



STATUTORY INSTRUMENTS.

**S.I. No. 17 of 2016**



DISTRICT COURT (CHILDREN AND FAMILY RELATIONSHIPS ACT  
2015) RULES 2016

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DISTRICT COURT (CHILDREN AND FAMILY RELATIONSHIPS ACT  
2015) RULES 2016

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961, section 24 of the Interpretation Act 2005, and section 21 of the Children and Family Relationships Act 2015 and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 28th day of September 2015.

Rosemary Horgan Chairperson

Shane McCarthy

Grainne Larkin

Roy Pearson

Noel A Doherty

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. 17 of 2016

DISTRICT COURT (CHILDREN AND FAMILY RELATIONSHIPS ACT  
2015) RULES 2016

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

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2016.

2. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended:

- (i) by the substitution for Order 54 of the Order set out in Schedule 1;
- (ii) by the substitution for Order 54A of the Order set out in Schedule 2;
- (iii) by the substitution for Order 57 of the Order set out in Schedule 3;
- (iv) by the substitution for Order 58 of the Order set out in Schedule 4, and
- (v) by the substitution in rule 1 of Order 98 for the definition therein of “competent authority” of the following definition—

“ “competent authority”, in relation to one parent family payment, supplementary welfare allowance, deserted wife's benefit and deserted wife's allowance, means the Minister for Social Protection.”.

3. (1) The forms in Schedule 5 shall be substituted for the forms bearing the like numbers respectively in Schedule C to the District Court Rules 1997 (S.I. No. 93 of 1997).

(2) The forms numbered 58.5, 58.15 and 58.16 shall be deleted from the forms in Schedule C to the District Court Rules 1997 (S.I. No. 93 of 1997).

(3) The forms in Schedule 6 shall be added to Schedule C to the District Court Rules 1997 (S.I. No. 93 of 1997) in the appropriate sequence.

**Schedule 1**

**“Order 54**

**Maintenance of spouses and children**

Definitions.

1. In this Order—

“the Act” means the Family Law (Maintenance of Spouses and Children) Act, 1976 (No. 11 of 1976);

“the Act of 1987” means the Status of Children Act, 1987 (No. 26 of 1987);

“the Act of 1995” means the Family Law Act, 1995 (No. 26 of 1995);

“the Act of 1996” means the Family Law (Divorce) Act, 1996 (No.33 of 1996);

“Act of 2015” means the Children and Family Relationships Act 2015 (No. 9 of 2015);

“competent authority” has the meaning assigned to it in Order 98.

Venue.

2. (1) Subject to the provisions of Order 41B, proceedings under the Act may be brought, heard or determined at any sitting of the Court for the court area where either party to the proceedings ordinarily resides or carries on any profession, business or occupation.

(2) Where however the Clerk, having consulted the Judge for the time being assigned to the district within which such area is situate, certifies on a summons or a notice of application that the proceedings are urgent, the summons or notice may be issued for, and the proceedings may be heard and determined at, any sitting of the Court in that district.

Hearing to be otherwise than in public.

3. Proceedings under the Act shall be heard otherwise than in public and only officers of the Court, the parties and their legal representatives, witnesses (subject to the provisions of Order 8, rule 2) and such other persons as the Judge in his or her discretion shall allow, shall be permitted to be present at the hearing.

Applications for maintenance orders.

4. (1) An application for a maintenance order under section 5(1)(a) or 5(1)(b) of the Act shall be preceded by the issue and service upon the respondent of a summons in the Form 54.1 or 54.2 Schedule C, as appropriate.

(2) An application for a maintenance order under section 5A(1) or 5A(2) of the Act (inserted by section 18 of the Act of 1987) shall be preceded by

the issue and service upon the respondent of a summons in the Form 54.3 or 54.4 Schedule C, as appropriate.

(3) The order of the Court granting such application shall be in the Form 54.5, 54.6, 54.7 or 54.8 Schedule C, as appropriate.

(4) An application for a maintenance order under section 5B(2) of the Act (inserted by section 73 of the Act of 2015) shall be preceded by the issue and service upon the respondent of a summons in the Form 54.30, Schedule C. The order of the Court granting such application shall be in the Form 54.31, Schedule C.

(5) An application for a maintenance order under section 5C(2) of the Act (inserted by section 73 of the Act of 2015) shall be preceded by the issue and service upon the respondent of a summons in the Form 54.32, Schedule C. The order of the Court granting such application shall be in the Form 54.33, Schedule C.

Application to discharge maintenance.

5. An application by a maintenance debtor for the discharge of a maintenance order under section 6(1)(a) of the Act or for the discharge of part of such order under section 6(3) of the Act shall be preceded by the issue and service upon the maintenance creditor of a summons in the Form 54.9 Schedule C. The order of the Court granting the application shall be in the Form 54.10 Schedule C.

Application to discharge or vary order.

6. An application by either party to the proceedings under section 6(1)(b) of the Act to discharge or vary a maintenance order made by the District Court shall be preceded by the issue and service upon the other party of a summons in the Form 54.11 Schedule C. The order of the Court granting the application shall be in the Form 54.12 Schedule C.

Interim order.

7. An interim order made by the Court under section 7 of the Act shall be in the Form 54.13 Schedule C.

Application for lump sum order for birth/funeral expenses.

8. An application by a spouse or parent under section 21A(1) of the Act (inserted by section 21 of the Act of 1987) for a lump sum order in respect of the expenses incidental to the birth or funeral of a dependent child shall be preceded by the issue and service upon the other spouse or parent, as the case may be, of a summons in the Form 54.14 Schedule C. The order of the Court granting the application shall be in the Form 54.15 Schedule C.

Clerk to send copy of order.

9. (1) Where the Court makes a maintenance order, an order varying, discharging or discharging part of such order, an interim order or a lump sum order in respect of the birth or funeral expenses of a dependent child,

the Clerk shall give to, or send by registered prepaid post to the maintenance debtor or to the respondent party (as the case may be) a copy of the order so made.

(2) A copy of an order mentioned in sub-rule (1) given or sent to a maintenance debtor shall have endorsed on it, or be accompanied by a notice containing the following statement:

“This order is made by the District Court. If you the maintenance debtor fail to make a payment due under this order, you may be liable to imprisonment for contempt of court.

In certain limited circumstances (including a material change of circumstances since the order was made or last varied), the District Court can vary the terms of this order. If you believe that such circumstances arise and are concerned that you may not be able to comply with the terms of this order and would like to apply for a variation, you should consult a solicitor or contact the District Court Clerk at.....”.

Application for direction that payments be made to Clerk.

10. An application under section 9(1)(b) of the Act for a direction that payments under a maintenance order, a variation order or an interim order be made to the Clerk shall be made *ex parte*. Notice of such application in the Form 54.16 Schedule C, signed by the maintenance creditor or by his or her solicitor, shall be lodged with the Clerk at least 48 hours prior to the date of the intended application. The order of the Court granting the application shall be in the Form 54.17 Schedule C.

Payments to the Clerk.

11. (1) Where the Court directs that payments under a maintenance order, a variation order or an interim order shall be made to the Clerk, such Clerk shall send a notice in the Form 54.18 Schedule C by prepaid ordinary post to the maintenance debtor indicating the place at which and the days and hours during which payments under the order should be made.

(2) The Clerk shall give a receipt to the maintenance debtor for each payment made by him or her and shall transmit such payment to the maintenance creditor or, if authorised in writing by the maintenance creditor so to do, the Clerk may transmit the payment to the competent authority.

Application to discharge direction.

12. An application under section 9(3) of the Act by a maintenance debtor to have a direction under section 9(1) of the Act discharged shall be preceded by the issue and service upon the maintenance creditor of a summons in the Form 54.19 Schedule C. The order of the Court granting the application shall be in the Form 54.20 Schedule C.

Recovery of arrears by Clerk.

13. (1) Where payments to the Clerk under a maintenance order, a variation order or an interim order are in arrears, and such Clerk receives a

request in writing in the Form 54.21 Schedule C from the maintenance creditor to take such steps as he or she considers reasonable to recover such arrears, such Clerk may make application under section 10 of the Act for an attachment of earnings order or under section 8 of the Enforcement of Court Orders Act 1940 (in accordance with the provisions of Order 56 or 57, as the case may be).

(2) Where payments referred to in sub-rule (1) are in arrears and the Clerk has received no request to recover the arrears, such Clerk may in his or her discretion, having considered the extent of the arrears and any other relevant matter, notify the maintenance creditor of the means of enforcement available in respect of the order.

Service of summonses.

14. (1) A summons required by this Order to be served may be served upon the person to whom it is directed in accordance with the provisions of Order 41 at least 14 days before the date of the sitting of the Court to which the summons is returnable.

(2) Save where service has been effected by the Clerk, the original of every such summons served, together with a statutory declaration as to service thereof, shall be lodged with the Clerk at least two days before the said date of hearing.

Rules to apply to orders for maintenance pending suit etc.

15. Where the Clerk receives a copy—

- (a) of an order for maintenance pending suit, of a periodical payments order or of a secured periodical payments order made under the Act of 1995, or of any such order as aforesaid as affected by an order under section 18 of the Act of 1995,
- (b) of an order for maintenance pending suit, of a periodical payments order or a secured periodical payments order made under the Act of 1996 or of any such order as aforesaid as affected by an order under section 22 of the Act of 1996,

from the Registrar of the Court which made that order, and payments under the order are directed to be made to the District Court Clerk (as provided for in section 20 of the Act of 1995 and in section 28 of the Act of 1996), such Clerk shall register particulars of the order and shall proceed in relation thereto as if it were a maintenance order made at a sitting of the District Court for the district court area to which that Clerk is assigned.

Orders to secure payments.

16. Where the Court has made an order providing for periodical payments by way of support or maintenance by a maintenance debtor to a maintenance creditor, an application may be made to the Court on a date subsequent to the date on which such order is made pursuant to the provisions of section 41 of the Act of 1995 by any person having an interest in the proceedings to secure the said payments to the maintenance creditor.

Such application shall be preceded by the issue and service of a notice in the Form 54.22 Schedule C. The order of the Court granting such application shall be in the Form 54.23 Schedule C.

Lump sum orders.

17. Where, under the powers conferred by section 42 of the Act of 1995, an order is made in the District Court providing for the making of a lump sum payment or lump sum payments the order of the Court shall be in the Form 54.24, 54.25, 54.26, or 54.27 Schedule C as the case may be.

Stay on certain orders the subject of appeal.

18. (1) Notwithstanding the provisions of Order 25, rule 9(4) and Order 101, and that an appellant has entered into a recognizance of appeal, an appeal from an order under—

- (i) section 11(2)(b) of the Guardianship of Infants Act 1964, (No.7 of 1964),
- (ii) section 5, 5A or 7 of the Act

shall, if the Court so determines (but not otherwise), stay the operation of the order.

(2) An application to the Court to stay the operation of an order such as is mentioned in sub-rule (1), may be made following the service and lodgment of a notice of appeal and lodgment of the recognizance for appeal and when made otherwise than upon the occasion of the making of those orders shall be preceded by the issue of a notice in the Form 54.28 which shall be served upon the respondent to the application two days before the hearing of the application. The order of the Court granting the stay shall be in the Form 54.29.

Report under section 47 of the Act.

19. (1) An application to the Court by a party to make an order giving directions for the purpose of procuring a report in writing on any question affecting the welfare of a party to the proceedings or any other person to whom they relate may be included in writing in the summons, or made at the hearing.

(2) Where the Court grants an application for an order mentioned in sub-rule (1), or makes such an order of its own motion, the order requisitioning the report shall be in the Form 58.50, Schedule C.”



## Schedule 2

### “Order 54A

#### **Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010**

##### Definitions

1. In this Order—

“the Act” means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24 of 2010).

##### Venue

2. (1) Proceedings under the Act may be brought, heard and determined at any sitting of the Court for the court area where either party to the proceedings ordinarily resides or carries on any profession, business or occupation.

(2) Where the Clerk, having consulted the Judge for the time being assigned to the district within which such area is situate, certifies on a summons or a notice of application that the proceedings are urgent, the summons or notice may be issued for, and the proceedings may be heard and determined at, any sitting of the Court in that district.

##### Hearing to be otherwise than in public

3. Proceedings under the Act shall be heard otherwise than in public and only officers of the Court, the parties and their legal representatives, witnesses (subject to the provisions of Order 8, rule 2) and such other persons as the Judge in his or her discretion shall allow, shall be permitted to be present at the hearing.

##### Civil partnership or cohabitation proceedings

##### Necessary modifications to forms used in civil partnership or cohabitation proceedings

4. Where provided in this Order or where otherwise appropriate, a Form prescribed for use in proceedings under the Family Law (Maintenance of Spouses and Children) Act 1976 or, as the case may be, the Family Home Protection Act 1976, is prescribed for use in proceedings under the Act with the necessary modifications, such modifications shall include that:

- (a) there shall be substituted for the reference to a provision of the Family Law (Maintenance of Spouses and Children) Act 1976 or, as the case may be, the Family Home Protection Act 1976 and the reference to that Act references respectively to the corresponding provision of the Act and to the Act, and
- (b) there shall be substituted for references to a spouse reference to a civil partner or, as the case may be, a qualified cohabitant.

## Applications for maintenance and related orders

## 5. (1) An application:

- (a) by a civil partner for a maintenance order under section 45(1) of the Act, or
- (b) by a qualified cohabitant for an order under section 175 of the Act,

shall be preceded by the issue and service upon the respondent of a summons in the Form 54.1, Schedule C with the necessary modifications.

(2) An application by a qualified cohabitant for an order under section 194 of the Act shall be preceded by the issue and service upon the legal personal representative of the cohabitant of a summons in the Form 54A.1, Schedule C.

(3) The order of the Court granting an application mentioned in sub-rule (1) shall be in the Form 54.5, Schedule C with the necessary modifications. The order of the Court granting an application mentioned in sub-rule (2) shall be in the Form 54A.2, Schedule C.

## Application to discharge maintenance

6. An application by a maintenance debtor for the discharge of a maintenance order after one year from the time it is made under section 46(1) of the Act shall be preceded by the issue and service upon the maintenance creditor of a summons in the Form 54.9 Schedule C with the necessary modifications. The order of the Court granting the application shall be in the Form 54.10 Schedule C with the necessary modifications.

## Application to discharge or vary order

7. An application at any time by either party to the proceedings under section 46(2) of the Act or, as the case may be, under section 173(6) of the Act, to discharge or vary a maintenance order made by the District Court shall be preceded by the issue and service upon the other party of a summons in the Form 54.11 Schedule C with the necessary modifications. The order of the Court granting the application shall be in the Form 54.12 Schedule C with the necessary modifications.

## Interim order

8. An interim order made by the Court under section 47 of the Act shall be in the Form 54.13 Schedule C with the necessary modifications.

## Application for lump sum order for birth/funeral expenses.

8A. An application by a civil partner under section 67A(1) of the Act (inserted by section 147 of the Children and Family Relationships Act 2015) for a lump sum order in respect of the expenses incidental to the birth or funeral of a dependent child shall be preceded by the issue and service upon the other civil partner of a summons in the Form 54.14 Schedule C with the necessary modifications. The order of the Court granting the application shall be in the Form 54.15 Schedule C with the necessary modifications.

Clerk to send copy of order.

9. (1) Where the Court makes an order under section 45, section 46, section 47, section 175 or section 173(6)(so far as it relates to an antecedent order made under section 175) of the Act, the Clerk shall give to, or send by registered prepaid post to the maintenance debtor or to the respondent party (as the case may be) a copy of the order so made.

(2) A copy of an order mentioned in sub-rule (1) given or sent to a maintenance debtor shall, where maintenance payments continue to be due by the maintenance debtor, have endorsed on it, or be accompanied by a notice containing the following statement:

“This order is made by the District Court. If you the maintenance debtor fail to make a payment due under this order, you may be liable to imprisonment for contempt of court.

In certain limited circumstances (including a material change of circumstances since the order was made or last varied), the District Court can vary the terms of this order. If you believe that such circumstances arise and are concerned that you may not be able to comply with the terms of this order and would like to apply for a variation, you should consult a solicitor or contact the District Court Clerk at.....”.

