties for at least two years.
3. A further interesting entitlement of cohabitants has been inserted by Section 57 of the Child and Family Relationships Act, 2015 which allows a cohabitant who is not a parent of a child to apply for custody of that child where he or she has been a cohabitant with a parent for over three years and has shared in the day to day parenting for a least two years.

If you require any further on this or any other family law matter please do not hesitate to contact Brendan Dillon on 01 296 0666.