



STATUTORY INSTRUMENTS.

S.I. No. 16 of 2016



RULES OF THE SUPERIOR COURTS (CHILDREN AND FAMILY
RELATIONSHIPS ACT 2015) 2016

S.I. No. 16 of 2016

RULES OF THE SUPERIOR COURTS (CHILDREN AND FAMILY
RELATIONSHIPS ACT 2015) 2016

We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, by virtue of the powers conferred upon us by The Courts of Justice Act 1924, section 36, and the Courts of Justice Act 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), the Courts (Supplemental Provisions) Act 1961, section 14, and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 29th day of October, 2015.

Sean Ryan	Mary Laffoy
Peter Kelly	Deirdre Murphy
Gerard Meehan	Stuart Gilhooly
Michael Kavanagh	Noel Rubotham
John Mahon	

I concur in the making of the following Rules of Court.

Dated this 17th day of January, 2016.

FRANCES FITZGERALD

Minister for Justice and Equality

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 19th January, 2016.*

S.I. No. 16 of 2016

RULES OF THE SUPERIOR COURTS (CHILDREN AND FAMILY
RELATIONSHIPS ACT 2015) 2016

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Children and Family Relationships Act 2015) 2016, shall come into operation on the 18th day of January 2016.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2016.

2. The Rules of the Superior Courts are amended:

(i) by the insertion in rule 1 of Order 70B immediately following the definition of “cohabitation proceedings” of the following definition:

“ “dependent child” and “dependent child of the civil partners” each has the same meaning as in section 2 of the Act, and”;

(ii) by the substitution for paragraph (e) of sub-rule (2) of rule 4 of Order 70B of the following paragraph:

“(e) full particulars of every dependent child of the civil partners, stating whether and if so what provision has been made for each and any such dependent child;”;

(iii) by the substitution for paragraph (e) of sub-rule (4) of rule 4 of Order 70B of the following paragraph:

“(e) the rights of any person other than the civil partners concerned which may be affected by the relief sought, including a person with whom either civil partner is registered in a new civil partnership or to whom either civil partner is married, or any dependent child of the civil partners.”;

(iv) by the substitution for paragraph (f) of sub-rule (5) of rule 4 of Order 70B of the following paragraph:

“(f) the rights of any person other than the civil partners concerned which may be affected by the relief sought, including a person with whom either civil partner is registered in a new civil partnership or to whom either civil partner is married, or any dependent child of the civil partners.”;

(v) by the substitution for paragraph (c) of sub-rule (7) of rule 4 of Order 70B of the following paragraph:

“(c) the rights of any person other than the civil partners concerned which may be affected by the relief sought, including a person with whom either civil partner is registered in a new civil partnership or to whom either civil partner is married, or any dependent child of the civil partners.”;

(vi) by the insertion immediately following rule 5 of Order 70B of the following rule:

“5A. (1) In any case where there is a dependent child of the civil partners, each party shall file and serve an Affidavit of Welfare, in Form No. 5 in Appendix II, in the proceeding.

(2) The Affidavit of Welfare of the applicant shall be served with the verifying affidavit grounding the proceeding and the Affidavit of Welfare of any respondent or any other party shall be served with the replying affidavit in the proceeding unless otherwise ordered by the Master or the Court.”;

(vii) by the substitution for paragraph (j) of sub-rule (1) of rule 6 of Order 70B of the following paragraph:

“(j) an order under section 116 of the Act requiring a civil partner to make periodical payments or lump sum payments for support of the other civil partner and, where appropriate, to make periodical payments for the benefit of any dependent child of the civil partners that the Court considers proper, pending application for a decree of dissolution.”;

(viii) by the substitution for paragraph (a) of sub-rule (2) of rule 6 of Order 70B of the following paragraph:

“(a) an order under section 117 of the Act requiring a civil partner to make and/or secure periodical payments or lump sum payments for support of the other civil partner and/or for the benefit of any dependent child of the civil partners, and/or an attachment of earnings order in respect of any such payments following the making of a decree of dissolution;”, and

(ix) by the substitution for paragraph (a) of sub-rule (1) of rule 8 of Order 70B of the following paragraph:

“(a) where there is any dependent child of the civil partners who is sui juris and whose welfare or position is or is likely to be affected by the determination of the proceeding or of any issue in the proceedings;”.