Application for direction that payments be made to Clerk

10. An application by a maintenance creditor under section 50(1)(b) of the Act for a direction that payments under a maintenance order, a variation order or an interim order be made to the Clerk shall be made *ex parte*. Notice of such application in the Form 54.16 Schedule C with the necessary modifications, signed by the maintenance creditor or by his or her solicitor, shall be lodged with the Clerk at least 48 hours prior to the date of the intended application. The order of the Court granting the application shall be in the Form 54.17 Schedule C with the necessary modifications.

Payments to the Clerk

11. (1) Where the Court makes a maintenance order, variation order or interim order pursuant to section 45, section 46, section 47, section 175 or section 173(6)(so far as it relates to an antecedent order made under section 175) of the Act and directs that payments under such order shall be made to the Clerk, such Clerk shall send a notice in the Form 54.18 Schedule C with the necessary modifications by prepaid ordinary post to the maintenance debtor indicating the place at which and the days and hours during which payments under the order should be made.

(2) The Clerk shall give a receipt to the maintenance debtor for each payment made by him or her and shall transmit such payment to the maintenance creditor or, if authorised in writing by the maintenance creditor so to do, the Clerk may transmit the payment to the competent authority.

#### Application to discharge direction

12. An application under section 50(3) of the Act by a maintenance debtor to have a direction under section 50(1) of the Act discharged shall be preceded by the issue and service upon the maintenance creditor of a summons in the Form 54.19 Schedule C with the necessary modifications. The order of the Court granting the application shall be in the Form 54.20 Schedule C with the necessary modifications.

#### Recovery of arrears by Clerk

13. (1) Where payments to the Clerk under a maintenance order, a variation order or an interim order pursuant to section 45, section 46, section 47, section 175 or section 173(6)(so far as it relates to an antecedent order made under section 175) of the Act are in arrears, and such Clerk receives a request in writing in the Form 54.21 Schedule C with the necessary modifications from the maintenance creditor to take such steps as he or she considers reasonable to recover such arrears, such Clerk may make application under section 53 or, as the case may be, section 176, of the Act (in accordance with the provisions of rule 14) for an attachment of earnings order or under section 8 of the Enforcement of Court Orders Act 1940 (in accordance with the provisions of Order 57).

(2) Where payments referred to in sub-rule (1) are in arrears and the Clerk has received no request to recover the arrears, such Clerk may in his or her discretion, having considered the extent of the arrears and any other relevant matter, notify the maintenance creditor of the means of enforcement available in respect of the order.

#### Attachment of earnings order

14. (1) An application for an attachment of earnings order under section 53 or, as the case may be, section 176 of the Act shall be preceded by the issue and service upon the maintenance debtor of a summons in the Form 56.1 Schedule C with the necessary modifications. Where the Court grants the application or, where the Court, having made an antecedent order, makes, in accordance with section 53(3) or, as the case may be, section 176(3) of the Act, an attachment of earnings order in the same proceedings in order to secure payments under the antecedent order, the order of the Court shall be in accordance with the Form 56.3 or 56.4 Schedule C, as the case may be, with the necessary modifications.

(2) An application to the Court to order a statement of earnings under section 56(1)(b) or, as the case may be, section 179(1)(b) of the Act may be made without notice on any occasion on which the proceedings are before the Court. A statement as to earnings given by the maintenance debtor for the purposes of section 56(1)(a) or, as the case may be, section 179(1)(a) of the Act in the form appended to Form 56.1 Schedule C with the necessary modifications shall be verified on affidavit or on oath at the hearing of the application. A statement as to earnings for the purposes of section 56(1)(b) or, as the case may be, section 179(1)(b) of the Act shall be in the form appended to Form 56.5 Schedule C with the necessary modifications.

(3) Where an attachment of earnings order is made under section 53 or, as the case may be, section 176 of the Act, the Clerk, parties and employer shall proceed as nearly as may be in accordance with the provisions of rules 4 to 14 inclusive of Order 56.

Rules to apply to orders for maintenance pending suit etc.

15. Where the Clerk receives a copy of an order for maintenance pending suit, of a periodical payments order or of a secured periodical payments order made under the Act from the Registrar of the Court which made that order, and payments under the order are directed to be made to the District Court Clerk (as provided for in section 50, or section 50 as applied by section 134 of the Act), such Clerk shall register particulars of the order and shall proceed in relation thereto as if it were a maintenance order made at a sitting of the District Court for the district court area to which that Clerk is assigned.

Orders to secure payments

16. Where the Court has made an order providing for periodical payments by way of support or maintenance by a maintenance debtor to a maintenance creditor, an application may be made to the Court on a date subsequent to the date on which such order is made pursuant to the provisions of section 52 of the Act or, as the case may be, section 175(1)(b) of the Act, by any person having an interest in the proceedings to secure the said payments to the maintenance creditor. Such application shall be preceded by the issue and service of a notice in the Form 54.22 Schedule C with the necessary modifications. The order of the Court granting such application shall be in the Form 54.23 Schedule C with the necessary modifications.

Lump sum orders

17. Where, under the powers conferred by section 51 of the Act or, as the case may be, section 175(1)(c) of the Act, an order is made in the District Court providing for the making of a lump sum payment or lump sum payments the order of the Court shall be in the Form 54.24 Schedule C with the necessary modifications.

#### Shared Home Protection

Application under section 34(1) of the Act

18. An application by a civil partner under section 34(1) of the Act for an order prohibiting the other civil partner from disposing of or removing household chattels shall be preceded by the issue and service upon the respondent civil partner of a notice in the Form 60.1 Schedule C, with the necessary modifications. The order of the Court granting the application shall be in the Form 60.2 Schedule C with the necessary modifications, a copy of which shall be served upon the respondent civil partner.

Summons under section 34(3) of the Act

19. Where complaint is made by a civil partner to a Judge under section 34(3) of the Act that the other civil partner has contravened the provisions

of section 34(2) of the Act, the summons which may be issued and served upon the other civil partner shall be in the Form 60.5 Schedule C with the necessary modifications. The relevant provisions of Order 15 shall apply in such case.

#### Application under section 34(4) of the Act

20. An application by a civil partner under section 34(4) of the Act for an order that the respondent civil partner provide household chattels for the applicant civil partner or a sum of money in lieu thereof shall be preceded by the issue and service upon the respondent civil partner of a notice in the Form 60.6 Schedule C with the necessary modifications. The order of the Court granting the application shall be in the Form 60.7 Schedule C with the necessary modifications, a copy of which shall be served upon the respondent civil partner.

#### Summons under section 39 of the Act

21. Where complaint is made to a Judge under section 39 of the Act that a person knowingly gave information which was false or misleading in any material particular, the summons which may be issued and served upon that person shall be in the Form 60.8 Schedule C with the necessary modifications. The relevant provisions of Order 15 shall apply in such case.

#### Joinder of parties

22. The provisions of Order 42A (Third Party Procedure) shall, with necessary modifications, apply to the proceedings mentioned in section 34(5) of the Act.

#### Declaring a conveyance void

23. (1) An application to the Court under section 28(1) of the Act to have a conveyance declared void shall be in the Form 60.9, Schedule C with the necessary modifications.

(2) The order of the Court thereon shall be in the Form 60.10, Schedule C with the necessary modifications.

#### Lis Pendens

(3) A person who instituted proceedings to have a conveyance declared void by reason of section 28(1) of the Act shall, as soon as may be, cause relevant particulars of the proceedings to be entered as a lis pendens under and in accordance with the Land and Conveyancing Law Reform Act 2009.

#### Order dispensing with consent or giving consent

24. (1) An application for an order under section 29(1), section 29(3) or section 29(4) of the Act to dispense with, or as the case may be, to give, the consent required under section 28 of the Act, of a civil partner to the conveyance of the shared home shall be in the Form 54A.3, Schedule C.

(2) Where it is alleged that the civil partner whose consent is required under section 28 of the Act is incapable of consenting, the original certificate in writing by a consultant psychiatrist, within the meaning of the Mental Health Act 2001, shall be annexed to the notice of application lodged with

the Clerk. The Court may accept affidavit evidence of the certification, subject to the right of any party contesting the certification to cross-examine.

(3) The order of the Court on such an application shall be in the Form 54A.4, Schedule C.

(4) On granting an application under section 29 of the Act to dispense with or, as the case may be, to give, the consent required under section 28 of the Act, the Court may order pursuant to section 33 of the Trustee Act 1893 that a person be appointed to execute the conveyance of the interest in question and the order of the Court thereon shall be in the Form 60.13, Schedule C with the necessary modifications.

#### Protection of Shared Home

25. (1) An application to the Court for an order under section 30(1) of the Act for the protection of the shared home in the interest of the applicant civil partner or a dependant child of the civil partners shall be in the Form 60.16, Schedule C with the necessary modifications.

(2) The order of the Court thereon shall be in the Form 60.17, Schedule C with the necessary modifications.

#### Conduct leading to loss of Shared Home

26. (1) An application to the Court for an order under section 30(2) of the Act to compensate the applicant civil partner or a dependant child of the civil partners for loss of interest in the shared home occasioned by the conduct of the other civil partner shall be in the Form 60.18, Schedule C with the necessary modifications.

(2) The order of the Court thereon shall be in the Form 60.19, Schedule C with the necessary modifications.

### General

#### Service and lodgment of documents

27. (1) A notice or summons required by this Order to be served may be served in accordance with the provisions of Order 41 and every such notice shall be served at least 14 days or, in the case of proceedings certified as urgent under rule 2(2), at least two days before the date of the sitting of the Court to which it is returnable.

(2) Save where service has been effected by the Clerk, the original of every such notice or summons served shall, together with a statutory declaration as to service thereof, be lodged with the Clerk at least two days before the date of the said sitting.

#### Stay on certain orders the subject of appeal

28. (1) In accordance with section 133 of the Act, notwithstanding the provisions of Order 25, rule 9(4) and Order 101, and that an appellant has entered into a recognisance of appeal, an appeal from an order under section 45 or 47 of the Act shall, if the Court or the Circuit Court to which

the appeal is brought so determines (but not otherwise), stay the operation of the order.

(2) An application to the District Court to stay the operation of an order such as is mentioned in sub-rule (1), may be made following the service and lodgment of a notice of appeal and lodgment of the recognisance for appeal and when made otherwise than upon the occasion of the making of those orders shall be preceded by the issue of a notice in the Form 54.28 with the necessary modifications which shall be served upon the respondent to the application two days before the hearing of the application. The order of the Court granting the stay shall be in the Form 54.29 with the necessary modifications.”



**Schedule 3**

**“Order 57**

**Proceedings under:  
section 8 of the Enforcement of Court Orders Act 1940  
section 9A of the Family Law (Maintenance of Spouses and Children) Act  
1976  
section 52A of the Civil Partnership and Certain Rights and Obligations  
of Cohabitants Act 2010**

Definitions

1. (1) In this Order:

“the Act of 1940” means the Enforcement of Court Orders Act 1940 (No. 23 of 1940);

“the Act of 1976” means the Family Law (Maintenance of Spouses and Children) Act 1976 (No. 11 of 1976);

“the Act of 2009” means the Enforcement of Court Orders (Amendment) Act 2009 (No. 21 of 2009);

“the Act of 2010” means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24 of 2010);

“the Act of 2011” means the Civil Law (Miscellaneous Provisions) Act 2011 (No. 31 of 2011);

“Maintenance Regulation” means Council Regulation (EC) 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L7 of 10 January 2009, page 1).

(2) References in this Order to an “order” shall be construed in accordance with sections 65 and 136 of the Act of 2010.

Venue

2. Proceedings to which this Order relates may be brought, heard or determined at any sitting of the Court for the court area where either party to the proceedings ordinarily resides or carries on any profession, business or occupation or where the order which it is sought to enforce was made and, save where the context otherwise requires, any reference in this Order to the “Clerk” is a reference to the Clerk for that court area.

Application in writing for summons under section 8(1) of the Act of 1940

3. An application under section 8(1) of the Act of 1940 (as substituted by the Act of 2011) for the issue of a summons shall be in writing (and may be by the lodgment with the Clerk of a completed draft form of summons) and shall include:

- (a) a copy of the antecedent order concerned and, where relevant, a copy of any enforcement order made by the Master of the High Court in respect of the maintenance order concerned or, as the case may be, a copy of the extract in the form set out in Annex I or, as the case may be, Annex II, to the Maintenance Regulation, of the decision issued by the court of origin;
- (b) the period(s) for which the monetary amounts directed to be paid by the antecedent order have not been duly paid;
- (c) the amount of the arrears, and any amount provided by the antecedent order for costs and expenses which is unpaid;
- (d) a statement that the applicant understands that the information included in the application may have to be proved on oath at the hearing of any summons issued on foot of the application.

#### Issue of summons under section 8(1) of the Act of 1940

4. (1) The summons shall be in the Form 57.1 Schedule C. The summons shall, in addition to requiring the attendance of the defaulter at a sitting of the Court, also require the defaulter to complete, detach and lodge with the Clerk not less than one week before the date of the said sitting a statement of means and assets (in the Form 53.3 Schedule C, with the necessary modifications), which shall be attached to the summons.

(2) The applicant or solicitor for the applicant shall be entitled, on payment of the prescribed fee, to inspect and take or obtain copies of the statement of means at any time after it is lodged.

#### Distress warrant

5. A warrant of distress and sale under section 8(2)(c) of the Act of 1940 shall be in accordance with Form 57.2 Schedule C.

#### Application in writing for summons under section 9A(3) of the Act of 1976 or section 52A(3) of the Act of 2010

6. An application under section 9A(3) of the Act of 1976 (as inserted by the Act of 2011) or under section 52A(3) of the Act of 2010 (as inserted by section 146 of the Children and Family Relationships Act 2015) for the issue of a summons shall be in writing (and may be by the lodgment with the Clerk of a completed draft form of summons) and shall include:

- (a) a copy of the antecedent order concerned;
- (b) the period(s) for which the monetary amounts directed to be paid by the antecedent order have not been duly paid;
- (c) the amount of the arrears and any amount provided by the antecedent order for costs and expenses which is unpaid;

- (d) a statement that the applicant understands that the information included in the application may have to be proved on oath at the hearing of any summons issued on foot of the application.

Issue of summons under section 9A(3) of the Act of 1976 or section 52A(3) of the Act of 2010

7. The summons addressed to the debtor shall be in the Form 57.3 Schedule C.

Service of summonses and orders

8. (1) Order 41 shall apply to the service and lodgment of proof of service of a summons mentioned in rule 4.

(2) Order 51A, rules 8(5) to 8(8) inclusive shall apply to the service and lodgment of proof of service of a summons mentioned in rule 7.

(3) An order made under section 8(2)(a) or section 8(2)(b) of the Act of 1940 shall be in the Form 57.4 Schedule C and a copy of such order shall be sent by registered post by the Clerk to every person directed to pay monies to the Clerk.

Persons affected by garnishee order

9. (1) A person served with an order mentioned in rule 8(3) who is unable to comply with the order may apply to the Court by notice of application in the Form 57.5 Schedule C to set aside or vary the order. A copy of the notice shall be served on the defaulter and on the applicant not later than seven days before the hearing of the application and the original notice shall be lodged with the Clerk not later than four days before the hearing of the application.

(2) Where the Court is considering making an order under section 8(2)(a) or section 8(2)(b) of the Act of 1940, the Court may adjourn the hearing of the summons and direct that the person who would be directed to pay monies to the Clerk under any such order be put on notice of the adjourned application.

Warrant of arrest

10. A warrant of arrest issued under section 9A(5) of the Act of 1976 or 52A(5) of the Act of 2010 shall be in accordance with Form 57.6 Schedule C.

Warrant of detention

11. Where a failure by the maintenance debtor is treated as constituting contempt of court and an order of imprisonment is made, the warrant of detention shall be in accordance with Form 57.7 or 57.8 Schedule C, as appropriate.

