



Our Children First

A Parent's Guide

to the National Child

Protection Guidelines

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Our Children First: A Parent's Guide to the National Child Protection Guidelines

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This booklet does not provide detailed provisions of *Children First: National Guidelines for the Protection and Welfare of Children* or the *Child Care Act, 1991*. It does not purport to be an interpretation of the guidelines or the Act nor is it a document giving legal advice as to the provisions of the legislation. For full legal interpretation of the guidelines, professional legal advice should be sought.

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Barnardos' vision is an Ireland where childhood is valued and all children and young people are cherished equally.

Barnardos' mission is to challenge and support families, communities, society and government to make Ireland the best place in the world to be a child, focusing specifically on children and young people whose well-being is under threat.

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Introduction

This guide aims to provide parents with information on child protection and welfare. The information given is based on **Children First: National Guidelines for the Protection and Welfare of Children**, which was first produced by the Department of Health and Children in 1999.

In 2010, the Office of the Minister for Children and Youth Affairs (OMCYA) published a revised version of Children First online. The revised Children First has been updated and amended to reflect changes in legislation, organisational changes etc.

There is more information on Children First on page 7.

The following information is included in this guide

- What parents should know about child abuse.
- What the different types of child abuse are.
- What to do if you are worried that a child you know is being abused.
- What happens if the Health Service Executive becomes involved in a suspected child abuse case.
- What supports can you get.
- What you can do to make sure your own children are kept safe when they are in someone else's care.

Section 1

The Irish Child Protection System

There is a lot of legislation surrounding children to help ensure that they are kept safe and protected from harm. This section outlines the main pieces of legislation.

Children's Rights

In 1992, Ireland accepted an international agreement called the United Nations Convention on the Rights of the Child. It is a 'bill of rights' for all children outlining rights to do with every aspect of children's lives, including protection from all forms of mistreatment.

Children are entitled to:

- Care and protection.
- Reasonable standards of living.
- Reasonable standards of health and development.
- Protection from violence, abuse and exploitation.
- Services that respect culture, religion, sexuality and special needs.
- Children's views should be listened to when services are planned for them.
- Care and protection when parents or others with such responsibilities fail to do so.

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The Child Care Act, 1991

The Child Care Act was passed into law in 1991. It is designed to promote the welfare and protection of children (0-18 years). It sets down rules to make sure that all children are brought up in a safe and secure way.

What does the Child Care Act say?

- Children's safety and welfare are the most important thing and come before anything else; everything should be done to protect them.
- Parents are responsible for their children's welfare. You have a right to respect and to be consulted on issues concerning your family.
- The Health Service Executive (HSE) and the Gardai have a duty to protect children. When the HSE get a report that a child is or may be at risk of harm, they must conduct an investigation and take any necessary action in order to protect the child.
- People from different agencies, e.g. social workers, public health nurses, Gardai, must work together to protect children.
- The Act emphasises the importance of families. Families should be able to get help early to encourage them to look after their children and keep them safe. The family is the best place for a child to grow up and be cared for whenever possible.

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Children First: National Guidelines for the Protection and Welfare of Children

The Children First national guidelines are to assist people in identifying and reporting child abuse. They are designed to encourage people to report concerns and suspicions of child abuse to the Child and Family Social Services of the HSE or to An Garda Síochána.

Children First calls on all professionals who work with children in sports, community and voluntary organisations, and the wider community of relatives, friends and neighbours to be aware of what steps to take if they have a child protection and welfare concern.

Children and families must be at the centre of child welfare and protection. The welfare of children is the most important thing and must come first.

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Who has responsibility for looking after children?

- You as parents have the responsibility of looking after and protecting your children. However, if you cannot keep them safe and protect them or are not able to care for them, then the HSE has to step in.
- People who work with children have a responsibility to make sure that they are being cared for. They have to be vigilant in relation to children's protection and welfare and must pass on their concerns or suspicions of child abuse or neglect to the Children and Family Social Services of the HSE.
- Organisations that work with children have a responsibility to make sure that children are safe and that their workers are trained and their backgrounds have been checked out.
- The wider community also has a responsibility for the welfare and protection of children.
- Together we can all make a difference in protecting children from neglect and abuse.

