

# **STATES OF JERSEY**



## **DRAFT CHILDREN AND CIVIL STATUS (PARENTAL RESPONSIBILITY) (JERSEY) AMENDMENT REGULATIONS 202- (P.105/2025) – CHILDREN’S RIGHTS IMPACT ASSESSMENT**

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**Presented to the States on 21st November 2025  
by the Minister for Children and Families**

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**STATES GREFFE**

## CHILDREN'S RIGHTS IMPACT ASSESSMENT (CRIA)

### PART 1: SCREENING

|                                                                               |                                    |
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| Name and title of Duty Bearer:                                                | Minister for Children and Families |
| Type of Duty Bearer:<br>(Minister, Elected Member or States<br>Assembly Body) | Minister                           |
| Assessment completed by (if not<br>completed by duty bearer):                 | Policy Officer                     |
| Date:                                                                         | 19/11/2025                         |

1) Name and brief description of the proposed decision

'Decision' means:

- an Assembly proposition
- an amendment (or further amendment) to a proposition
- for Ministerial duty-bearers, policy under development

Draft Children and Civil Status (Parental Responsibility) (Jersey) Amendment Regulations 202-

This proposition seeks to introduce two targeted amendments consequential to work conducted as part of the Children and Civil Status (Amendments) (Jersey) Law 2024 ("the 2014 Law"). They address a very recently identified legal technicality impacting routes to gaining parental responsibility for a specific group of unmarried fathers who were registered as the father of their child prior to the enactment of the Children and Adoption (Amendment) (Jersey) Law 2016 ("the 2016 Law"), who have subsequently, or will subsequently marry the mother of their child.

There are two Amendment Regulations:

1. An amendment to the Civil Status (Abolition of Legitimacy Etc.) (Jersey) Law 2025 ("the 2025 Law") will introduce a saving provision ensuring that any person who held parental responsibility immediately prior to the commencement of the 2025 Law does not lose that status.
2. An amendment to the new Article 9C(2) of the Children (Jersey) Law 2002, as inserted by the 2024 Law, to allow unmarried fathers registered as fathers of children before the 2016 Law to gain parental responsibility automatically upon marrying or entering a civil partnership with the mother.

2) Which groups of children and young people are likely to be affected?

Groups of children could include early years, primary or secondary education; young adults; children with additional learning needs; disabled children; children living in poverty; children from particular ethnic backgrounds; migrants; refugees; care experienced children and LGBTQ+ children

These provisions shall apply to any child whose unmarried father was registered prior to the commencement of the 2016 Law and who has subsequently married the child's mother, or will enter into a marriage or civil partnership with the child's mother in the future.

3) What is the likely impact of the proposed decision on children and on their rights?

Impacts may be positive or negative, direct or indirect

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| Include whether different groups of children will be affected differently by the decision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>These amendments shall permit this cohort of unmarried fathers, who were registered prior to the commencement of the 2016 Law, to retain, or subsequently acquire, parental responsibility in a similar manner to the former framework that enabled parental responsibility to be gained through the legitimization of a child by virtue of subsequent marriage to the child's mother.</p> <p>These provisions are intended to have a neutral effect on children, by ensuring that these fathers may continue to have a legal basis to establish their parental responsibility through subsequent marriage to the child's mother. This has also been extended to these fathers who may enter into a civil partnership with the mother in the future.</p> <p>Parental responsibility is a vital aspect of a child's relationship with their father as they grow up.</p> |
| <p>4) Is a full Children's Rights Impact Assessment required?</p> <p>If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Yes, due to the number of UNCRC rights that are engaged.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