Application to purge contempt

12. Where a person is imprisoned for contempt of court in accordance with section 9A of the Act of 1976 or section 52A of the Act of 2010:

- (a) the person shall be notified in writing of the action required to purge his contempt;
- (b) the Court may direct that, if the contempt has not previously been purged, the person shall be brought back before the Court at a place and time fixed by the Court.

Clerk to provide certificate and to be available to tender evidence

13. (1) Before the time fixed for the hearing of an application under section 8 of the Act of 1940, section 9A of the Act of 1976 or section 52A of the Act of 2010, any Clerk for another court area to whom payments under the maintenance order, variation order, interim order or enforceable maintenance order are payable shall send to the Clerk a certificate signed by him or her certifying the amount of monies outstanding on foot of such order.

(2) On the hearing of an application under section 8(1) of the Act of 1940, section 9A of the Act of 1976 or section 52A of the Act of 2010, without prejudice to any other evidence which may be required on that hearing, there shall be tendered or cause to be tendered as evidence—

- (a) the maintenance order, variation order, interim order, (as the case may be);
- (b) in the case of an enforceable maintenance order a copy of the maintenance order;
- (c) in the case of a decision referred to in Article 17.1 of the Maintenance Regulation, a copy of the extract in the form set out in Annex I or, as the case may be, Annex II, to the Maintenance Regulation, of the decision issued by the court of origin;
- (d) the application for the summons;
- (e) in the case of an enforceable maintenance order, a copy of the order made by the Master of the High Court, and
- (f) any other relevant document.

Provisions regarding warrants to apply

14. The provisions contained in Order 26 regarding warrants shall apply to warrants issued under this Order with the proviso that warrants of distress shall be addressed to and executed by the several Sheriffs and County Registrars.”

**Schedule 4****“Order 58****Custody and Guardianship of Children**

## Definitions

1. In this Order—

“the Act” means the Guardianship of Infants Act 1964, (No. 7 of 1964);

“the Act of 1987” means the Status of Children Act 1987 (No. 26 of 1987);

“the Act of 1997” means the Children Act 1997 (No. 40 of 1997);

“the Act of 2015” means the Children and Family Relationships Act 2015 (No. 9 of 2015);

“child” means a person who has not attained full age.

## Venue

2. (1) Proceedings under the Act may be brought, heard or determined at any sitting of the Court for the court area where any party to the proceedings resides or carries on any profession, business or occupation.

(2) Where, however the Clerk, having consulted the Judge for the time being assigned to the district within which such area is situated, certifies on a notice of application or a summons that the proceedings are urgent, the said notice or summons may, subject to the provisions of rule 9, be issued for, and the proceedings may be heard and determined at any sitting of the Court in that district.

## Hearing to be otherwise than in public

3. Proceedings under the Act shall be heard otherwise than in public and only the officers of the Court, the parties and their legal representatives, witnesses (subject to the provisions of Order 8) and such other persons as the Judge in his or her discretion shall allow, shall be permitted to be present at the hearing.

## Guardianship applications and Court orders

4. (1) An application to the Court under section 6A (as inserted by the Act of 1987 and as substituted by section 48 of the Act of 2015) of the Act by a person who, being a parent of a child, is not a guardian of the child, for an order appointing the person as guardian of the child shall be preceded by the completion by the applicant of a notice in the Form 58.1 Schedule C. Such notice shall be served upon the other parent and upon any other guardian of the child. The order of the Court granting such application shall be in the Form 58.2 Schedule C.

(2) An application to the Court under section 6C (as inserted by section 49 of the Act of 2015) of the Act by a person who, not being a parent of a

child, is eligible under section 6C(2) of the Act to make such application for an order appointing the person as a guardian of the child shall be preceded by the completion by the applicant of a notice in the Form 58.30 Schedule C. Such notice shall be served upon each person who is a parent or guardian of the child concerned. In the case of an application by a person to whom section 6C(2)(b) of the Act applies, the notice shall be served upon the Child and Family Agency. The order of the Court granting such application shall be in the Form 58.31 Schedule C and shall specify whether and if so, to what extent, the applicant shall enjoy the rights and responsibilities of a guardian specified in section 6C(11) of the Act.

(3) A nomination under section 6E(1) (as inserted by section 49 of the Act of 2015) of the Act by a qualifying guardian shall be in the Form 58.32 Schedule C and shall be signed and dated by the qualifying guardian concerned in the presence of a witness who is not the nominated person. An application to the Court under section 6E(3) (as inserted by section 49 of the Act of 2015) of the Act by a qualifying guardian or nominated person for an order under section 6E(5) of the Act appointing the person as a guardian of the child shall be preceded by the completion by the applicant of a notice in the Form 58.33 Schedule C. The original notice shall be lodged with the Clerk with the original nomination or a true copy annexed and a copy of the notice and annexed nomination shall be served upon each person mentioned in section 6E(4) of the Act. The order of the Court granting such application shall be in the Form 58.34 Schedule C and shall specify any limitations or conditions imposed in accordance with section 6E(6) of the Act. Where the Court imposes a condition pursuant to section 6E(6)(b) of the Act relating to the periodic review by the Court of the appointment of a person as temporary guardian, it may make such directions, including as to the listing of the matter before the Court and as to the giving of notice of such hearing as it considers necessary.

(4) An application to the Court under section 6E(9) (as inserted by section 49 of the Act of 2015) of the Act by a temporary guardian or the qualifying guardian concerned for an order under section 6E(11) of the Act shall be preceded by the completion by the applicant of a notice in the Form 58.35 Schedule C. Such notice shall be served upon each person mentioned in section 6E(10) of the Act. The order of the Court granting such application shall be in the Form 58.36 Schedule C and shall, where an order is made under 6E(11)(c) of the Act, specify any rights and responsibilities of guardianship which the qualifying guardian shall have. Where the Court imposes a condition pursuant to section 6E(12)(b) of the Act relating to the periodic review by the Court of the order, it may make such directions, including as to the listing of the matter before the Court and as to the giving of notice of such hearing as it considers necessary.

(5) An application to the Court under section 6F(1) (as inserted by section 49 of the Act of 2015) of the Act by a person mentioned in section 6F(2) of the Act for a declaration that a person named in the application is or is not a guardian by virtue of the circumstances set out in section 2(4A) or 6B(3) of the Act of a child named in the application (the ‘child

concerned') shall be preceded by the completion by the applicant of a notice in the Form 58.37 Schedule C. Such notice shall be served upon each person mentioned in section 6F(3) of the Act and upon any other person directed by the Court to be given notice of the application. The order of the Court granting such application shall be in the Form 58.38 Schedule C.

(6) An application under section 7(4) of the Act (as substituted by section 50 of the Act of 2015) shall be preceded by the issue and service of a notice in the Form 58.3 Schedule C upon the surviving guardian or testamentary guardian of the child, as the case may be. The order of the Court on hearing the application shall be in the Form 58.4 or 58.6 Schedule C, as appropriate.

(7) An application to appoint a guardian or guardians under section 8(1) of the Act shall be made *ex parte* in the first instance subject to the prior lodgment with the Clerk of a notice in the Form 58.7 Schedule C. The order of the Court thereon shall be in the Form 58.8 Schedule C.

(8) An application to appoint a guardian or guardians under section 8(2) of the Act shall be made *ex parte* if made by the surviving parent, subject to the prior lodgment with the Clerk of a notice in the Form 58.9, Schedule C, and in any other case it shall be preceded by the issue and service of a notice in the Form 58.9 Schedule C upon that parent. The order of the Court thereon shall be in the Form 58.10 Schedule C.

(9) An application to the Court to remove from office a guardian mentioned in section 8(4) of the Act (substituted by section 51 of the Act of 2015) and to appoint another guardian in his or her place under section 8(5) of the Act shall be preceded by the issue and service of a notice in the Form 58.11 Schedule C upon each guardian of the child. The order of the Court thereon shall be in the Form 58.13 Schedule C.

(10) An application to appoint a guardian in place of a deceased guardian, under section 8(5) of the Act, may be made *ex parte* where the child has no guardian or where the applicant is the only guardian, subject to the prior lodgment with the Clerk of a notice in the Form 58.12 Schedule C, and in any other case it shall be preceded by the issue and service of the said notice upon each guardian of the child. The order of the Court thereon shall be in the Form 58.14 Schedule C.

(11) An application to the Court to remove from office a guardian mentioned in section 8(6) of the Act (inserted by section 51 of the Act of 2015) shall be preceded by the issue and service of a notice in the Form 58.39 Schedule C upon each guardian of the child. The order of the Court thereon shall be in the Form 58.40 Schedule C.

(12) In any application concerning the guardianship of a child, the applicant shall complete and annex to the notice of application a statement of arrangements in the Form 58.49, Schedule C concerning each child to whom the application relates, including both factual information concerning the

child and the applicant's proposals in relation to the application. The applicant shall attach two copies of the applicant's statement of arrangements to the copy notice of application served on each respondent. Where a respondent agrees the applicant's statement of arrangements (including the proposals), the respondent shall signify his or her agreement on one copy of the statement and return that copy to the applicant (or applicant's solicitor). Any respondent who intends to contest the application shall set out the matters in dispute and/or that respondent's proposals in relation to the application on one copy of the statement and return that copy to the applicant (or applicant's solicitor). The applicant shall not later than four days before the date fixed for the hearing of the application file with the Clerk a copy of the statement of arrangements as completed by the applicant and any respondent.

#### Application seeking Court's direction

5. (1) Where the Court's direction is sought under section 11 of the Act, the application shall be preceded by the issue and service of a notice in the Form 58.17 Schedule C upon each other person who is a parent or guardian of the child concerned. The order of the Court thereon shall be in the Form 58.18 Schedule C.

(2) An application to the Court under section 11B of the Act for an order giving a relative of a child or a person who has acted in loco parentis to a child access to the child shall be preceded by the issue and service of a notice in the Form 58.19 Schedule C upon each of the guardians of the child. The order of the Court thereon shall be in the Form 58.20 Schedule C.

(3) An application to the Court under section 11E of the Act (inserted by section 57 of the Act of 2015) for an order giving a person mentioned in section 11E(1) of the Act custody of a child shall be preceded by the issue and service of a notice in the Form 58.41 Schedule C upon each of the guardians of the child. The order of the Court thereon shall be in the Form 58.42 Schedule C.

#### Application to vary/discharge

6. An application under section 12 of the Act for an order varying or discharging a previous order shall be preceded by the issue and service of a notice in the Form 58.21 Schedule C upon each of the other guardians or each of the guardians of the child as the case may be. The order of the Court thereon shall be in the Form 58.22 Schedule C.

#### Application for production of child

7. An application under Part III of the Act for an order for the production of a child shall be preceded by the issue and service of a notice in the Form 58.23 Schedule C upon the person having custody of the child. The order of the Court thereon shall be in the Form 58.24 Schedule C which shall be served upon the said person. The order of the Court under Part III of the Act shall be in the Form 58.25, 58.26 or 58.27 Schedule C, as appropriate.



#### Enforcement order or complaint of non-compliance

8. (1) An application to the Court under section 18A(1) of the Act (inserted by section 60 of the Act of 2015) for an enforcement order shall be preceded by the issue and service of a notice in the Form 58.43 Schedule C upon each guardian and parent of the child concerned. An enforcement order of the Court shall be in the Form 58.44 Schedule C.

(2) An application under section 18C(1) of the Act (inserted by section 60 of the Act of 2015) for an order varying or terminating an enforcement order or any part of that order shall be preceded by the issue and service of a notice in the Form 58.45 Schedule C upon each of the persons on whom the application for the enforcement order was served. The order of the Court thereon shall be in the Form 58.46 Schedule C.

(3) An application to the Court under section 18D(1) of the Act (inserted by section 60 of the Act of 2015) by a parent or guardian of the child for an order requiring another guardian or parent to reimburse expenses incurred shall be preceded by the issue and service of a notice in the Form 58.47 Schedule C upon the respondent guardian or parent of the child concerned. An enforcement order of the Court shall be in the Form 58.48 Schedule C.

(4) Where complaint is made to a Judge alleging an offence of failure or refusal under section 5 of the Courts (No. 2) Act 1986, to comply with the requirements of a direction given in an order under section 7 of the Act, section 11 of the Act, or section 11B (inserted by the Act of 1997) of the Act, the summons which may be issued and served upon the person against whom the offence is alleged shall be in the Form 58.28 or 58.29 Schedule C, as appropriate. The relevant provisions of Order 15 shall apply in such case.

#### Service and lodgment of documents

9. (1) A notice or court order required by this Order to be served shall be accompanied in the case of a notice of proceedings under section 6A (inserted by the Act of 1997) of the Act, section 11 of the Act or section 11B (inserted by the Act of 1997) of the Act, in which a solicitor is acting for the applicant, by a certificate signed by the solicitor indicating, if it be the case, that the solicitor has complied with subsection (2) of section 20 of the Act of 1964 (as inserted by section 11 of the Act of 1997) in relation to the matter, and may be served upon the person to whom it is directed in accordance with the provisions of Order 41 at least 14 days or, in the case of proceedings certified as urgent under rule 2(2), at least two days, before the date of the sitting of the Court to which it is returnable.

(2) Save where service has been affected by the Clerk, the original of every such notice or order served shall, accompanied, in appropriate cases, by a copy of the certificate described in rule 9(1), together with a statutory declaration as to service thereof, be lodged with the Clerk at least two days before the date of the said sitting.

Clerk to supply copies of orders

10. Where the Court makes an order under the Act, the Clerk shall give, or send by ordinary post, a copy of such order to each person in whose favour or against whom the order was made.

Proof of age

11. The age of a child may be proved by producing a certified extract from the Register of Births showing the date of the child's birth or by such other evidence as the Court considers sufficient.

Court may direct service

12. In any proceedings under the Act the Court may direct the service of notice upon any person not already served.

Effect of appeal from orders

13. Notwithstanding the provisions of Order 25, rule (4) and Order 101 and that an appellant has entered into a recognizance for appeal, an appeal from an order made under this Act shall stay the operation of the order only if, and to such extent and upon such terms (if any), as the Court shall determine.

Report/ascertaining the views of the child

14. (1) An application to the Court by a party to make an order:

- (i) under section 32(1)(a) or section 32(1)(b) of the Act, or
- (ii) under section 47 of the Family Law Act 1995

may be included in writing in the summons, or made at the hearing.

(2) The Court may exercise the power of its own motion to make an order:

- (i) in proceedings to which section 3(1)(a) of the Act applies, under section 32(1)(a) or section 32(1)(b) of the Act, or
- (ii) under section 47 of the Family Law Act 1995

at any time and from time to time during the proceedings, having heard the parties.

(3) An application to the Court by a party to make an order:

- (i) under section 12A(4) of the Act (inserted by the Act of 2015), or
- (ii) under section 20 of the Child Care Act 1991

may be included in writing in the summons, or made at the hearing.

(4) The Court may exercise the power of its own motion to make an order:

- (i) under section 12A(4) of the Act (inserted by the Act of 2015), or
- (ii) under section 20 of the Child Care Act 1991

at any time and from time to time during the proceedings, having heard the parties.

(5) Where the Court grants an application for an order mentioned in sub-rule (1) or sub-rule (2), or makes such an order of its own motion, the order requisitioning the report shall be in the Form 58.50, 58.51, 58.52 or 58.53, Schedule C, as appropriate.

(6) Where, under either 12A(4) of the Act or section 20 of the Child Care Act 1991, the Court adjourns proceedings and directs the Child and Family Agency to undertake an investigation of a child's circumstances, if the Child and Family Agency is not a party to those proceedings, the Clerk shall as soon as possible notify the Child and Family Agency (in the Form 84.32 Schedule C, with any necessary modifications) of the Court's decision.

(7) Where, upon so adjourning, the Court gives directions under section 20(2) of the Child Care Act 1991 as to the care and custody of the child or makes a supervision order in respect of the child pending the outcome of the investigation by the Child and Family Agency—

- (a) an order of the Court giving such directions shall be in the Form 84.33 Schedule C,

- (b) any such supervision order shall be in the Form 84.34, Schedule C,

and the order shall be served upon each person directly affected thereby.”

