

Submission on one-parent family payment

In response to the recent invitation from the Office of Social Inclusion, Amen is making this submission on the issue of 'lone parents'.

Principles:

The first thing we would like to say is that policies in this area should be based on the following principles:

1. There is no such thing as a lone parent or one-parent family. All children have two parents (unless one is deceased).
2. The primary need of a child is high level involvement of two parents and this should be encouraged and supported by the Department's policies.
3. Unmarried parents should, as far as possible, be treated the same as married parents, both as regards supports, rights and responsibilities.
4. Fathers and mothers should be treated equally as regards rights and responsibilities.

While we do not accept that there is such a thing as a lone parent or a one-parent family we will use that terminology in this submission as that is what is used in the legislation and the Department's Review.

If the objective of the One-Parent Family Payment (OFP) is "*to support and encourage lone parents to consider employment as an alternative to long term welfare dependency*" then the involvement of the other parent should be encouraged to allow them the freedom to take up employment. This would be the best means of overcoming obstacles to employment. The expense of crèches and child minders can be a major obstacle to taking up work. Conditions of payment of OFP should not in any way discourage joint parenting or parents from living together, but should be designed to encourage it (the disincentive to having fathers living with the mothers of their children, inherent in the current system was recognized by Minister recently). **There is an urgent need to encourage parents to live together with their children, rather than discourage them from doing so, as the current system does.**

Contingency:

The two main features of OFP as identified in the Review are (1) the recipient must be parenting alone without the support of a partner and (2) must have main care and charge of child(ren). Both features impact negatively on co-habitation and joint custody/parenting. While the Department has a responsibility to ensure exchequer spending is not abused, the need of a child to both parents should be paramount. The Review noted that, by design, the concept of joint equal custody or parenting cannot be accommodated within a social welfare payment based on a contingency. This, as stated in the Review, is contrary to the policy being pursued by the Department through the Family Mediation Service. At present the OFP cannot be given to both parties, cannot be split between them and is not paid to either parent in joint-equal custody cases. **The OFP is, therefore, effectively promoting hostility, discouraging co-operation between parents and mutual respect for each other's parenthood. In this regard the OFP is**

working contrary to the best interests of children, the constitutional rights of parents and the good of society. Indeed, it is a clear breach of the Department's Mission Statement.

Rights and responsibilities:

It is generally accepted that rights and responsibilities go hand-in-hand. Enjoying rights imposes responsibilities. But the converse should also apply – imposing responsibilities should confer rights. Unfortunately, this fundamental principle does not apply as regards the Department's policy towards fathers. The Department's policy is to impose responsibilities on fathers without safeguarding or respecting their rights. Having responsibilities without concomitant rights is a form of slavery. Respecting and safeguarding parental rights is the best way of encouraging parents to fulfill their responsibilities. The fact that family law is not the responsibility of the Minister for/Department of Social and Family Affairs causes fragmentation in regard to policy making and militates against dealing with the related issues of rights and responsibilities in a comprehensive and complimentary manner. We have, at a recent meeting, suggested to Minister Brennan that, as Minister for Family Affairs, he should have responsibility for family law. Such a move would enable the Department to develop policies which promote parental responsibility by recognizing and safeguarding parental rights.

Regardless of whether or not this transfer of responsibilities takes place, the Department should accept the principle that rights and responsibilities go hand-in-hand, as a core value in devising their policies and should abandon the current failed policy of trying to impose responsibilities on fathers without respecting or safeguarding their rights.

Liabile relatives:

The liable relative provisions do not apply equally to married and unmarried cases. A higher amount can be collected from married relatives, while only maintenance for a child (maximum 150 Euro per child) can be collected in unmarried cases. It would be unconstitutional for the Department to seek, in any way, to collect a form of spousal maintenance from unmarried relatives. This would effectively amount to imposing marriage conditions on people who have exercised their right to remain unmarried. In any event the Department should not be facilitating adults, who could be perfectly capable of supporting themselves, in choosing to live off another adult's earnings. Spousal maintenance in such circumstances amounts to another form of slavery. **The only equitable way to treat married and unmarried relatives is to amend the rules so that only child allowance can be collected in both cases.**

Child Support Agency:

We note that the Review group looked at the Child Support Agency (CSA) in the UK but recommended against the introduction of a similar system here. It is now acknowledged by virtually everyone in the UK, including a former head of the CSA, that it has been a total disaster. **The Department should not, under any circumstances, consider introducing a CSA-type system here.**