If screening determines that a full CRIA is needed, complete Part 2

## Part 2: FULL CHILDREN'S RIGHTS IMPACT ASSESSMENT

| <p>5) What will be the impacts (positive or negative) of the proposed decision on children's rights?</p> <p>For each of the UNCRC articles described below, click to identify any that may be relevant <input checked="" type="checkbox"/></p> |                                                                             |                          |                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|--------------------------|--------------------------|
| Category                                                                                                                                                                                                                                       | UNCRC Article                                                               | Impact?<br>YES NO        |                          |
| Guiding Principles                                                                                                                                                                                                                             | Non-discrimination ( <a href="#">Art 2</a> )                                | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                                                                                                                                                | Best interests of the Child ( <a href="#">Art 3</a> ) to be a top priority  | x                        | <input type="checkbox"/> |
|                                                                                                                                                                                                                                                | Right to Life survival and development ( <a href="#">Art 6</a> )            | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                                                                                                                                                | Respect for the child's views ( <a href="#">Art 12</a> )                    | <input type="checkbox"/> | <input type="checkbox"/> |
| Civil Rights & Freedoms                                                                                                                                                                                                                        | Right to birth registration, name and nationality ( <a href="#">Art 7</a> ) | <input type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                                                                                                                                                | Right to an identity ( <a href="#">Art 8</a> )                              | <input type="checkbox"/> | <input type="checkbox"/> |

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|                                         | Freedom of expression ( <a href="#">Art 13</a> )                                                                                                                                                                                                                                                                           | <input type="checkbox"/> | <input type="checkbox"/> |
|                                         | Freedom of thought, conscience, and religion ( <a href="#">Art 14</a> )<br>Every child has the right to think and believe what they choose                                                                                                                                                                                 | <input type="checkbox"/> | <input type="checkbox"/> |
|                                         | Freedom of association ( <a href="#">Art 15</a> )<br>Every child has the right to meet with other children and to join groups and organisations                                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |
|                                         | Right to Privacy ( <a href="#">Art 16</a> ) including family and home life                                                                                                                                                                                                                                                 | x                        | <input type="checkbox"/> |
|                                         | Access to information from the media ( <a href="#">Art 17</a> )<br>Right to access reliable information from a variety of sources, in a format that children can understand                                                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> |
|                                         | Protection against torture or other cruel, degrading or inhumane treatment or punishment ( <a href="#">Art 37(a)</a> )                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> |
| Family Environment and Alternative Care | Respect for the responsibilities, rights and duties of parents (or where applicable, extended family or community) to guide their child as they grow up ( <a href="#">Art 5</a> )                                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |
|                                         | Responsibilities of both parents in the upbringing and development of their child ( <a href="#">Art 18</a> )                                                                                                                                                                                                               | x                        | <input type="checkbox"/> |
|                                         | Children must not be separated from their parents against their will unless it is in their best interests ( <a href="#">Art 9</a> )                                                                                                                                                                                        | x                        | <input type="checkbox"/> |
|                                         | Family reunification ( <a href="#">Art 10</a> )                                                                                                                                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |
|                                         | Abduction and non-return of children abroad ( <a href="#">Art 11</a> )                                                                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> |
|                                         | Right to a standard of living that is good enough to meet the child's physical and social needs and support their development ( <a href="#">Art 27</a> )                                                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> |
|                                         | Special protection for children unable to live with their family ( <a href="#">Art 20</a> )                                                                                                                                                                                                                                | <input type="checkbox"/> | <input type="checkbox"/> |
|                                         | Best interests of the child in the context of Adoption ( <a href="#">Art 21</a> )                                                                                                                                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |
|                                         | Review of treatment whilst in care ( <a href="#">Art 25</a> )<br>If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances. | <input type="checkbox"/> | <input type="checkbox"/> |
|                                         | Protection from violence, abuse or neglect ( <a href="#">Art 19</a> )                                                                                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> |
| Basic Health and Welfare                | Recovery from trauma and reintegration ( <a href="#">Art 39</a> )<br>Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.                                                  | <input type="checkbox"/> | <input type="checkbox"/> |
|                                         | Rights of disabled children ( <a href="#">Art 23</a> )                                                                                                                                                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> |