**Schedule 5**

No. 57.3

SCHEDULE C

O.57, r. 6

\*FAMILY LAW (MAINTENANCE OF SPOUSES AND CHILDREN)  
ACT 1976, SECTION 9A

(as inserted by Civil Law (Miscellaneous Provisions) Act 2011, section 31)

\*CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND OBLIGATIONS  
OF COHABITANTS ACT 2010, SECTION 52A (as inserted by Children and  
Family Relationships Act 2015, section 146)

**SUMMONS FOR ATTENDANCE OF MAINTENANCE DEBTOR**

District Court Area of

District No.

..... Maintenance Creditor

..... Maintenance Debtor

If you fail to attend in the District Court at the place and on the date given below at the time stated, the Judge may treat such failure to attend court as constituting contempt of court and the Judge may deal with the matter accordingly, including by directing that a warrant may be issued, without further warning, for you to be arrested and brought before the District Court.

The maintenance order is made by the District Court. If you the maintenance debtor fail to make a payment due under this order, you may be liable to imprisonment for contempt of court.

1. A maintenance order was made on the .... day of ..... 20... by the District Court sitting at ..... for the District Court Area of ..... District No....., under which you, the above-named Maintenance Debtor were ordered to pay to the above-named Maintenance Creditor †(the weekly sum of €..... for her/his support) †(and) †(the weekly sum of €..... for the support of ..... dependent children †(of the family)) †(together with the sum of €..... for costs and expenses), \*the first such payment to be made before or on the .... day of ..... 20... and each subsequent payment to be made weekly thereafter;

\*2. Proof has been given that the said maintenance order was duly served on you the Maintenance Debtor of .....

3. An application was made in writing by the Maintenance Creditor to the District Court Clerk for the above court area, on the .... day of ..... 20..., for the issue of this summons in respect of the sums in arrear as set out below;

4. The Maintenance Creditor claims that you the Maintenance Debtor have not complied with the said maintenance order and that there is now in arrear in respect of same the sum of €....., being the amount of ..... weekly payments, which have become due and payable †(together with the sum of €..... for costs and expenses making in all the sum of €.....);

**YOU ARE REQUIRED** to attend at the sitting of the District Court to be held at ..... on the .... day of .... 20... at .... a.m./p.m. on the hearing of this summons.

At that hearing, having listened to the Maintenance Creditor and to you, the Court may:

- (a) having heard evidence as to the financial circumstances of both you and of the Maintenance Creditor, treat the case as one asking the Court to vary the said maintenance order and if it does, it may change the amount of each payment, or the times at which payments are to be made or change a single payment to payment by such instalments at such times as the Judge thinks is reasonable in all the circumstances,
- (b) adjourn the hearing to enable the outstanding payment to be made, or
- (c) adjourn the hearing to enable an application to be made for an attachment of earnings order against you, or
- (d) if satisfied that your failure to pay is not due to your inability to make the payment concerned by reason of a change in your financial circumstances since the above order was made or due to some other reason not attributable to any act or omission on your part, treat your failure to make the payment concerned as constituting contempt of court and deal with the matter accordingly, including by making an order for your imprisonment.

Dated this.... day of..... 20....

Signed .....  
District Court Clerk

To ..... of ..... the above-named Maintenance Debtor

\*Delete where inapplicable

†Delete where inapplicable

SCHEDULE C

O.57, r. 10

\*FAMILY LAW (MAINTENANCE OF SPOUSES AND CHILDREN) ACT 1976, SECTION 9A(5)

(as inserted by Civil Law (Miscellaneous Provisions) Act 2011, section 31)

\*CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND OBLIGATIONS OF COHABITANTS ACT 2010, SECTION 52A

(as inserted by Children and Family Relationships Act 2015, section 146)

WARRANT OF ARREST

District Court Area of ..... District No.
..... Maintenance Creditor
..... Maintenance Debtor

WHEREAS by †maintenance/†variation/†interim order dated the ..... day of ..... 20..., made at the sitting of the District Court at ....., the Maintenance Debtor, of ..... was ordered to pay to the Maintenance Creditor of ....., †(the weekly sum of €..... for her/his support) †(and †(the weekly sum of €..... for the support of .... dependent child(ren) †(of the family)) †(together with the sum of €..... for costs and expenses).

AND WHEREAS the said Maintenance Creditor alleges that the monetary amounts directed to be made by the said order have not been duly paid according thereto, and there is now in arrear in respect of same the sum of €..... being the amount of ..... weekly payments which have become due and payable, †(together with the sum of €..... for costs and expenses, making in all the sum of €.....).

AND WHEREAS the said Maintenance Creditor duly applied for the issue of a summons under section \*9A(3) \*52A(3) of the above-mentioned Act and such summons was duly issued directing the said Maintenance Debtor to appear before the District Court sitting at ..... this day

AND WHEREAS I AM SATISFIED that said summons was duly served on the Maintenance Debtor

AND WHEREAS I AM SATISFIED that said Maintenance Debtor has failed, without reasonable excuse, to appear in court in answer to the said summons

THIS IS TO COMMAND YOU to whom this warrant is addressed to arrest the said Maintenance Debtor ..... of ..... and to bring him/her before me or before another Judge at the sitting of the District Court in District No ..... next following the date of his/her arrest to be dealt with according to law.

Dated this .....day of.....20....

Signed .....
Judge of the District Court

To the Superintendent of the Garda Síochána

At .....

\*Delete where inapplicable

†Delete where inapplicable

SCHEDULE C

O.57, r. 11

\*FAMILY LAW (MAINTENANCE OF SPOUSES AND CHILDREN)  
ACT 1976, SECTION 9A

(as inserted by Civil Law (Miscellaneous Provisions) Act 2011, section 31)

\*CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND OBLIGATIONS  
OF COHABITANTS ACT 2010, SECTION 52A

(as inserted by Children and Family Relationships Act 2015, section 146)

WARRANT OF DETENTION (WHERE DEBTOR HAS ATTENDED)

District Court Area of

District No.

..... Maintenance Creditor

..... Maintenance Debtor

WHEREAS

the above named Maintenance Debtor of ..... was this day before a sitting of the District Court at ..... in court area and district aforesaid, pursuant to a summons issued under section \*9A \*52A of the above-mentioned Act reciting that:—

By †maintenance/†variation/†interim order dated ... day of ..... 20....., made by the ‡..... Court at ..... the Maintenance Debtor, of ....., was ordered to pay to ....., the above named Maintenance Creditor, the †(weekly sum of €..... for her/his support) †(and) †(the weekly sum of €..... for the support of ..... dependent child(ren) †(of the family)) †(together with the sum of €..... for costs and expenses)

AND WHEREAS the Court is satisfied on the evidence adduced that, of the said weekly payments which have become due and payable by virtue of the said order, the sum of €..... †(together with the sum of €..... for costs and expenses, making in all the sum of €.....) has not been duly paid;

AND WHEREAS the Court,

having given to the Maintenance Debtor the explanations referred to in section \*9A(8) \*52A(8) of the said Act,

having given the Maintenance Debtor an opportunity to apply for legal advice and legal aid,

and having heard such evidence as was adduced by the Maintenance Creditor and the Maintenance Debtor,

BEING SATISFIED that the payment concerned has not been made and that the failure to make the payment concerned is not due to—



(a) the inability of the Maintenance Debtor to make the payment concerned by reason of a change in his or her financial circumstances which occurred since the \*(last) said order was made, or

(b) some other reason not attributable to any act or omission of the Maintenance Debtor,

Treated the failure by the Maintenance Debtor to make the payment concerned as constituting contempt of court and dealt with the matter accordingly by ordering the imprisonment of the Maintenance Debtor

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the Maintenance Debtor, the said ..... in the prison at ..... there to be detained by the Governor of the said prison

\*until the ..... day of .....20.... at .....o'clock,<sup>1</sup> (when the Governor shall have him/her at the District Court at .....), unless the sum of €..... be sooner paid by or on behalf of the said Maintenance Debtor to the District Court Clerk for District No. .... or to you for transmission to said District Court Clerk

*\*(insert any other condition or requirement imposed by the Court to purge the contempt as appropriate)*

Dated this ..... day of .....20....

Signed .....  
Judge of the District Court

To the Superintendent of the Garda Síochána  
at .....  
and his/her assistants.

And to Governor of the prison  
at .....

†delete where inapplicable

\*delete where inapplicable

<sup>1</sup>use where the Court has directed that the Maintenance Debtor be brought back before the Court on a date fixed by the Court

‡State Court which made Order

## SCHEDULE C

O.57, r. 11

\*FAMILY LAW (MAINTENANCE OF SPOUSES AND CHILDREN)  
ACT 1976, SECTION 9A

(as inserted by Civil Law (Miscellaneous Provisions) Act 2011, section 31)

\*CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND OBLIGATIONS  
OF COHABITANTS ACT 2010, SECTION 52A

(as inserted by Children and Family Relationships Act 2015, section 146)

WARRANT OF DETENTION (FAILURE TO ATTEND)

District Court Area of

District No.

..... Maintenance Creditor

..... Maintenance Debtor

## WHEREAS

the above named Maintenance Debtor of ..... was on the ..... day of ..... 20... before a sitting of the District Court at ..... in court area and district aforesaid, on foot of a warrant issued under section \*9A(5) \*52A(5) of the above-mentioned Act reciting that:—

By †maintenance/†variation/†interim order dated ... day of..... 20...., made by the ‡.....Court at ..... the Maintenance Debtor, of ....., was ordered to pay to ....., the above named Maintenance Creditor, the †(weekly sum of €..... for her/his support) †(and) †(the weekly sum of €..... for the support of ..... dependent child(ren) †(of the family)) †(together with the sum of €..... for costs and expenses)

AND WHEREAS the Court on said date, pursuant to section \*9A(7) \*52A(7) of said Act, fixed this day as the new date for the hearing of the summons issued under section \*9A(3) \*52A(3) of said Act in respect of the Maintenance Debtor and explained to the Maintenance Debtor in ordinary language—

(a) that \*(s)he was required to attend before the Court on this day,

(b) that failure to attend may in itself constitute a contempt of court and the consequences of such contempt, including in particular the possibility of imprisonment, and that such contempt and the consequences which may follow are in addition to the consequences arising by reason of failure to make a payment under the said order, and

(c) that \*(s)he is entitled to apply for legal advice and legal aid under the Civil Legal Aid Act 1995

And the said Maintenance Debtor not attending in Court on this date

Treated the failure by the Maintenance Debtor to attend court as constituting contempt of court and dealt with the matter accordingly by ordering the imprisonment of the Maintenance Debtor

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the Maintenance Debtor, the said ..... in the prison at ..... there to be detained by the Governor of the said prison

\*until (insert condition or other details as appropriate)

\*until the ..... day of ..... 20.... \*(at .....o'clock) \*(when the Governor shall have him/her at the District Court at .....).

Dated this ..... day of ..... 20....

Signed .....  
Judge of the District Court

To the Superintendent of the Garda Síochána  
at .....  
and his/her assistants.

And to Governor of the prison  
at .....

†delete where inapplicable  
\*delete where inapplicable

SCHEDULE C

O. 58, r. 4(1)

Guardianship of Infants Act 1964, section 6A

Notice of application by a person to be appointed a guardian

District Court Area of

District No.

..... Applicant

..... Respondent

TAKE NOTICE that the above-named applicant of ..... in the court (area and) district aforesaid, being a parent but not a guardian of ..... born on ....., ..... born on ....., (a) child(ren) residing at .....,

will apply at the sitting of the District Court to be held at ..... on the ... day of ..... 20., at .... a.m./p.m. for an order under section 6A of the Act appointing \*him/\*her to be a guardian of the said child(ren).

Dated this ... day of ..... 20..

Signed .....  
Applicant/Solicitor for the Applicant

To The District Court Clerk, District Court Office, at .....  
(and)

\*(To ..... of .....)

\*Delete inapplicable words

No. 58.2

SCHEDULE C

O. 58, r. 4(1)

Guardianship of Infants Act 1964, section 6A

Order appointing person to be a guardian

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant, of ..... in the court (area and) district aforesaid, being a parent but not a guardian of ..... born on ....., ..... born on ....., (a) child(ren), residing at .....

for an order under section 6A of the Act appointing \*him/\*her to be a guardian of the said child(ren);

THE COURT being satisfied that notice of application herein has been duly served upon each guardian of the child(ren) and having heard the evidence of the applicant \*(and of the other parent) \*(and of the other guardian(s) of the child(ren);) and being satisfied that the best interests of the child(ren) require the making of this Order;

HEREBY APPOINTS the above-named applicant ..... to be a guardian of the said child(ren) pursuant to section 6A of the Act.

Dated this ... day of .... 20...

Signed .....  
Judge of the District Court

\*Delete inapplicable words

SCHEDULE C

O. 58, r. 4(6)

Guardianship of Infants Acts 1964, section 7(4)

Notice of application by \*surviving guardian \*testamentary guardian for order

District Court Area of

District No.

..... Applicant

..... Respondent

WHEREAS the above-named applicant of ..... in the court (area and) district aforesaid, is the \*surviving guardian \*testamentary guardian of ..... born on ....., ..... born on ....., (a) child(ren) residing at .....

\*[and whereas the applicant, the surviving guardian of the child(ren) objects to the respondent, the testamentary guardian of the child(ren) acting jointly with \*him/\*her as guardian of the child(ren)]

\*[and whereas the applicant, the testamentary guardian of the child(ren) considers that the respondent, the surviving guardian of the child(ren), is unfit to have the custody of the child(ren)]

TAKE NOTICE that the applicant will apply at the sitting of the District Court to be held at ..... on the ... day of ..... 20..., at .... a.m./p.m. for an order

\*that the appointment of the respondent as testamentary guardian be revoked and that the applicant shall remain guardian of the child(ren).

\*that the applicant shall act as guardian of the child(ren) to the exclusion, insofar as the Court thinks proper, of the respondent.

Dated this ... day of ..... 20...

Signed .....  
Applicant/Solicitor for the Applicant

To The District Court Clerk, District Court Office, at .....

\*and to .....of .....

\*Delete inapplicable words

No. 58.4

SCHEDULE C  
O. 58, r. 4(6)

Guardianship of Infants Act 1964, section 7(5)

Order under section \*7(5)(a) \*7(5)(b)

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant, of ..... in the court (area and) district aforesaid, a \*surviving guardian \*testamentary guardian of ..... born on ....., ..... born on ....., (a) child(ren) residing at ..... for an order under section 7 of the Act, the respondent, of ..... being the \*testamentary guardian \*surviving guardian of the child(ren)

THE COURT being satisfied that notice of the application was duly served, and that the best interests of the child(ren) require the making of this order;

HEREBY ORDERS

\*that the appointment of the above-named respondent, as testamentary guardian be revoked and that the applicant as surviving guardian shall remain guardian of the said child(ren).

\*that the above-named testamentary guardian shall act jointly with the said ....., surviving guardian, as guardians of the said child(ren).

Dated this ... day of ..... 20.....

Signed .....  
Judge of the District Court

WARNING

Where this order contains a direction regarding the custody of a child or the right of access to a child, any person who fails or refuses to give up the child or to allow access to the child as required shall be guilty of an offence and shall be liable on summary conviction to a Class C fine, being a fine not exceeding €2,500 or to imprisonment not exceeding twelve months, or to both.