Section 2

How Can I Make Sure My Child Is Safe?

There are times when you entrust the care of your children to others. If your child goes to a crèche, childminder, pre-school or a youth/sports club, you need to know who is going to be looking after them and how they are going to keep them safe.

All organisations that provide services for children have an obligation to provide them with the highest possible standards of care in order to promote their well-being and safeguard them from abuse. It is your right to ask questions to satisfy yourself about your child's safety.

You need to know the policies and procedures they have in place in order to protect your child. Unfortunately, it is a fact that people who abuse children have a tendency to look for work where they will have contact with children.

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Things to look for

- The service or club should be happy to tell you that all staff (voluntary or paid) have gone through a Garda check.
- You should ask what the organisation's Child Protection Policy is and if the staff have been trained in the policy. Proper training will assist staff in preventing and responding to suspected child abuse.
- The Designated Person is the title given to the person appointed in each organisation to deal with child protection concerns reported by staff, children or others. Who is the Designated Person in your child's club, crèche etc.?
- You should be satisfied that they have guidelines that ensure the best standards have been set for the ongoing delivery of that service. This includes having the recommended numbers of staff to supervise the children.
- The organisation should keep records on all children. These should include your consent to membership, medical details, information about any special needs and emergency contact telephone numbers.
- Check that staff have an accident/incident book where they write up and tell you about any incident concerning your child on the day it happens.
- It is important to find out how the service deals with challenging or disruptive behaviour and bullying. It is important to know that they will deal with it and have thought about what is acceptable and what is not.
- If your child is going on a trip it is important that you know what their policies are around these trips.
- You should satisfy yourself that the building and facilities are safe and secure and that there is someone trained in first aid on site.

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- Have you been informed about how to make a complaint? All complaints should be listened to, recorded and acted upon.
- Opportunities for parents to have both formal and informal meetings should be provided.
- Parents should be advised about all policies and be able to read them if they wish to do so.

As well as talking to the professionals about what they are offering, it is vital that you talk to your child about personal safety. Do they know who they could talk to if they wanted to look for help?

Section 3

What Parents Should Know About Child Abuse

As parents you need to be aware that:

- Children can be severely damaged by abuse.
- They can be hurt physically, emotionally, mentally and socially.
- Their self esteem can be damaged, sometimes permanently.
- The effects can go on for years – long after the abuse has stopped.
- Their relationships with people may be negatively affected by their earlier experiences.
- Children are more likely to be abused by someone they know than by strangers, i.e. someone known to them either within their own family or extended family or by someone in a position of authority over them.
- Sexual abuse happens to both girls and boys.
- Children who live with domestic violence are more likely to be abused.
- Children rarely make false allegations.
- The vast majority of reports to social services do not result in children being taken into care. Government policy is to support children within their families.

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Children find it hard to tell that they are being abused, for a number of reasons:

- They may not understand or have the words to describe what is happening to them.
- They may feel afraid or embarrassed about what has happened to them.
- They may have been bribed or blackmailed not to tell.
- They may be very frightened of the abuser.
- They may be afraid of being blamed or punished, or excluded from an organisation.
- They may be afraid of getting the abuser into trouble.
- Children with learning disabilities and young children may not fully understand what is happening to them.

Recognising Child Abuse

For everyone, child abuse is a very difficult and emotional issue. It stirs up different feelings in people – some people feel angry, let down, sad, disappointed and in disbelief when they hear that a child has been abused. Some cannot even imagine that it happens.

Unfortunately, in the past, reluctance to think badly of people has led to child abuse not being recognised in many situations. Lack of understanding and knowledge about abuse has also led to child abuse not being responded to appropriately.

For parents, relatives, neighbours and the wider society, accepting and recognising that child abuse exists is the first step towards preventing further harm being done to children.

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Different Types of Abuse

Children can be abused in a number of ways. Children First has outlined four broad definitions of child abuse. They are physical abuse, emotional abuse, sexual abuse and neglect.

It is important that you do not think that the examples below are the only abuses that children suffer from. There are many more examples.

Usually, no one sign in itself means that a child is being harmed, but a few of them together should act as a warning that all is not well for a child. Other explanations for physical or behavioural signs of abuse must always be considered.