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|                                            | Right to health and health services ( <a href="#">Art 24</a> )                                                                                                                                                                                                           | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Right to social security ( <a href="#">Art 26</a> )                                                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Right to adequate standard of living ( <a href="#">Art 27</a> )                                                                                                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |
| Education, Leisure and Cultural Activities | Right to education ( <a href="#">Art 28</a> )                                                                                                                                                                                                                            | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Goals of education ( <a href="#">Art 29</a> )<br>Education must develop every child's personality, talents and abilities to the full                                                                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Leisure, play and culture ( <a href="#">Art 31</a> )<br>Every child has the right to relax, play and take part in cultural and artistic activities                                                                                                                       | <input type="checkbox"/> | <input type="checkbox"/> |
| Special Protection Measures                | Special protection for refugee children ( <a href="#">Art 22</a> )                                                                                                                                                                                                       | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Children and armed conflict ( <a href="#">Art 38</a> and <a href="#">Optional Protocol #1</a> )<br>Governments must do everything they can to protect and care for children affected by war and armed conflict.                                                          | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Children and juvenile justice ( <a href="#">Art 40</a> )<br>Right to be treated with dignity and respect, right to legal assistance and a fair trial that takes account of age.                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Inhumane treatment and detention ( <a href="#">Art 37 (b)-(d)</a> )<br>Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible.                                                                                     | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Recovery from trauma and reintegration ( <a href="#">Art 39</a> )<br>Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Child labour and right to be protected from economic exploitation ( <a href="#">Art 32</a> )                                                                                                                                                                             | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Drug abuse ( <a href="#">Art 33</a> )                                                                                                                                                                                                                                    | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Sexual exploitation ( <a href="#">Art 34</a> )                                                                                                                                                                                                                           | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Abduction, sale and trafficking of children ( <a href="#">Art 35</a> )                                                                                                                                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Protection from other forms of exploitation including for political activities, by the media or for medical research ( <a href="#">Art 36</a> )                                                                                                                          | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | Children belonging to a minority or an indigenous group ( <a href="#">Art 30</a> )                                                                                                                                                                                       | <input type="checkbox"/> | <input type="checkbox"/> |
|                                            | <a href="#">Optional Protocol</a> on the sale of children, child prostitution and child pornography                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> |

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|  | <a href="#">Optional protocol</a> on the involvement of children in armed conflict | <input type="checkbox"/> | <input type="checkbox"/> |
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| 6) Information and research<br>What evidence has been used to inform your assessment?                                                                                                                                                                                                                                                                         |                                                                                    |                                                                                                                                 |
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| Evidence collected<br>(include links to relevant publications)                                                                                                                                                                                                                                                                                                | What did the evidence tell you?                                                    | What are the data gaps, if any?                                                                                                 |
| Jersey position on illegitimacy: Succession Rights for Children Born out of Wedlock by the Legislation Committee (R.C. 32/1999) Inheritance rights of children born outside wedlock in Jersey – The event horizon (jerseylaw.je) Draft Wills and Successions (Amendment) (Jersey) Law 201- (P.7/2010): amendment                                              | The impact of illegitimacy upon the conferral of material rights in Jersey.        | There is uncertainty around legitimacy status in relation to the succession of hereditary titles, honours, and manorial rights. |
| Scottish model - the abolition of legitimacy status: Family law: report on illegitimacy (SLC 82) (scotlawcom.gov.uk) Report on Family Law (Scot Law Com No 135) by Scottish Law Commission (1992) Family Law (Scotland) Act 2006 Family Law (Scotland) Act 2006 6th Report, 2016 (Session 4): Post legislative Scrutiny of the Family Law (Scotland) Act 2006 | The legislative model used to abolish the status of legitimacy within Scots Law.   | None                                                                                                                            |
| English model - equalising rights for people with illegitimacy status: Family Law: Illegitimacy (Working Paper No. 74) by the Law Commission (1979) Family Law: Illegitimacy (Law Com. No. 118) by the Law Commission (1982)                                                                                                                                  | The policy model in England to equalise rights of people with illegitimacy status. | None                                                                                                                            |