\*Delete where inapplicable

SCHEDULE C

O. 58, r. 4(6)

Guardianship of Infants Act 1964, section 7(5)

Order under section 7(5)(c)

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant, of ..... in the court (area and) district aforesaid, a \*surviving guardian \*testamentary guardian of ..... born on ..... born on ....., (a) child(ren) residing at ..... for an order under section 7 of the Act, the respondent, of ..... being the \*testamentary guardian \*surviving guardian of the child(ren)

THE COURT being satisfied that notice of the application was duly served, and that the best interests of the child(ren) require the making of this order;

HEREBY ORDERS that the above-named testamentary guardian shall act as guardian of the said child(ren), to the exclusion, insofar as the Court thinks proper, of the said ....., surviving guardian,

\*(so far as—

\*(regarding custody and access)—

THAT

(regarding maintenance)

that the said ..... do pay to the said ..... the weekly sum of €..... towards the maintenance of (each of) the said child(ren) namely ..... born on ..... until such child(ren) shall attain the age of 18 years, and thereafter if, when the child(ren) has/have attained that age, he/she

(i) is or will be, or if any order were made under this Act providing for payment of maintenance for the benefit of the child, would be receiving full-time education or instruction at a university, college, school or other educational establishment, and who has not attained the age of 23 years, or

(ii) has a mental or physical disability to such extent that it is not reasonably possible for him or her to maintain himself or herself fully; making in all the total weekly sum of €.....,



(regarding costs)

THAT the respondent do pay to the applicant the sum of €..... being the costs of these proceedings.

\*(AND FURTHER ORDERS as follows;— .....)

Dated this .... day of ..... 20.....

Signed .....  
Judge of the District Court

**WARNING**

Where this order contains a direction regarding the custody of a child or the right of access to a child, any person who fails or refuses to give up the child or to allow access to the child as required shall be guilty of an offence and shall be liable on summary conviction to a Class C fine, being a fine not exceeding €2,500 or to imprisonment not exceeding twelve months, or to both.

\*Delete where inapplicable

SCHEDULE C

O. 58, r. 4(9)

Guardianship of Infants Act 1964, section 8(4) and 8(5)

Notice of Application to remove from office a guardian (and to appoint another)

District Court Area of

District No.

..... Applicant

..... Respondent

TAKE NOTICE that the above-named applicant of ..... in the court (area and) district aforesaid, WILL APPLY at the sitting of the District Court to be held at ..... on the... day of ..... 20..., at .... a.m./p.m. FOR AN ORDER under section8(4) of the above-mentioned Act removing from office the respondent, of .....\*in court (area and) district aforesaid, guardian

\*appointed by \*will/\*deed dated the ... day of ..... 19/20...

\*appointed by order of the court made the ... day of ..... 19/20...

\*holding office by virtue of the circumstances set out in \*section 2(4), \*section 2(4A), \*section 6B(3), \*section 6B(4), of the Act

\*holding office by virtue of section 6D, and subject to section 6D(2), of the Act

of ..... born on ....., ..... born on ....., (a) child(ren) residing at ..... \*[and for an order under section 8(5) of the Act appointing ..... of ..... to be guardian in his/her place]

Dated this ... day of ..... 20...

Signed ..... Applicant/Solicitor for the Applicant

To: District Court Clerk at.....

To .....of.....

\*Delete inapplicable words

No. 58.13

SCHEDULE C

O. 58, r.4(9)

Guardianship of Infants Act 1964, section 8(4) and (5)

Order removing from office a guardian \*(and appointing another)

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to the Court on this date by the above-named applicant of ....., in the court (area and) district aforesaid, for order(s) under section(s) 8(4) (\*and 8(5)) of the Act in respect of the above-named respondent, of ..... \*in court (area and) district aforesaid, guardian

\*appointed by \*will/\*deed dated the ... day of..... 19/20....

\*appointed by order of the court made the ... day of ..... 19/20....

\*holding office by virtue of the circumstances set out in \*section 2(4), \*section 2(4A), \*section 6B(3), \*section 6B(4), of the Act

\*holding office by virtue of section 6D, and subject to section 6D(2), of the Act

of ..... born on ....., ..... born on ....., (a) child(ren) residing at .....

THE COURT being satisfied that notice of the application has been duly served, and that the best interests of the child(ren) require the making of this order,

HEREBY ORDERS that the respondent be removed from office as guardian of the child(ren),

\*(AND APPOINTS ..... of ..... as guardian in his/her place).

\*(AND DIRECTS as follows:— .....

Dated this ... day of ..... 20...

Signed .....  
Judge of the District Court

\*Delete inapplicable words.

SCHEDULE C  
O. 58, r. 5(1)

Guardianship of Infants Act 1964

Notice of application under section 11 for the court’s direction

District Court Area of

District No.

..... Applicant

..... Respondent(s)

TAKE NOTICE that application will be made at the sitting of the District Court to be held at ..... on the... day of ..... 20 ... at... a.m./p.m.

\*[under section 11(1) of the Act by the above-named applicant of..... in court (area and) district aforesaid, being a guardian of ..... born on ....., ..... born on ....., (a) child(ren) residing at ..... for the Court’s direction on the following question affecting the welfare of the child(ren)]

e.g. regarding custody, access, maintenance or any other matter)—

\*[under section 11(1) by the above-named applicant of ..... in court \*(area and) district aforesaid, being a parent of and not being a guardian of, ..... born on ....., ..... born on ....., (a) child(ren) residing at ..... whose parents have not married each other in accordance with section 11(4) of the Act (as substituted by section 53 of the Children and Family Relationships Act 2015), for the Court’s direction regarding the custody of the child(ren) and the right of access thereto of the applicant or the child(’s)(rens’) other parent].

Dated this ... day of ..... 20...

Signed .....  
Applicant/Solicitor for the Applicant

To: District Court Clerk at.....

To..... of .....

\*Delete inapplicable words

No. 58.18

SCHEDULE C

O. 58, r. 5

Guardianship of Infants Act 1964, section 11

ORDER ON QUESTION AFFECTING WELFARE OF CHILD(REN)

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date under section 11(1) of the Act, for the Court’s direction regarding the welfare of ..... born on ....., ..... born on ....., (a) child(ren) residing at .....

\*[by the above-named applicant of ..... in court \*(area and) district aforesaid, being a guardian of the said child(ren) for the Court’s direction on the following question affecting the welfare of the said child(ren)]—

\*[by the above-named applicant of ..... in court \*(area and) district aforesaid, being a parent of and not being a guardian of the said child(ren) whose parents have not married each other in accordance with section 11(4) of the Act (as substituted by section 53 of the Children and Family Relationships Act 2015), for the Court’s direction regarding the custody of the child(ren) and the right of access thereto of the applicant or the child(’s)(rens’) other parent].

THE COURT being satisfied that notice of the application was duly served, and having heard the submissions made herein, and being satisfied that the best interests of the child(ren) require the making of this order,

HEREBY DIRECTS (regarding custody and access — for example —)

\*that the custody care and control of the said child(ren) be given to the \*(applicant) \*(respondent) and that access to the said child(ren) by the \*(respondent) \*(applicant) be allowed on every ..... day between the hours of ..... a.m./p.m., and ..... a.m./p.m. the \*(applicant) \*(respondent) to collect the child(ren) from ..... and return the child(ren) to ..... and that access be allowed at such further or other times as may be agreed

—Provided that the party to whom custody of the said child(ren) is hereby given shall not remove the said child(ren) from the jurisdiction of this Court without having first obtained the consent in writing of the other party or the leave of this Court or of any other Court of competent jurisdiction.

(regarding maintenance — for example —)

\*that the said ..... do pay to the said ..... the weekly sum of €..... towards the maintenance of (each of) the said child(ren), namely

..... born on .....

..... born on .....

until such child shall attain the age of 18 years, and thereafter if, when the child has attained that age, he or she

(i) is or will be, or if any order were made under the Act providing for payment of maintenance for the benefit of the child, would be, receiving full-time education or instruction at a university, college, school or other establishment, and who has not attained the age of 23 years; or

(ii) has a mental or physical disability to such extent that it is not reasonably possible for him or her to maintain himself or herself fully;

making in all the total weekly sum of €.....

(regarding any other question or matter)

\*that (regarding costs)

\*that the above-named \*(respondent) \*(applicant) do pay to the above-named \*(applicant) \*(respondent) the sum of €..... being the costs of these proceedings.

Dated this .... day of ..... 20.....

Signed .....  
Judge of the District Court

**WARNING**

Where this order contains a direction regarding the custody of a child or the right of access to a child, any person who fails or refuses to give up the child or to allow access to the child as required shall be guilty of an offence and shall be liable on summary conviction to a Class C fine, being a fine not exceeding €2,500 or to imprisonment not exceeding twelve months, or to both.

\*Delete where inapplicable

**Schedule 6**

No. 54.30

O. 54, r.4(4)

Family Law (Maintenance of Spouses and Children) Act 1976  
Section 5B (inserted by section 73 of the Children and Family Relationships  
Act 2015)  
Maintenance Summons

District Court Area of

District No.

..... Applicant

..... Respondent

WHEREAS AN APPLICATION has been made by the above-named mainten-  
ance applicant, \*(residing) \*(carrying on a profession, business or occupation)  
at ..... \*(in court area and district aforesaid), who is \*a parent of \*  
*in loco parentis* to

..... born on .....,

..... born on .....,

(a) dependent child(ren) under the age of 18 years of age for the issue of a  
summons seeking a maintenance order against you (being the cohabitant of the  
above-named maintenance applicant) on the grounds THAT YOU the above-  
named respondent, \*(residing) \*(carrying on profession, business or occupation)  
at ..... \*(in court area and district aforesaid),

(a) being the cohabitant of the maintenance applicant,

(b) not being the parent of the dependent child(ren), and

(c) being a guardian of the dependent child(ren) appointed under section 6C of  
the Guardianship of Infants Act 1964

HAVE FAILED TO PROVIDE SUCH MAINTENANCE as is proper in the  
circumstances for the said dependent child(ren).

THIS IS TO COMMAND YOU the maintenance respondent to appear at the  
sitting of the District Court for the court area and district aforesaid to be held  
at ..... on the ... day of .... 20... at ...a.m./p.m. on the hearing of the said  
application for a maintenance order.

Dated this ... day of ..... 20....

Signed .....  
Judge of the District Court  
(or) Peace Commissioner  
(or) District Court Clerk

48 [17]

To  
of  
the above-named maintenance respondent



No. 54.31

O. 54, r. 4(4)

Family Law (Maintenance of Spouses and Children) Act 1976  
Section 5B (inserted by section 73 of the Children and Family Relationships  
Act 2015)  
Maintenance Order

District Court Area of

District No.

..... Maintenance Applicant/Maintenance Creditor

..... Respondent/Maintenance Debtor

UPON HEARING AN APPLICATION made to this Court today by the  
above-named maintenance creditor \*(residing) \*(carrying on a profession, busi-  
ness or occupation) at .....\*(in court area and district aforesaid) who is  
\*a parent of \*in loco parentis to

..... born on .....,

..... born on .....,

(a) dependent child(ren) under the age of 18 years of age

FOR A MAINTENANCE ORDER against the above-named maintenance  
debtor on the ground that the maintenance debtor \*(residing) (carrying on a  
profession, business or occupation) at .....\*(in court area and district  
aforesaid),

(a) being the cohabitant of the maintenance creditor,

(b) not being the parent of the dependent child(ren), and

(c) being a guardian of the dependent child(ren) appointed under section 6C of  
the Guardianship of Infants Act 1964, has failed to provide such maintenance  
as is proper in the circumstances for the said dependent child(ren)

†AND THE COURT BEING SATISFIED that the summons herein dated the  
... day of ..... 20., was duly served upon the maintenance debtor,

†AND HAVING HEARD the evidence tendered by or on behalf of the main-  
tenance creditor \*(and the maintenance debtor),

\*(BY CONSENT) THE COURT HEREBY ORDERS

1. That the maintenance debtor pay to the maintenance creditor for such period  
during the lifetime of the maintenance creditor as the court may consider proper  
the weekly sum of €..... for the support of each dependent child named  
hereunder until \*(specify period) ..... \*such child shall attain the age of 18 years

..... born on .....,

..... born on .....

..... born on .....

making in all the total weekly sum of €.....,

2. That the first of such payments be made on the ... day of ..... 20...

\*(3. That the maintenance debtor pay to the maintenance creditor the sum of €..... being the costs and expenses incurred in obtaining this order),

\*(AND THE COURT DIRECTS pursuant to section 9(1)(a) of the above Act that the payments aforesaid be made to the District Court Clerk at .....)

\*(AND the maintenance creditor requesting the Court not to do so, and the Court considering that it would not be proper to do so, THE COURT MAKES NO DIRECTION pursuant to section 9(1)(a) of the above Act).

\*(AND THE COURT FURTHER ORDERS the maintenance debtor to secure the payments as aforesaid to the maintenance creditor in the following manner:- .....).

Dated this ... day of ..... 20...

Signed .....  
Judge of the District Court

\*delete words inapplicable

†delete where order is made by consent

No. 54.32

O. 54, r. 4(5)

Family Law (Maintenance of Spouses and Children) Act 1976  
Section 5C (inserted by section 73 of the Children and Family Relationships  
Act 2015)  
Maintenance Summons

District Court Area of ..... District No. ....  
..... Applicant  
..... Respondent

WHEREAS AN APPLICATION has been made by the above-named appli-  
cant, \*(residing) \*(carrying on profession, business or occupation) at .....  
\*(in court area and district aforesaid), not being \*a parent of \*in loco parentis to

..... born on .....,

..... born on .....,

(a) dependent child(ren) under the age of 18 years of age for the issue of a  
summons seeking a maintenance order against you on the grounds THAT YOU  
the above-named respondent, \*(residing) \*(carrying on profession, business or  
occupation) at ..... \*(in court area and district aforesaid),

(a) being the relevant cohabitant,

(b) not being the parent of the dependent child(ren), and

(c) being a guardian of the dependent child(ren) appointed under section 6C of  
the Guardianship of Infants Act 1964

HAVE FAILED TO PROVIDE SUCH MAINTENANCE as is proper in the  
circumstances for the said dependent child(ren).

THIS IS TO COMMAND YOU the maintenance respondent to appear at the  
sitting of the District Court for the court area and district aforesaid to be held  
at ..... on the ... day of ..... 20... at...a.m./p.m. on the hearing of the said appli-  
cation for a maintenance order.

Dated this ... day of ..... 20....

Signed .....  
Judge of the District Court  
(or)  
Peace Commissioner  
(or)  
District Court Clerk

To  
of  
the above-named maintenance respondent

O. 54, r. 4(5)

Family Law (Maintenance of Spouses and Children) Act 1976  
Section 5C (inserted by section 73 of the Children and Family Relationships  
Act 2015)

Maintenance Order

District Court Area of District No.

..... Applicant/Maintenance Creditor

..... Respondent/Maintenance Debtor

UPON HEARING AN APPLICATION made to this Court today by the above-named maintenance creditor \*(residing) (carrying on a profession, business or occupation) at .....\*(in court area and district aforesaid) not being \*a parent of \*in loco parentis to

..... born on .....,

..... born on .....,

(a) dependent child(ren) under the age of 18 years of age

FOR A MAINTENANCE ORDER against the above-named maintenance debtor on the ground that the maintenance debtor \*(residing) (carrying on a profession, business or occupation) at .....\*(in court area and district aforesaid),

(a) being the relevant cohabitant;

(b) not being the parent of the dependent child(ren), and

(c) being a guardian of the dependent child(ren) appointed under section 6C of the Guardianship of Infants Act 1964, has failed to provide such maintenance as is proper in the circumstances for the said dependent child(ren)

†AND THE COURT BEING SATISFIED that the summons herein dated the ... day of ..... 20.., was duly served upon the maintenance debtor,

†AND HAVING HEARD the evidence tendered by or on behalf of the maintenance creditor \*(and the maintenance debtor),

\*(BY CONSENT) THE COURT HEREBY ORDERS

1. That the maintenance debtor pay to the maintenance creditor for such period during the lifetime of the maintenance creditor as the court may consider proper the weekly sum of €..... for the support of each dependent child named hereunder until \*(specify period)..... \*such child shall attain the age of 18 years

..... born on .....

..... born on .....

..... born on .....

making in all the total weekly sum of €.....,

2. That the first of such payments be made on the ... day of ..... 20..

\*(3. That the maintenance debtor pay to the maintenance creditor the sum of €..... being the costs and expenses incurred in obtaining this order),

\*(AND THE COURT DIRECTS pursuant to section 9(1)(a) of the above Act that the payments aforesaid be made to the District Court Clerk at .....