Physical Abuse

Physical abuse is any form of non-accidental injury or an injury that happens as a result of failure to protect a child. It may happen because the parent/carer did not know about it or they may have known but did not protect the child.

Some examples of physical abuse:

- Shaking
- Handling a child with excessive force
- Suffocating
- Deliberate poisoning
- Not protecting a child from a very harmful situation
- Fabricated/induced illness (when a parent/carer pretends that their child is sick by making up stories about their illness or causes physical signs of illness)

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Signs and symptoms of physical abuse:

- Non-accidental bruises
- Non-accidental burns
- Damage to body organs
- Failure to thrive
- Bites
- Death

Emotional Abuse

Emotional abuse is usually found in the relationship between a parent/carer and a child. It happens when a child's needs for affection, approval, consistency and security are not met.

Some examples of emotional abuse:

- Constant yelling, being critical and sarcastic
- Threatening, scaring or belittling a child
- Exposing a child to domestic violence
- Not being emotionally available to the child
- Having unrealistic or inappropriate expectations of the child
- Using over-harsh discipline

Signs and symptoms of emotional abuse:

- Lack of comfort and love
- Lack of praise and encouragement
- Lack of emotional connection
- Serious over-protectiveness

Every child who is abused sexually or physically or is neglected is also being emotionally abused.

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Sexual Abuse

Sexual abuse is when a child is used by another person for his or her satisfaction or sexual arousal or for that of others.

Some examples of sexual abuse:

- Obscene exposure, touching of genitals in a sexual way
- Masturbating when a child is present or involving the child
- Intentionally touching or molesting the body of a child for sexual arousal
- Sexual intercourse whether oral, vaginal or anal
- Encouraging or propositioning a child for the act of prostitution
- Showing a child pornography
- Sexual activity between an adult and a child under 17

In criminal law the age of consent to sexual intercourse is 17 years of age. That means that if a girl of 16 has sexual intercourse with a boy of 17 it is illegal, although it might not be regarded as child sexual abuse.

Signs and symptoms of sexual abuse:

- Bleeding from the vagina/anus
- Difficulty going to the toilet
- Hints about sexual activity
- Age-inappropriate understanding of sexual behaviour
- Uncharacteristic sexual play with toys or friends
- Uncharacteristic change in behaviour

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Neglect

Neglect is when a child's essential needs for things such as food, clothing or warmth are not being met. If this continues for a long time it becomes harmful to the extent that the child's well-being and development can be severely affected. It is about what parents don't do or, in some cases, are not able to do for their children.

Some examples of neglect:

Neglect takes many forms. Some examples are:

- **Physical neglect** – when a child's basic needs for food, clothing and shelter are not met.
- **Medical neglect** – when a parent fails to provide adequate health care, not giving or delaying medication.
- **Supervisory neglect** – when parents leave a child without arranging necessary care, fail to supervise their child or leave them in the care of another child who is not old enough.
- **Educational neglect** – when a child is not provided with learning opportunities.

There are other examples of neglect not listed here.

Bullying

Bullying is repeated aggression – whether it be verbal, psychological or physical – by one person or group of people against another. It includes behaviour such as teasing, taunting, threatening and hitting.

If a child is bullying, it may be a sign that they are experiencing adult abuse. Both the child (or children) who is carrying out the bullying and the child who is being bullied need support. If the bullying is being carried out by adults, rather than children, this could be regarded as physical or emotional abuse.

Serious instances of bullying behaviour should be referred to the HSE.

Section 4

What Do I Do if I'm Worried That a Child I Know Is Being Abused?

Keeping children safe is a concern for everyone. Parents, neighbours, communities, schools and clubs, etc. all want to keep children safe.

If you are concerned or suspect that a child or young person may have been abused or is at risk of abuse then you need to let the Child and Family Social Services of the HSE know without delay.

If you are unsure, talk it through with the Duty Social Worker who will help you decide whether or not to make a report. **Contact numbers for all HSE offices nationwide are available on the HSE website (www.hse.ie) or through LoCall Tel. 1850 241850.**

It is important to remember that you are not making a judgement about whether a child has been abused or not, you are simply passing on a concern that you have about a child. It is up to the HSE to decide if abuse has taken place when they have gathered as much information as possible.