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| Scrutiny Reports: P.6-2022 Com - CEHA Panel S.R.2-2024 CEHA Scrutiny Panel Report - Review Of The Children And Civil Status (Amendments) (Jersey) Law 202- 13th March 2024 | CEHA Scrutiny Panel position on the removal of legitimacy status.                                                                 | None                                                                                                                            |
| Customary Law: Le Grand Coutumier (Translation by Everard) Traité Du Droit Coutumier De L'isle De Jersey by C.S. Le Gros (1943)                                            | The customary law position on illegitimacy and any customary laws which may be impacted by abolishing the status of illegitimacy. | There is uncertainty around legitimacy status in relation to the succession of hereditary titles, honours, and manorial rights. |

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| 7) Engagement with children<br>What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision? |                                                                                                   |                                                                                                                  |
| Groups consulted                                                                                                                                                                                                                      | How they were involved                                                                            | What were the findings?                                                                                          |
| CEHA Scrutiny Panel                                                                                                                                                                                                                   | Scrutiny Hearings and Briefings.<br>Recommendations from the Panel.                               | The CEHA Panel were supportive of policy review work to develop the Draft Legitimacy Law.                        |
| Legislative Advisory Panel                                                                                                                                                                                                            | Briefing and providing drafts of the legislation.                                                 | The Panel were broadly supportive of the abolition of legitimacy.                                                |
| Children's Commissioner                                                                                                                                                                                                               | Briefing                                                                                          | Staff from the Office of the Children's Commissioner were briefed on the proposed changes to abolish legitimacy. |
| Superintendent Registrar                                                                                                                                                                                                              | Consultation on the development of the 2024 Law and 2025 Law and operational delivery of changes. | Providing feedback upon the development of the legislation.                                                      |

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| 8) Assessing Impact on children's rights<br>Based on the information collected and analysed above, what likely impact will the proposed decision have on the specific children's rights identified in question 5)? |                                                                          |                                                       |
| Relevant UNCRC Articles (rights) identified in Q5                                                                                                                                                                  | Describe the positive or negative impacts on these rights                | Which group(s) of children are likely to be affected? |
| Best interests of the Child (Art 3) to be a top priority                                                                                                                                                           | The impact is neutral.<br>When the legislative gap was identified urgent | Children of unmarried fathers who were                |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | work was commenced to rectify the issue.                                                                                                                                                                                                     | registered as their father prior to the 2016 Law.                                        |
| Right to Privacy (Art 16) including family and home life                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | The impact is neutral. When the legislative gap was identified urgent work was commenced to rectify the issue.                                                                                                                               | Children of unmarried fathers who were registered as their father prior to the 2016 Law. |
| Respect for the responsibilities, rights and duties of parents (or where applicable, extended family or community) to guide their child as they grow up (Art 5)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | The impact is neutral and ensures that the legal basis for a father's parental responsibility for their children may continue or be acquired 'as if' the route of legitimation through subsequent marriage to the mother remained in effect. | Children of unmarried fathers who were registered as their father prior to the 2016 Law. |
| Responsibilities of both parents in the upbringing and development of their child (Art 18)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | The impact is neutral and ensures that the legal basis for a father's parental responsibility for their children may continue or be acquired 'as if' the route of legitimation through subsequent marriage to the mother remained in effect. | Children of unmarried fathers who were registered as their father prior to the 2016 Law  |
| <p>9) Weighing positive and negative impacts</p> <ul style="list-style-type: none"> <li>• If a negative impact is identified for any area of rights <u>or</u> any group of children and young people, what options are there to modify the proposed decision to mitigate the impact?</li> <li>• Could any positive impacts be enhanced?</li> </ul> <p>The impact of this proposition is neutral and preserves both the legal basis and the mechanisms for acquiring parental responsibility for the cohort of unmarried fathers registered prior to the commencement of the 2016 Law, 'as if' the former route of legitimation through subsequent marriage to the child's mother remained in force.</p> |                                                                                                                                                                                                                                              |                                                                                          |

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| <p>10) Conclusions</p> <p>In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children?</p> <p>There has been no change in policy. This is a technical legal change. This legislation provides continuity of rights for this group of children. When this legal impact was discovered Ministers and officers acted with urgency to resolve the problem.</p> |
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