\*(AND the maintenance creditor requesting the Court not to do so, and the Court considering that it would not be proper to do so, THE COURT MAKES NO DIRECTION pursuant to section 9(1)(a) of the above Act).

\*(AND THE COURT FURTHER ORDERS the maintenance debtor to secure the payments as aforesaid to the maintenance creditor in the following manner:- .....).

Dated this ... day of ..... 20...

Signed .....  
Judge of the District Court

\*delete words inapplicable

†delete where order is made by consent

SCHEDULE C

O. 58, r. 4(2)

Guardianship of Infants Act 1964, section 6C (inserted by section 49 of the Children and Family Relationships Act 2015)

Notice of application by an eligible person to be appointed a guardian

District Court Area of

District No.

..... Applicant

..... Respondent

TAKE NOTICE that the above-named applicant of ..... in the court \*(area and) district aforesaid, who is over the age of 18 years, will apply at the sitting of the District Court to be held at ..... on the ... day of ..... 20.., at .... a.m./p.m. for an order under section 6C of the Act appointing \*him/\*her, not being a parent of, to be a guardian of..... born on....., ..... born on ....., (a) child(ren) residing at .....

\*On the date of the application, the applicant—

(i) is married to or is in a civil partnership with, or has been for over 3 years a cohabitant of, a parent of the said child(ren), and

(ii) has shared with that parent responsibility for the said child(ren)'s day-to-day care for a period of more than 2 years.

\*On the date of the application, the applicant—

(i) has provided for the said child(ren)'s day-to-day care for a continuous period of more than 12 months, and

(ii) the said child(ren) has/have no parent or guardian who is willing or able to exercise the rights and responsibilities of guardianship in respect of the child(ren).

Dated this... day of.... 20..

Signed .....  
Applicant/Solicitor for the Applicant

To The District Court Clerk, District Court Office, at .....

and

To .....of ....., parent/guardian of the said child(ren)

\*And to the Child and Family Agency Tusla at .....

\*Delete inapplicable words

SCHEDULE C

O. 58, r. 4(2)

Guardianship of Infants Act 1964, section 6C (inserted by section 49 of the Children and Family Relationships Act 2015)

Order appointing eligible person to be a guardian

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant, of ..... in the court (area and) district aforesaid, for an order under section 6C of the Act appointing \*him/\*her, not being a parent of, to be a guardian of ..... born on ....., ..... born on ....., (a) child(ren) residing at .....

THE COURT

being satisfied that the said applicant is over the age of 18 years

being satisfied that notice of application herein has been duly served upon each parent and guardian of the child(ren) concerned \*and upon the Child and Family Agency

\*being satisfied that on the date of the application, the applicant—

(i) was \*married to \*in a civil partnership with \*has been for over 3 years a cohabitant of, a parent of the said child(ren), and

(ii) has shared with that parent responsibility for the said child(ren)'s day-to-day care for a period of more than 2 years

\*being satisfied that on the date of the application, the applicant—

(i) has provided for the said child(ren)'s day-to-day care for a continuous period of more than 12 months, and

(ii) the said child(ren) has/have no parent or guardian who is willing or able to exercise the rights and responsibilities of guardianship in respect of the child(ren)

Having heard the evidence of the applicant \*(and of the parent(s) of the child(ren) \*(and of the guardian(s) of the child(ren)

Having ensured that the child(ren) concerned, to the extent possible given \*his/\*her/\*their age and understanding, \*has/\*have had the opportunity to



make \*his/\*her/\*their views on the matter known \*and having regard to those views

Having regard to the number of persons who are guardians of the child(ren) concerned, and the degree to which those persons are involved in the upbringing of the child(ren)

\*and being satisfied that the applicant and each guardian of the child(ren) consents to the making of this Order/\*and being satisfied that the consent of ..... a guardian of the child to the making of this Order is unreasonably withheld and that it is in the best interests of the said child(ren) to make such an order, ORDERS that the consent of the said ..... be and is hereby dispensed with, for the purposes of section 6C of the said Act

and being satisfied that the best interests of the child(ren) require the making of this Order;

HEREBY APPOINTS the above-named applicant to be a guardian of the said child(ren) pursuant to section 6C of the Act.

\*And having regard to the relationship between the child(ren) concerned and the said applicant so appointed as guardian of the child(ren), and the best interests of the child(ren), one or both of the parents of the child(ren) being still living, THE COURT EXPRESSLY ORDERS pursuant to section 6C(9) of the said Act that the said applicant so appointed as guardian of the child(ren) shall enjoy the following rights and responsibilities of a guardian to the extent specified as follows and subject to the limitations specified as follows—

Rights and responsibilities of a guardian enjoyed by applicant appointed as guardian	Extent to which rights and responsibilities enjoyed by applicant appointed as guardian	Limitations (if any)
*(a) to decide on the child(ren)'s place of residence		
*(b) to make decisions regarding the child(ren)'s religious, spiritual, cultural and linguistic upbringing		
*(c) to decide with whom the child(ren) is/are to live		
*(d) to consent to medical, dental and other health related treatment for the child(ren), in respect of which a guardian's consent is required		

Rights and responsibilities of a guardian enjoyed by applicant appointed as guardian	Extent to which rights and responsibilities enjoyed by applicant appointed as guardian	Limitations (if any)
*(e) under- *(i) section 2A(2) of the Firearms Act 1925; *(ii) section 5 of the Protection of Young Persons (Employment) Act 1996; *(iii) sections 50 and 50A of the International Criminal Court Act 2006; *(iv) sections 79, 79A and 79B of the Criminal Justice (Mutual Assistance) Act 2008; *(v) section 14 of the Passports Act 2008; *(vi) the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014.		
*(f) to place the child(ren) for adoption, and consent to the adoption of the child(ren), under the Adoption Act 2010		

\*And the Court orders, in respect of the prior appointment of..... as guardian of the child(ren) that.....

Dated this... day of.... 20...

Signed .....  
 Judge of the District Court

\*Delete inapplicable words

No. 58.32

SCHEDULE C

O. 58, r. 4(3)

Guardianship of Infants Act 1964, section 6E(2) (inserted by section 49 of the Children and Family Relationships Act 2015)

Nomination

TAKE NOTICE that I, ..... of ....., being a qualifying guardian of ..... born on ....., ..... born on ....., (a) child(ren) residing at ....., hereby nominate .....of ....., in the event that I become incapable through serious illness or injury of exercising the rights and responsibilities of guardianship, to be temporary guardian of the said child(ren), subject to an Order to that effect being made by the District Court and subject to the terms of any such Order.

I hereby specify that if so appointed as temporary guardian, the rights and responsibilities of the said ..... as temporary guardian shall be subject to the following limitations—

Rights and responsibilities of a guardian	Limitations (if any)
*(a) to decide on the child(ren)'s place of residence	
*(b) to make decisions regarding the child(ren)'s religious, spiritual, cultural and linguistic upbringing	
*(c) to decide with whom the child(ren) is/are to live	
*(d) to consent to medical, dental and other health related treatment for the child(ren), in respect of which a guardian's consent is required	
*(e) under- *(i) section 2A(2) of the Firearms Act 1925; *(ii) section 5 of the Protection of Young Persons (Employment) Act 1996; *(iii) sections 50 and 50A of the International Criminal Court Act 2006; *(iv) sections 79, 79A and 79B of the Criminal Justice (Mutual Assistance) Act 2008; *(v) section 14 of the Passports Act 2008; *(vi) the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014.	
*(f) to place the child(ren) for adoption, and consent to the adoption of the child(ren), under the Adoption Act 2010	

Dated: .....

Signed: .....

Witness .....

(Named, address and occupation)

SCHEDULE C  
O. 58, r. 4(3)

Guardianship of Infants Act 1964, section 6E(3) (inserted by section 49 of the  
Children and Family Relationships Act 2015)

Notice of application for appointment of nominated person as temporary  
guardian

District Court Area of

District No.

..... Applicant

..... Respondent

TAKE NOTICE that the above-named applicant of ..... in the court \*  
(area and) district aforesaid, who is a \*qualifying guardian \*nominated person  
(within the meaning of section 6E of the above-mentioned Act) in respect of  
..... born on ....., ..... born on  
....., (a) child(ren) residing at .....

will apply at the sitting of the District Court to be held at ..... on the ... day of  
.... 20., at ... a.m./p.m. for an order under section 6E of the Act appointing \*(the  
said) ..... \*of ..... \*in the court (area and) district aforesaid, a  
nominated person (within the meaning of section 6E of the above-mentioned  
Act to be a temporary guardian of the said child(ren) in lieu of  
.....of..... \*in the court (area and) district aforesaid, qualify-  
ing guardian of said child(ren), on the grounds that the said qualifying guardian  
is incapable through serious illness or injury of exercising the rights and  
responsibilities of guardianship.

Dated this... day of.... 20..

Signed .....  
Applicant/Solicitor for the Applicant

To The District Court Clerk, District Court Office, at .....

and

To .....of ....., guardian of the said child(ren)  
\*To .....of ....., nominated person  
\*To .....of ....., parent of the said child(ren)

And to the Child and Family Agency Tusla at

\*Delete inapplicable words

No. 58.34

SCHEDULE C

O. 58, r. 4(3)

Guardianship of Infants Act 1964, section 6E(5) (inserted by section 49 of the Children and Family Relationships Act 2015)

Order appointing nominated person to be a temporary guardian

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant, of ..... in the court (area and) district aforesaid, for an order under section 6E of the above-mentioned Act appointing ..... of ....., nominated person to be a temporary guardian of ..... born on ....., ..... born on ....., (a) child(ren) residing at ..... in lieu of .....of ..... \*in the court (area and) district aforesaid, qualifying guardian of said child(ren), on the grounds that the said qualifying guardian is incapable through serious illness or injury of exercising the rights and responsibilities of guardianship

THE COURT

being satisfied that notice of application herein has been duly served upon each guardian of the child(ren) concerned \*and upon a parent of the child who is not the child’s guardian \*and upon the said nominated person and upon the Child and Family Agency

Having heard the evidence offered and read the nomination

Having heard the views of \*(the parent(s) of the child(ren) \*(the guardian(s) of the child(ren) \*including the said qualifying guardian) \*(the nominated person) \*(the Child and Family Agency)

Having ensured that the child(ren) concerned, to the extent possible given \* his/\*her/\*their age and understanding, \*has/\*have the opportunity to make \* his/\*her/\*their views on the matter known, and taking account of those views

Being satisfied that—

(a) the qualifying guardian is incapable through serious illness or injury of exercising the rights and responsibilities of guardianship,

(b) the nominated person is a fit and proper person to exercise the rights and responsibilities specified in section 6E(8)of the above-mentioned Act, and

(c) it is in the best interests of the child concerned for the nominated person to become the temporary guardian of the child(ren).

and being satisfied that the best interests of the child(ren) require the making of this Order;

HEREBY APPOINTS the said ..... to be temporary guardian of the said child(ren) pursuant to section 6E of the Act.

\*And imposes the following limitations as the Court considers necessary in the best interests of the child(ren) on the exercise by the said temporary guardian of the rights and responsibilities of guardianship-

Rights and responsibilities of a guardian enjoyed by applicant appointed as guardian	Limitations (if any)
*(a) to decide on the child(ren)'s place of residence	
*(b) to make decisions regarding the child(ren)'s religious, spiritual, cultural and linguistic upbringing	
*(c) to decide with whom the child(ren) is/are to live	
*(d) to consent to medical, dental and other health related treatment for the child(ren), in respect of which a guardian's consent is required	
*(e) under- *(i) section 2A(2) of the Firearms Act 1925; *(ii) section 5 of the Protection of Young Persons (Employment) Act 1996; *(iii) sections 50 and 50A of the International Criminal Court Act 2006; *(iv) sections 79, 79A and 79B of the Criminal Justice (Mutual Assistance) Act 2008; *(v) section 14 of the Passports Act 2008; *(vi) the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014.	
*(f) to place the child(ren) for adoption, and consent to the adoption of the child(ren), under the Adoption Act 2010	

\*And the Court imposes the following conditions pursuant to section 6E(6)(b) of the Act as the Court considers necessary in the best interests of the child(ren) relating to the periodic review by the Court of the appointment of the person as temporary guardian [specify conditions] \*and for that purpose directs that the matter be listed before the Court sitting at .....on the .....day of ..... 20... at .... o'clock on notice to .....

Dated this ... day of ..... 20...

Signed .....  
 Judge of the District Court

\*Delete inapplicable words

No. 58.35

SCHEDULE C

O. 58, r. 4(4)

Guardianship of Infants Act 1964, section 6E(9) (inserted by section 49 of the Children and Family Relationships Act 2015)

Notice of application for order under section 6E(11)

District Court Area of

District No.

..... Applicant

..... Respondent

TAKE NOTICE that the above-named applicant of ..... in the court \*(area and) district aforesaid, who is a \*temporary guardian \*qualifying guardian (within the meaning of section 6E of the above-mentioned Act) in respect of ..... born on ....., ..... born on ....., (a) child(ren) residing at .....

will apply at the sitting of the District Court to be held at ..... on the ... day of .... 20., at ..... a.m./p.m. for an order under section 6E(11) of the Act, on the grounds that the said qualifying guardian is no longer incapable of exercising the rights and responsibilities of guardianship.

Dated this ... day of ..... 20..

Signed .....

Applicant/Solicitor for the Applicant

To The District Court Clerk, District Court Office, at .....

and

To .....of ....., guardian of the said child(ren)

To .....of ....., parent of the said child(ren)

And to the Child and Family Agency Tusla at .....

\*Delete inapplicable words

SCHEDULE C

O. 58, r. 4(4)

Guardianship of Infants Act 1964, section 6E(11) (inserted by section 49 of the Children and Family Relationships Act 2015)

Order under section 6E(11)

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant, of ..... in the court (area and) district aforesaid, who is a \*temporary guardian \*qualifying guardian (within the meaning of section 6E of the above-mentioned Act) in respect of ..... born on ..... born on ....., (a) child(ren) residing at ..... for an order under section 6E(11) of the above-mentioned Act on the grounds that the said qualifying guardian is no longer incapable through serious illness or injury of exercising the rights and responsibilities of guardianship in respect of the above-named child(ren)

THE COURT

being satisfied that notice of application herein has been duly served upon each guardian of the child(ren) concerned and upon each parent of the child who is not the child’s guardian and upon the Child and Family Agency

Having heard the evidence offered

Having heard the views of \*(the parent(s) of the child(ren) \*(the guardian(s) of the child(ren) \*including the said qualifying guardian) \*(the temporary guardian) \*(the Child and Family Agency)

Having ensured that the child(ren) concerned, to the extent possible given \*his/\*her/\*their age and understanding, \*has/\*have the opportunity to make \*his/\*her/\*their views on the matter known, and taking account of those views

\*CONFIRMS that the appointment of the said ....., temporary guardian, shall continue in force,

\*ORDERS that the said ....., qualifying guardian is capable of exercising the rights and responsibilities of guardianship and REVOKES the appointment of said ..... as temporary guardian,

\*ORDERS that the said ....., qualifying guardian shall have the rights and responsibilities of guardianship following specified and that the other rights



and responsibilities of guardianship shall be exercised by the said qualifying guardian and the said ....., temporary guardian jointly.

Rights and responsibilities of a guardian enjoyed by the qualifying guardian
*(a) to decide on the child(ren)'s place of residence
*(b) to make decisions regarding the child(ren)'s religious, spiritual, cultural and linguistic upbringing
*(c) to decide with whom the child(ren) is/are to live
*(d) to consent to medical, dental and other health related treatment for the child(ren), in respect of which a guardian's consent is required
*(e) under- *(i) section 2A(2) of the Firearms Act 1925; *(ii) section 5 of the Protection of Young Persons (Employment) Act 1996; *(iii) sections 50 and 50A of the International Criminal Court Act 2006; *(iv) sections 79, 79A and 79B of the Criminal Justice (Mutual Assistance) Act 2008; *(v) section 14 of the Passports Act 2008; *(vi) the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014.
*(f) to place the child(ren) for adoption, and consent to the adoption of the child(ren), under the Adoption Act 2010

\*This Order shall remain in effect for the period of ..... from the date hereof.