One incident may not seem very important but it may help to piece together a much bigger picture for a social worker who is working with a child or family to help improve circumstances for them.

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Who can make a report?

Anyone who suspects that a child is being harmed or is at risk of harm has a responsibility to report their concerns to the HSE as do organisations.

Every organisation working with children and young people will have appointed a person who has the responsibility to report concerns to the HSE.

According to the Protection for Persons Reporting Child Abuse Act, 1998, as long as you report whatever you believe to be true and it is done in good faith, you cannot be sued. See page 31 for further information.

How is a report made?

A report is made either

- In writing
- In person
- By phone

Every HSE area has a social worker on duty for a number of hours each day. Some are there all day; some are only available for half the day.

If it is an emergency situation and a child or young person is in immediate danger and it is outside 9am to 5pm or at weekends then the incident should be reported to the local Garda station.

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What will I be asked?

In order for the HSE to be able to assess the situation, they will need as much information as possible – details about the child, who is harming them, an account of what happened, dates, etc.

Can I make a report anonymously?

The HSE will respect your wish to remain anonymous as much as possible, however it cannot be guaranteed that the information would not be given if a case went to court. Making a report anonymously may also make it more difficult for professionals to intervene to protect a child.

What might stop me from reporting?

- Uncertainty or fear.
- Not wanting to interfere.
- Not wanting to acknowledge the existence of abuse.
- No faith in the system.
- Personal experience can get in the way.
- Feeling sorry for the family involved.
- Fear of being sued.

It is important, however, to put the child first. The sooner a report is made, the sooner something can happen to reduce the risk of harm to the child.

If you ignore warning signs and don't do anything to help, the child may be at risk of further harm.

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Once the HSE receives a report, they will carefully consider all the information available. They will only go ahead with a child protection assessment if they feel there is a risk of harm to a child.

What is the duty social work service?

The duty social work service, which is part of the HSE, provides support to children and families who are experiencing difficulties.

Their work involves:

- Assessing child welfare and protection concerns.
- Supporting families who are finding it difficult to manage the care of their children.
- Referring families to other support services.
- Finding alternative care if the child cannot live at home.

All child welfare and protection concerns reported to the Child and Family Social Services of the HSE must be acted on immediately and recorded, and followed up as soon as possible.

What if my child tells me they have been abused?

If your child tells you that they have been abused it is important that you stay calm. All disclosures made by a child should be taken seriously.

Listen to your child, give them time to tell as much as they are able and wish to, at their own pace and in their own language. Don't promise to keep secrets.

Ring the duty social work service who will give you advice. Having assessed the situation they will, if necessary, arrange a medical examination, assessment for child sexual abuse and medical treatment.



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Contact numbers for all HSE offices nationwide are available on the HSE website (www.hse.ie) or through LoCall Tel. 1850241850.

If it is an emergency situation and a child or young person is in immediate danger and it is outside 9am to 5pm or at weekends then the incident should be reported to the local Garda station.

What if it is another child who carries out the abuse?

It is important that both children get help. Follow the advice above for your own child. The HSE will consider it a child care and protection issue for both the victim and the alleged abuser.

Section 5

What Happens When the HSE Becomes Involved in a Suspected Child Abuse Case?

Who's who in child protection and what are their roles?

It is everyone's responsibility to report concerns about child neglect and abuse to the Children and Family Social Services of the HSE.

The role of the HSE

The HSE has overall responsibility for assessing and managing the concerns people have about children. They carry out assessments of suspected child abuse and take action to promote the welfare of children and families.

Unless it is an emergency, the assessment/investigation will be carried out as quickly as possible in discussion with other professionals and the child and family involved. This will involve interviews and possibly a referral to a medical or specialist service for a more detailed assessment.

Every HSE Local Health Office has a Child Care Manager who receives all reports of child abuse and makes sure that all agencies work together to help children and families. They have responsibility for coordinating child protection services.

The role of the Gardaí

The HSE notifies cases of sexual, physical abuse and wilful neglect to the Gardaí.