3. The form numbered as Form No. 5 set out in the Schedule shall be added to Appendix II to the Rules of the Superior Courts immediately following Form No. 4.

Schedule

Appendix II

FORM No. 5

O. 70B, r, 5A

THE HIGH COURT

CIVIL PARTNERSHIP
[or, as the case may be, COHABITATION]

IN THE MATTER OF SECTION OF THE CIVIL PARTNERSHIP AND
CERTAIN RIGHTS AND OBLIGATIONS OF COHABITANTS ACT 2010

BETWEEN/

A.B.

Applicant

and

C.D.

Respondent

AFFIDAVIT OF WELFARE

I, [name], [occupation], of [address] being aged 18 years
and upwards MAKE OATH and say as follows:

1. I am the *Applicant/*Respondent in the above entitled proceedings. I make
this Affidavit from facts within my own knowledge save where otherwise
appears and where so appearing I believe the same to be true.

2. The facts set out in the Schedule hereto are true.

*[Where the Respondent does not dispute the facts as set out by the Applicant in
his/her Affidavit of Welfare, the following averment shall be included, replacing
paragraph 2, and the Schedule shall not be omitted by the Respondent*

2. I agree with the facts as set out by the Applicant in his/her Affidavit of
Welfare sworn herein

SCHEDULE

Part I -- Details of Children

1. Details of dependent children of the civil partners:

Forenames

Surname

Date of Birth

Relationship to Applicant/Respondent

Part II -- Arrangements for the dependent children of the civil partners

2. Home Details:

- (a) The address or addresses at which the children now live
- (b) Give details of number of living rooms, bedrooms etc. at the address(es) in (a) above
- (c) Is the house rented or owned and, if so, name the tenant(s) or owner(s)?
- (d) Is the rent or mortgage being regularly paid and, if so, by whom?
- (e) Give names of all other persons living with the children either on a full-time or part-time basis and state their relationship to the children, if any.
- (f) Will there be any change in these arrangements and, if so, give details.

Part III -- Education and training details

3. Education and training details:

- (a) Give names of the school, college or place of training attended by each child.
- (b) Do the children have any special education needs? If so, please specify.
- (c) Is the school, college or place of training fee-paying? If so, give details.

Part IV -- Childcare details

4. Childcare details:

- (a) Which civil partner looks after the children from day to day? If responsibility is shared, please give details.
- (b) Give details of work commitments of both civil partners.
- (c) Does someone look after the children when either civil partner is not there? If yes, give details.
- (d) Who looks after the children during school holidays?
- (e) Will there be any change in these arrangements? If yes, give details.

Part V -- Maintenance

5. Maintenance:

- (a) Does the Applicant/Respondent pay towards the upkeep of the children? If yes, give details. Please specify any other source of maintenance.
- (b) Is the maintenance referred to in (a) above paid under court order? If yes, give details.
- (c) Has maintenance for the children been agreed? If yes, give details.
- (d) If not, will you be applying for a maintenance order from the court?

Part VI -- Details of contact with children

6. Contact:

- (a) Do the children see the Applicant/Respondent? Please give details.
- (b) Do the children stay overnight and/or have holiday visits with the Applicant/Respondent? Please give details.
- (c) Will there be any change to these arrangements?

Part VII -- Details of Health

7. Children's health:

- (a) Are the children generally in good health? Please give details of any serious disability or chronic illness suffered by any of the children.
- (b) Do the children or any of them have any special health needs? Please give details of the care needed and how it is to be provided.
- (c) Are the Applicant and the Respondent generally in good health? In not, please give details.

Part VIII -- Details of care and other Court Proceedings

8. Care and other Court proceedings:

- (a) Are the children or any of them in the care of the Child and Family Agency or under the supervision of a Social Worker or Probation Officer? If so, please specify.
- (b) Are there or have there been any proceedings in any Court involving the children or any of them? If so, please specify. Copies of all relevant Court Orders relating to the children or any of them should be annexed.

SWORN etc.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These rules amend the Rules of the Superior Courts by amending Order 70B to facilitate the operation of the Children and Family Relationships Act 2015.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€3.05



Wt. (B31787). 285. 1/16. Essentra. Gr 30-15.