\*And the Court imposes the following conditions pursuant to section 6E(12)(b) of the Act as the Court considers necessary in the best interests of the child(ren) relating to the periodic review by the Court of this Order [specify conditions] \*and for that purpose directs that the matter be listed before the Court sitting at ..... on the .....day of .....20... at .... o'clock on notice to .....

\*[Specify any provisions for additional matters as the Court considers necessary in the best interests of the child concerned made in accordance with section 6E(12)(c) of the Act].

Dated this ... day of ..... 20...

Signed .....  
 Judge of the District Court

\*Delete inapplicable words

SCHEDULE C

O. 58, r.4(5)

Guardianship of Infants Act 1964, section 6F(1) (inserted by section 49 of the Children and Family Relationships Act 2015)

Notice of application for a declaration that a person is or is not a guardian

District Court Area of

District No.

..... Applicant

..... Respondent

TAKE NOTICE that the above-named applicant of ..... in the court \*(area and) district aforesaid, being \*a guardian \*a person seeking a declaration that \*he/\*she is or is not a guardian by virtue of the circumstances set out in section 2(4A) or 6B(3) of the above-mentioned Act of ..... born on ....., ..... born on ....., (a) child(ren) residing at .....

will apply at the sitting of the District Court to be held at ..... on the .... day of ..... 20., at .... a.m./p.m. for a declaration under section 6F(1) of the above-mentioned Act that \*(the said) .....of.....in the court \*(area and) district aforesaid is or is not a guardian of the said child(ren) by virtue of the circumstances set out in section 2(4A) or section 6B(3) of the above-mentioned Act.

Dated this ... day of ..... 20..

Signed .....  
Applicant/Solicitor for the Applicant

To The District Court Clerk, District Court Office, at .....

and

To .....of ....., guardian of the said child(ren)

\*To .....of ....., the person named in the application in relation to whom the declaration is sought

No. 58.38

SCHEDULE C

O. 58, r. 4(5)

Guardianship of Infants Act 1964, section 6F(1) (inserted by section 49 of the Children and Family Relationships Act 2015)

Order making a declaration that a person is or is not a guardian

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant, of ..... in the court (area and) district aforesaid, for a declaration under section 6F(1) of the above-mentioned Act that \*(the said) ..... of ..... in the court \*(area and) district aforesaid is or is not a guardian by virtue of the circumstances set out in section 2(4A) or section 6B(3) the above-mentioned Act of ..... born on ....., ..... born on ....., (a) child(ren) residing at .....

THE COURT

being satisfied that notice of application herein has been duly served upon each guardian of the child(ren) concerned and upon the person named in the application in relation to whom the declaration is sought

Having heard the evidence offered

BEING SATISFIED on the balance of probabilities that the said ....., a person named in the application \*is /\*is not a guardian by virtue of the circumstances set out in section 2(4A) or section 6B(3) of the said Act of the said child(ren)

HEREBY DECLARES THAT ....., a person named in the application \*is \*is not a guardian of the said child(ren) by virtue of the circumstances set out in section 2(4A) or section 6B(3) of the said Act.

Dated this ... day of ..... 20...

Signed .....

Judge of the District Court

\*Delete inapplicable words

SCHEDULE C

O. 58, r. 4(5)(i)

Guardianship of Infants Act 1964 section 8(6)

Notice of application to remove from office a guardian

District Court Area of

District No.

..... Applicant

..... Respondent

TAKE NOTICE that the above-named applicant of ..... in the court (area and) district aforesaid, being a \*guardian \*proposed guardian of ..... born on ....., ..... born on ..... (a) child(ren) residing at ..... \*WILL APPLY at the sitting of the District Court to be held at ..... on the ... day of ..... 20..., at ... a.m./p.m. FOR AN ORDER under section 8(6) of the above-mentioned Act removing from office the respondent, of .....\*in court (area and) district aforesaid, guardian

\*appointed pursuant to section \*6A \*6C \*7 \*8(1) \*8(2) of the above-mentioned Act

\*who holds office by virtue of the circumstances set out in section \*2(4) \*2(4A) \*6B(3) \*6B(4) of the above-mentioned Act

\*who holds office by virtue of section 6D of the above-mentioned Act

of the said ..... born on ....., ..... born on ..... (a) child(ren) residing at .....

\*[and for an order under section 8(5) of the Act appointing ..... of ..... to be guardian of the said child(ren)]

Dated this ... day of ..... 20...

Signed ..... Applicant/Solicitor for the Applicant

To: District Court Clerk at.....

To: .....of.....

\*Delete inapplicable words

No. 58.40

SCHEDULE C  
O.58,r.4(11)

Guardianship of Infants Act 1964 section 8(6)

Order removing from office a guardian

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to the Court on this date by the above-named applicant of ..... in the court (area and) district aforesaid, for order(s) under section 8(6) of the Act in respect of the above-named respondent, of ..... \*in court (area and) district aforesaid, guardian

\*appointed pursuant to section \*6A \*6C \*7 \*8(1) \*8(2) of the above-mentioned Act

\*who holds office by virtue of the circumstances set out in section \*2(4) \*2(4A) \*6B(3) \*6B(4) of the above-mentioned Act

\*who holds office by virtue of section 6D of the above-mentioned Act

of ..... born on ....., ..... born on .....  
(a) child(ren) residing at .....

THE COURT

Being satisfied that notice of the application has been duly served, and that the best interests of the child(ren) require the making of this order,

Being satisfied that

- (a) there is another guardian in place or about to be appointed,
- (b) it is in the best interests of the said child(ren) that the respondent guardian be removed from office,
- (c) for substantial reasons that appear to it to be sufficient, the Court considers it necessary or desirable to do so, and
- (d) the respondent guardian who is to be removed from office—

\*consents to the removal,

\*is unable or unwilling to exercise the powers, responsibilities and entitlements of guardianship in respect of the said child(ren),

\*has failed in \*his/\*her duty towards the said child(ren) to such extent that the safety or welfare of the child(ren) is likely to be prejudicially affected if \*he/\*she is not removed from office

HEREBY ORDERS that the respondent be removed from office as guardian of the child(ren),

\*(AND APPOINTS ..... of ..... as guardian pursuant to section 8(5) of the Act).

\*(AND DIRECTS as follows:—

Dated this... day of..... 20...

)  
Signed .....  
Judge of the District Court

\*Delete inapplicable words.

No. 58.41

SCHEDULE C

O. 58, r. 5(3)

Guardianship of Infants Act 1964

Notice of application under section 11E for custody

District Court Area of

District No.

..... Applicant

..... Respondent(s)

TAKE NOTICE that application will be made at the sitting of the District Court to be held at ..... on the ... day of ..... 20... at ..... a.m./p.m. under section 11E of the Act in respect of ..... born on ..... born on ..... (a) child(ren) residing at ..... by the above-named applicant of ..... in the court \*(area and)district aforesaid, being-

\*a person who is a relative of the said child(ren), namely \*his/\*her/\*their .....

\*[a person with whom the said child(ren) resides and the applicant

- (i) is or was married to or in a civil partnership with, or has been, for a period of over 3 years, the cohabitant of the parent of the child(ren), and
- (ii) has, for a period of more than 2 years, shared with that parent responsibility for the child(ren)'s day-to-day care]

\*[a person with whom the said child(ren) resides and the applicant

- (i) is an adult who has, for a continuous period of more than 12 months, provided for the child(ren)'s day-to-day care, and
- (ii) the child(ren)\* has/\*have no parent or guardian who is willing or able to exercise the rights and responsibilities of guardianship in respect of the child(ren)]

for an order giving the applicant custody of the said child(ren).

\*As necessary, an order dispensing with the consent of any guardian of the said child(ren) to the making of such order.

Dated this ... day of ..... 20...

Signed .....

Applicant/Solicitor for the Applicant

To: District Court Clerk at.....

To .....of.....

\*Delete inapplicable words



No. 58.42

SCHEDULE C  
O. 58, r. 5(3)

Guardianship of Infants Act 1964

Order under section 11E giving custody

District Court Area of

District No.

..... Applicant

..... Respondent(s)

UPON APPLICATION made to this Court on this date by the above-named applicant of ..... in the court \*(area and) district aforesaid, under Section 11E of the Act in respect of ..... born on .....,  
..... born on ..... (a) child(ren) residing at .....

THE COURT being satisfied that the applicant is

\*a person who is a relative of the said child(ren), namely \*his/\*her/\*their.....

\*[a person with whom the said child(ren) resides and the applicant

(i) is or was married to or in a civil partnership with, or has been, for a period of over 3 years, the cohabitant of the parent of the child(ren), and

(ii) has, for a period of more than 2 years, shared with that parent responsibility for the child(ren)'s day-to-day care]

\*[a person with whom the said child(ren) resides and the applicant

(i) is an adult who has, for a continuous period of more than 12 months, provided for the child(ren)'s day-to-day care, and

(ii) the child(ren) \*has/\*have no parent or guardian who is willing or able to exercise the rights and responsibilities of guardianship in respect of the child(ren)]

THE COURT being satisfied \*that each guardian of the child(ren) consents to the making of such order \*that it is in the best interests of the child(ren) to do so, dispensing with the consent of ..... of ..... a guardian of the child(ren)

and having regard to all the circumstances

HEREBY DIRECTS

\*that the custody care and control of the said child(ren) be given to the applicant

\*that the custody care and control of the said child(ren) be given to the applicant and to ....., a parent of the child(ren) jointly and—

(regarding residential arrangements — for example —)

\*that the child(ren) \*is/\*are to reside with ..... at ..... during .....

\*during any period when the child(ren) \*is/\*are not residing with the said parent....., that contact with the said child(ren) by the said parent be allowed on every ..... day between the hours of ..... a.m./p.m., and ..... a.m./p.m. the said..... to collect the child(ren) from ..... and return the child(ren) to ..... and that contact be allowed at such further or other times as may be agreed

—Provided that the party(ies) to whom custody of the said child(ren) is hereby given shall not remove the said child(ren) from the jurisdiction of this Court without having first obtained the consent in writing of every other party or the leave of this Court or of any other Court of competent jurisdiction.

Dated this ... day of ..... 20....  
Signed .....

Judge of the District Court

**WARNING**

Where this order contains a direction regarding the custody of a child or the right of access to a child, any person who fails or refuses to give up the child or to allow access to the child as required shall be guilty of an offence and shall be liable on summary conviction to a Class C fine, being a fine not exceeding €2,500 or to imprisonment not exceeding twelve months, or to both.

\*Delete where inapplicable

No. 58.43

SCHEDULE C

O. 58, r. 8(1)

Guardianship of Infants Act 1964, section 18A(1)

Notice of application for enforcement order

District Court Area of

District No.

..... Applicant

..... Respondent(s)

TAKE NOTICE that the above-named applicant of ..... in the court (area and) district aforesaid, being a \*guardian \*parent of ..... born on ....., ..... born on ..... (a) child(ren) residing at ..... WILL APPLY at the sitting of the District Court to be held at ..... on the ... day of ..... 20..., at .... a.m./p.m. FOR AN ENFORCEMENT ORDER under section 18A(1) of the above-mentioned Act.

The applicant has been granted, by order of the Court made under the said Act, \*custody of, \*access to, the said child(ren), and unreasonably denied such \*custody \*access by the respondent, who is another \*guardian \*parent of the said child(ren)

Dated this ... day of ..... 20...

Signed ..... Applicant/Solicitor for the Applicant

To: District Court Clerk at .....

To ..... of .....

\*Delete inapplicable words

SCHEDULE C

O. 58, r. 8(1)

Guardianship of Infants Act 1964, section 18A(1)

Enforcement order

District Court Area of

District No.

..... Applicant

..... Respondent(s)

UPON APPLICATION made to the Court on this date by the above-named applicant of ..... in the court (area and) district aforesaid, being a \*guardian \*parent of ..... born on ..... born on ..... (a) child(ren) residing at ..... for an enforcement order under section 18A(1) of the above-mentioned Act

THE COURT BEING SATISFIED that

notice of the application has been duly served on each parent and guardian of the said child(ren)

The applicant has been granted, by order of the Court made under the said Act (the "prior order"), \*custody of, \*access to, the said child(ren)

The applicant was unreasonably denied \*custody of, \*access to, the said child(ren), by the respondent

It is in the best interests of the said child(ren) to do so

It is otherwise appropriate in the circumstances of the case to do so

\*but being of the opinion that the denial of \*custody \*access was reasonable in the particular circumstances, hereby refuses the order sought

HEREBY ORDERS

\*the child(ren), to the extent possible given \*his/\*her/\*their age and understanding, \*has/\*have had the opportunity to make \*his/\*her/\*their views on the matter known to the Court, and the Court having taken said views into account, that the applicant be granted access to the said child(ren) for the periods of time between.....and ..... \*and .....and ..... (being periods of time in addition to the periods of time during which the applicant has access to the child under the prior order)which the Court considers necessary in order to allow any adverse effects on the relationship between the applicant and child(ren) caused by the denial of \*custody \*access to be addressed;

\*that the respondent reimburse the applicant the amount of €....., being the amount of necessary expenses actually incurred by the applicant in attempting to exercise \*his/\*her right under the prior order to \*custody of \*access to the child(ren)

\*that \*the respondent \*the applicant \*both the respondent and the applicant, in order to ensure future compliance by them with the prior order:—

\*attend \*individually \*together, a parenting programme, namely .....

\*avail \*individually \*together, of family counselling from .....

\*receive information, by ..... on the possibility of their availing of mediation as a means of resolving disputes between them, that adversely affect their parenting capacities, between the applicant and respondent.

Dated this ... day of ..... 20...

Signed .....  
Judge of the District Court

\*Delete inapplicable words.

SCHEDULE C

O. 58, r. 8(2)

Guardianship of Infants Act 1964, section 18C(1)

Notice of application for an order varying or terminating an enforcement order

District Court Area of

District No.

..... Applicant

..... Respondent

TAKE NOTICE that the above-named applicant of ..... in court \*(area and) district aforesaid, being a \*guardian \*parent \*state other relationship of applicant to child(ren) of the child(ren) mentioned below

WILL APPLY at the sitting of the District Court to be held at ..... on the ... day of ..... 20... at .... a.m./p.m. for an order under section 18C(1) of the Act in respect of ..... born on ..... born on ..... (a) child(ren) residing at .....

\*terminating the enforcement order made under section 18A(1) of the Act by the Court sitting at .....on the .... day of .....20...

\*varying the enforcement order made under section 18A(1) of the Act by the Court sitting at .....on the .... day of .....20...), in the following respects, by [set out variation sought]

Dated this ... day of ..... 20...

Signed ..... Applicant/Solicitor for the Applicant

To: District Court Clerk at.....

To .....of .....

\*Delete inapplicable words

No. 58.46

SCHEDULE C  
O. 58, r. 8(2)

Guardianship of Infants Act 1964, section 18C(1)

Order varying or terminating an enforcement order

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant of ..... in the court \*(area and) district aforesaid, being a \*guardian \*parent \*state other relationship of applicant to child(ren) of the child(ren) mentioned below) for an order under section 18C(1) of the Act in respect of ..... born on ....., ..... born on ..... (a) child(ren) residing at ..... \*terminating/\*varying an enforcement order made on the .... day of ..... 20....

THE COURT being satisfied that notice of the application was duly served on every person served with the application for an enforcement order

Having heard the evidence

BEING SATISFIED that it is in the best interests of the said child(ren) to do so

\*HEREBY TERMINATES the enforcement order made on the .... day of ..... 20....

\*HEREBY VARIES the enforcement order made on the .... day of ..... 20....

AS FOLLOWS- [*insert variation*]

Dated this ... day of ..... 20...

Signed .....  
Judge of the District Court

\*Delete inapplicable words

SCHEDULE C

O. 58, r. 8(3)

Guardianship of Infants Act 1964, section 18D(1)

Notice of application for order requiring reimbursement of necessary expenses

District Court Area of

District No.