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The role of the Gardai is to investigate cases of alleged abuse to determine whether a crime has been committed. They are in charge of any criminal investigation that is made.

The Gardai notify the HSE if they suspect a child is a victim of any type of abuse. Both organisations work together to protect children.

What happens when a report is sent to the social work service?

- Social workers will check their records to see if there has been any other contact with the family.
- They will check if other professionals (e.g. public health nurses, doctors, crèches, hospitals, schools) know the family and if they have any concerns about the children.
- They will gather all the information and assess the nature and severity of risk to the child.
- A meeting will be held to decide what is the best action to take after all the information has been considered.

Will I be told about a report concerning my child?

If a child care and protection concern about your child is reported to the HSE Child and Family Social Services, a social worker will contact you.

They will inform you in an open and honest way about their concerns, your views will be asked and you will be given an opportunity to explain how you feel. The social worker will also give you information on how the concern is going to be assessed.

Social workers are aware that this can be very traumatic and intimidating for parents. Their role is to support parents to bring about good outcomes for children who are in need of care and protection.

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If someone makes a report about me will I get to know who made it?

Generally, you will only know if the person making the report tells you.

All organisations that work with children – crèches, schools and youth clubs, etc. – should have a Child Protection Policy. The policy should state that if they have concerns about your child they should talk to you before they make a report directly to the HSE, except in exceptional circumstances where they have been advised by the HSE not to do so in the best interests of the child.

What may happen as a result of an assessment?

- When an assessment is finished, social workers will decide how safe they feel your child is and what support, if any, your family may need.
- Support may be offered to you and this may be enough.
- Sometimes it may be necessary to get a family member or a responsible adult such as a neighbour to protect your child in the family home or to get the child to stay with a relative or friend.
- If there is no one suitable to take over, it may be necessary for your child or children to stay with someone named and checked out by the HSE. You will be asked to consent to this.
- If you don't consent, a court order may be sought. This situation is very unusual.
- If the alleged abuser is your partner then your cooperation will be needed to help protect your child.



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What are the possible outcomes of an assessment?

If no concerns are found

If no concerns are found following an assessment, the information gathered is simply filed away and will only be examined if further concerns or more information come to light.

HSE staff will continue to support you and appropriate counselling service be provided to help you if required.

If concerns are found

If the HSE thinks there are still concerns, further evaluation involving a full assessment of all aspects of the child's circumstances will follow and recommendations made.

Will I be asked to attend any meetings?

As a parent you may be asked to attend a **child protection conference**. This meeting usually takes place after the assessment is completed. Information will be shared and discussed.

A **child protection plan** will be put together at this meeting, which outlines the supports to be given to the child and to the family.

A record of the meeting is kept and everyone should get a copy of the decisions made, including the parents.

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What happens to the information gathered?

A file will be opened in your family name. All the information gathered by your social worker will be put together in this file. It will be added to every time there is any new information.

You have a right under the Freedom of Information Act, 1998 to know what information about you is held in public records and to change inaccurate material.

What happens when the child's best interests conflict with the interest of the parents?

A child's best interests will always be given priority. In such circumstances a separate social worker may be provided for a parent, in particular where one of the parents is the alleged abuser.

Section 6

Getting Support

What if I need help myself?

Parents sometimes need help to work out how best to care for their children. Asking for help can be the hardest part, but it can also be the first step in making things better.

Children First says that the best place for a child to be is with their family.

The HSE wants children to be at home and to help them stay there. However, in a few extreme cases the children may sometimes spend time away as part of a plan to help them and their family. They can then go home if and when family issues are addressed.

- Getting help early is really important to keep your family together.
- Parents can and do make reports about their own children if they are concerned about their safety.
- Children can also make reports.

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What can the HSE offer to my family?

The HSE is obliged to offer you support services. They must do everything possible to help your family stay together as long as this is in your children's best interest.

- Getting support early can ensure that things do not get worse and may help you to cope as a parent responsible for protecting your children.
- The HSE has different ways of providing the services you may need, either through their own staff or services run by the voluntary sector.
- Some services, like a family support worker, will work directly with families and will be able to help you to develop your strengths as a parent by providing practical help such as budgeting, meal plans, accompanying you to appointments or with parenting skills.
- Other services may be directed towards your child, for example by helping your child to feel better about themselves or helping a child come to terms with a traumatic event, a bereavement or a damaging experience.

How can I get support?

You, as well as your children, can request a support service which might be provided directly by the HSE or through another organisation. It is your right to expect that your request for a support service will be assessed in a supportive manner.



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How will the HSE decide which service they can offer me?

The assessment will be based on your needs and strengths as a family so that an appropriate service can be located for you. This must focus on individual as well as family needs.

The service the HSE will provide also depends on the availability of services in your area and resources they have.

What do I do if I was abused as a child?

The HSE has set up counselling services for adults who were abused during their childhood. See Useful Contacts page 33 for details.

If you have been abused and you know that the person who abused you is still in the community and has access to children, it is important that you tell the Children and Family Social Services of the HSE and/or the Gardai.

Often this uncovers incidences of current abuse and can be a real way of breaking the cycle and stopping children being abused.

Section 7

Further Information

We hope this guide has helped you to understand the Children First guidelines. However, you may still be left with a number of questions. It is important for all of us that we ask these questions individually, as no circumstances are the same.

What other laws will help to care for and protect my children?

The Child Care Act, 1991 is not the only piece of legislation that relates to the protection of children. There are other laws that have an impact on the care and protection of children.

The Protection for Persons Reporting Child Abuse Act, 1998

This Act is in force to protect you if you report suspected child abuse to the HSE or the Gardai. As long as you believe that what you report is true, even if it proves unfounded, you cannot be sued.

However, it is a criminal offence under this Act to report a person for abusing a child if you know it is not true.

The Domestic Violence Act, 1996

This Act protects families from domestic violence.

- A Safety Order requires a person not to use or threaten abuse towards you and the children. It does not require that person to leave the family home.
- A Barring Order requires the violent person not to use or threaten abuse, to leave the family home and stay away from where you live.



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The Act gives the HSE power to take out an order to ensure your safety and/or the safety of your children, which you could apply for but may be afraid of doing so.

The Freedom of Information Act, 1997

This Act is there so you can know what information is held in public records about you personally. You can also make sure that the information about you is correct and have it changed if you feel it is incorrect.

Children Act, 2006

This Act provides for the protection of children in care, provides for family welfare conferences and deals with the juvenile justice system.

Criminal Justice Act, 2006

This Act introduces the charge of 'reckless endangerment' of children.

The Act makes it an offence for anyone with responsibility for a child to intentionally leave the child in a situation where they could be at risk of serious harm or sexual abuse, or who fails to take reasonable steps to protect a child from such risks.

Useful Contacts

Contact details for the Child Welfare and Protection section of Children and Family Services in your area can be found on http://www.hse.ie/eng/services/Find_a_Service/Children_and_Family_Services/Child_Welfare_and_Protection/

You can find contact details for your local Garda station on <http://www.garda.ie/stations/default.aspx>

Barnardos' Training and Resource Service

Christchurch Square, Dublin 8

T: 01 4549699 F: 01 4530300

E: resources@barnardos.ie or training@barnardos.ie

www.barnardos.ie

CARI Foundation – Children at Risk in Ireland

T: 01 8308529 or Lo-call 1890 924 567

(Lines are open from Monday to Friday 9:30am to 5:30pm)

E: helpline@cari.ie / info@cari.ie

www.cari.ie

Citizens Information

T: 021 452 1600 or Lo Call 1890 777 121

www.citizensinformation.ie



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Legal Aid

There are Legal Aid centres across the country. To find one in your area phone the number below or check out the website

T: 066 947 1000 LoCall: 1890 615 200

www.legalaidboard.ie

Mayo Children's Initiative (re. Domestic Violence)

T: 094 92 86407

E: helen@mayochildrensinitiative.ie

www.mayochildrensinitiative.com

Parentline

T: 1890 927 277 or 01 8733500

E: info@parentline.ie

www.parentline.ie

Safe Ireland – The National Network of Women's Refuges and Support Services

T: 090 6479078

www.safeireland.ie

Women's Aid

National Freephone Helpline: 1800 341 900

Open 10am to 10pm, 7 days a week, except Christmas Day