..... Applicant

..... Respondent

WHEREAS the above-named respondent of.....in court (area and district) aforesaid being a \*guardian \*parent of ..... born on ..... born on ..... (a) child(ren) residing at ..... has been granted, by order of the Court made at ..... on the .....day of .....20... under the above-mentioned Act, \*custody of \*access to the said child(ren) and has failed, without reasonable notice to another \*guardian \*parent of the said child(ren), to exercise the right concerned

TAKE NOTICE that the above-named applicant of ..... in court \* (area and) district aforesaid, being the other \*guardian \*parent of the said child(ren) WILL APPLY at the sitting of the District Court to be held at ..... on the ... day of ..... 20... at.... a.m./p.m. for an order under section 18D(1) of the Act requiring the respondent to reimburse to the applicant the sum of €..... in respect of necessary expenses actually incurred by the applicant as a result of the failure of the respondent \*(and the costs of this application)

Dated this ... day of ..... 20...

Signed ..... Applicant/Solicitor for the Applicant

To: District Court Clerk at.....

To .....of .....

\*Delete inapplicable words



No. 58.48

SCHEDULE C

O. 58, r. 8(3)

Guardianship of Infants Act 1964, section 18D(1)

Order requiring reimbursement of necessary expenses

District Court Area of

District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant of ..... in the court \*(area and) district aforesaid, a \*guardian \*parent of ..... born on .....,..... born on ..... (a) child(ren) residing at ..... for an order under section 18D(1) of the Act requiring the respondent to reimburse to the applicant the sum of €.....in respect of necessary expenses actually incurred by the applicant as a result of the failure of the respondent to exercise the right of \*custody of \*access to the said child(ren) granted, by order of the Court made at ..... on the ..... day of .....20... under the above-mentioned Act \*(and the costs of this application),

THE COURT being satisfied that notice of the application was duly served on the respondent

Having heard the evidence

BEING SATISFIED that the respondent of ..... being a \*guardian \*parent of the said child(ren) has been granted, by the above-mentioned order of the Court \*custody of \*access to the said child(ren) and has failed, without reasonable notice to another \*guardian \*parent of the said child(ren), to exercise the right concerned

BEING SATISFIED that it is in the best interests of the said child(ren) to do so

\*HEREBY ORDERS the respondent to reimburse to the applicant the sum of €..... in respect of necessary expenses actually incurred by the applicant as a result of the failure of the respondent to exercise that right \*(and the sum of €..... for costs of this application).

Dated this ... day of ..... 20...

Signed .....

Judge of the District Court

\*Delete inapplicable words

SCHEDULE C  
O.58, r.4(12)

Guardianship of Infants Act 1964

Statement of Arrangements for child

Record number:

District Court Area of

District No.

..... Applicant

..... Respondent

Instructions for the applicant

Before applying to Court for an order under the Guardianship of Infants Act 1964, it is desirable that you try to reach an agreement with your spouse, civil partner, or any other person who is acting or wishes to act as guardian of the child or children (the “respondent”) about the proposals for the child’s or children’s future. You can attempt to do so by mediation. [If you reach an agreement, you can if you wish jointly agree a more detailed parenting plan for the child or children and attach that plan to this Statement of Arrangements].

Whether you have agreed the proposals or not, you must complete only Parts 1, 2 and 3 of this form and then sign it at the end of Part 3. Please ensure that factual information you give in this form is accurate. You may be asked to swear in court to the truth of your factual answers. The respondent will then complete section 4 or 5 as appropriate. You should take or send the form as completed by you together with a copy to the court office when you issue your application.

Instructions for the respondent

The applicant has completed Part 1, 2 and 3 of this form. Please read all parts of the form carefully.

If you agree with the accuracy of the current arrangements and you agree to the applicant’s proposals for the child or children you should sign Part 4 of the form and strike through Part 5. If you do not agree with the accuracy of the current arrangements and/or with all or some of the proposals, you should strike through Part 4 and complete Part 5 of this form. You should return one copy of the form as completed by you to the applicant or applicant’s solicitor, retaining a copy for your own use.

Information for all parties

The court, in deciding an application under the Guardianship of Infants Act 1964 will regard the best interests of the child as the first and paramount consideration. In such applications, the court may either (a) give such directions as

it thinks proper for the purpose of procuring from an expert a report in writing on any question affecting the welfare of the child; or (b) appoint an expert to determine and convey the child’s views, or do both. The court may do so either at the request of a party or without such a request, but having regard to any views expressed by or on behalf of a party or any other person concerned.

**Part 1 Details of the child/children**

Question 1. Details of child/children

Full name	Date of birth	Name and address of every other parent/ legal guardian /person acting in loco parentis

Question 2. Details of other children (not concerned in this application) of whom either parent is a parent or in loco parentis

Full name	Date of birth	Name of parent/person acting in loco parentis

**Part 2 Current arrangements for the child/children**

Please give details for each child, if arrangements are different. If necessary, continue on another sheet and attach it to this form.

Current living arrangements

Question 3. Where and with whom does/do the child/children currently live?

Name of child	Lives with	Address

Question 4. Is the place of residence in question 3 rented or owned and, if so, name the tenant(s) or owner(s)

Owned/rented	Name of owner/tenant

Question 5. Is the rent or mortgage being regularly paid and, if so, by whom?

Question 6. Give the 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

Name of other person	Living with child(ren) full-time/part-time	Relationship to child(ren)

Question 7. Is this current arrangement agreed by the applicant and the respondent(s)?

Yes/No

If No, please give details in the box below.

Current access arrangements

Question 8. What are the current access or contact arrangements between the child/children and the parent(s) or guardian(s) with whom the child/children does not live?

Question 9. Have you (the applicant) and the respondent(s) agreed to these current access or contact arrangements?

Yes/No

If No, please give details in the box below.

Current care arrangements

Question 10. Who currently cares for the child/children on a day to day basis?

Question 11. Have you (the applicant) and the respondent(s) agreed to the current care arrangements for the child/children on a daily basis?

Yes/No

If No, please give details in the box below.

### Education

Question 12. Give the name(s) of the school, college or place of training attended by the child/children.

Name of child	Name of the school, college or place of training attended	Address	Class/year

Question 13. Do any of the children have any special educational needs?

Yes/No

If Yes, please give details in the box below.

### Details of health

Question 14. Are the children generally in good health and without any special health needs?

Yes/No

If No, please give details of any disability, chronic illness, or the care needed and how it is to be provided, in the box below.

### Court proceedings concerning the child/children

Question 15. Are there, or have there been, any proceedings in any court (in Ireland or elsewhere) involving or affecting the child/children, for example:

- a) guardianship or access proceedings?
- b) maintenance?
- c) child care?
- d) adoption?
- e) wardship?

f) domestic violence (e.g. barring order or safety order concerning the place where the child/children live)?

Yes/No

If Yes, please give details in the box below. Please include information about any current proceedings in the family courts.

--

Question 16. If there is a maintenance order in place providing for maintenance of the child/children, please provide details below

Name of child	Name and address of person ordered to pay maintenance	Amount payable weekly

Question 17. Are any of the children in the care of the Child and Family Agency (Tusla) or under the supervision of a social worker or probation officer?

Yes/No

If Yes, please give details in the box below.

--

Question 18. Are any of the children the subject of a community sanction issued by the Children Court?

Yes/No

If Yes, please give details in the box below

--

### Mediation

Question 19. If you are not agreed as to the arrangements for the child/children, do you intend to:

- attempt to agree matters with the respondent(s) directly before coming to court?

Yes/No

- propose the use of Alternative Dispute Resolution such as mediation?

Yes/No

If No, would you agree to use Alternative Dispute Resolution such as mediation?

Yes/No

Question 20. Do you have a view on whether the Court should seek an expert report on any question affecting the welfare of the child/children?

Yes/No

If Yes, give details

Question 21. Do you have a view on whether the Court should appoint an expert to determine and convey the child’s/children’s views?

Yes/No

If Yes, give details

**Part 3 Applicant’s proposed arrangements for the child/children**

Proposed living arrangements

Question 22. What arrangements are you requesting about where and with whom the child/children live in your application?

Name of child	Proposed to live with	Address

Question 23. Is this proposed arrangement agreed by the applicant and the respondent(s)?

Yes/No

If No, please give details in the box below.

Proposed access arrangements

Question 24. What are the access or contact arrangements between the child/children and the parent(s) or guardian(s) with whom the child does not live you are requesting the court to make?

Question 25. Have you (the applicant) and the respondent(s) agreed to these proposed access or contact arrangements?

Yes/No

If No, please give details in the box below.

Proposed care arrangements

Question 26. Who do you propose the court should order will care for the child/children on a day to day basis?

Question 27. Have you (the applicant) and the respondent(s) agreed to the proposed care arrangements for the child/children on a daily basis?

Yes/No

If No, please give details in the box below.

Signed: .....

Applicant

Name (BLOCK CAPITALS):

Date:

**Part 4 To be completed where respondent agrees**

I agree with the accuracy of the current arrangements for the child/children as set out at Parts 1 and 2 above and I agree to the applicant's proposals for the child/children as set out at Part 3 above.

Signed: .....

Respondent

Name (BLOCK CAPITALS):

Date:



**Part 5 To be completed where respondent does not agree**

Current arrangements for the child/children

If you do not agree with some of the information given above in the answers to questions 1 to 18 inclusive concerning the current arrangements for the child/children, please set out below the answers you dispute and your answers to these questions.

Question number	Respondent's answer

Respondent's proposed arrangements for the child/children

Proposed living arrangements

What arrangements are you requesting about where and with whom the child/children live?

Name of child	Proposed to live with	Address

Proposed access arrangements

What are the access or contact arrangements between the child/children and the parent(s) or guardian(s) with whom the child does not live you are requesting the court to make?

--

Proposed care arrangements

Who do you propose the court should order will care for the child/children on a day to day basis?

--

Do you wish to ask the Court to give directions for the purpose of procuring an expert report on any question affecting the welfare of the child/children?

Yes/No

If Yes, give details

--

Do you wish to ask the Court to appoint an expert to determine and convey the child's/children's views?

Yes/No

If Yes, give details

Signed: .....  
Respondent

Name (BLOCK CAPITALS):

Date:

No. 58.50

SCHEDULE C

O. 54, r. 19; O. 58, r. 14

Family Law Act 1995, section 47

Order directing report

Record number:

District Court Area of

District No.

..... Applicant

..... Respondent

\*UPON APPLICATION made to the Court on this date by the above-named \*applicant/\*respondent of..... \*(in the court (area and) district aforesaid), for an order(s) under section 47 of the Family Law Act 1995

\*WHEREAS THE COURT having heard the parties considers it appropriate to do so under section 47 of the Family Law Act 1995

THE COURT

\*Having regard to the submission made to it in relation to the matter by or on behalf of \*the applicant/\*the respondent/\*.....of....., being a person to whom the proceedings relate

Hereby adjourns the proceedings to the Court sitting at ..... on the ..... day of .....20... and directs under section 47 of the Family Law Act 1995 the procurement of a report in writing on the following question(s) affecting the welfare of..... \*born on....., \*..... born on....., (a) child(ren) residing at....., being \*a party to the proceedings \*a person to whom the proceedings relate from—

\*....., being a probation officer (within the meaning of the Child Abduction and Enforcement of Custody Orders Act, 1991) as is for the time being nominated by the Minister for Justice and Equality \*such probation officer (within the meaning of the Child Abduction and Enforcement of Custody Orders Act, 1991) as the Minister for Justice and Equality may nominate,

\*.....being a person nominated by the Child and Family Agency, who is a person who in its opinion is suitably qualified for the purpose

\*.....of.....(state capacity or qualification).

Question(s) to be addressed in said report:-

- 1.....
- 2.....

AND THE COURT FURTHER DIRECTS, for the purpose of procuring said report, that ..... (*insert any further directions under section 47*)

The report is to be \*lodged with the District Court Clerk at ..... not later than \*handed into Court on the ..... day of ..... 20...

A copy of the report shall be given to the parties to the proceedings and to \*....., being the person to whom the report relates, and may be received in evidence in the proceedings.

\*The fees and expenses incurred in the preparation of the report shall be:

\*paid by the \*applicant/\*respondent

\*paid as to .....% by the applicant and as to .....% by the respondent

\*reserved pending the determination of the proceedings.

Dated this ... day of ..... 20...

Signed .....  
Judge of the District Court

\*Delete inapplicable words

No. 58.51

SCHEDULE C

O. 58, r. 14

Guardianship of Infants Act 1964, section 32(1)(a)

Order directing report

Record number:

District Court Area of

District No.

..... Applicant

..... Respondent

\*UPON APPLICATION made to the Court on this date by the above-named \*applicant/\*respondent of..... \*(in the court (area and) district aforesaid), for an order(s) under section 32(1)(a) of the Guardianship of Infants Act 1964

\*WHEREAS THE COURT having heard the parties considers it appropriate to do so under section 32(1)(a) of the Guardianship of Infants Act 1964

THE COURT

Having regard to:

(a) the age and maturity of the child(ren) concerned, namely..... \*born on....., \*..... born on....., (a) child(ren) residing at.....;

(b) the nature of the issues in dispute in the proceedings;

(c) any previous report under section 32(1)(a) of the Guardianship of Infants Act 1964 on a question affecting the welfare of the said child(ren);

(d) the best interests of the said child(ren);

(e) whether the making of the order will assist the expression by the said child(ren) of \*his/\*her/\*their views in the proceedings;

(f) the views expressed to it in relation to the matter by or on behalf of \* the applicant/\*the respondent/\* ..... of ....., being a person to whom the proceedings relate

Hereby adjourns the proceedings to the Court sitting at ..... on the ..... day of .....20... and directs under section 32(1)(a) of the Guardianship of Infants Act 1964 the procurement of a report in writing on the following question(s) affecting the welfare of the said child(ren) from

\*..... of ....., whom the Court considers a suitable expert (*state capacity or qualification*).

Question(s) to be addressed in said report:-

1.....

2.....

AND THE COURT FURTHER DIRECTS, for the purpose of procuring said report, that ..... (*insert any further directions under section 32(1)(a)*)

The report is to be \*lodged with the District Court Clerk at ..... not later than \*handed into Court on the ..... day of ..... 20...

A copy of the report shall be given to:

the parties to the proceedings

†and to ....., being the child concerned,

and may be received in evidence in the proceedings.

Dated this... day of..... 20...

Signed .....  
Judge of the District Court

\*Delete inapplicable words

†Delete where the Court determines that the report obtained under section 32(1)(a) should be not furnished to the child to whom it relates, having regard to the following:

- (a) the age and maturity of the child and the capacity of the child to understand the report;
- (b) the impact on the child of reading the report and the effect it may have on his or her relationship with his or her parents or guardians;
- (c) the best interests of the child;
- (d) whether the best interests of the child would be better served by the furnishing of the report to the parent, guardian, next friend of the child or an expert appointed under section 32(1)(b), rather than to the child himself or herself.

No. 58.52

SCHEDULE C

O. 58, r. 14

Guardianship of Infants Act 1964, section 32(1)(b)

Order directing report

Record number:

District Court Area of

District No.

..... Applicant

..... Respondent

\*UPON APPLICATION made to the Court on this date by the above-named \*applicant/\*respondent of..... \*(in the court (area and) district aforesaid), for an order(s) under section 32(1)(b) of the Guardianship of Infants Act 1964

\*WHEREAS THE COURT having heard the parties considers it appropriate to do so under section 32(1)(b) of the Guardianship of Infants Act 1964

THE COURT

Having regard to:

(a) the age and maturity of the child(ren) concerned, namely..... \*born on....., \*..... born on....., (a) child(ren) residing at.....;

(b) the nature of the issues in dispute in the proceedings;

(c) any previous report under section 32(1)(a) of the Guardianship of Infants Act 1964 on a question affecting the welfare of the said child(ren);

(d) the best interests of the said child(ren);

(e) whether the making of the order will assist the expression by the said child(ren) of \*his/\*her/\*their views in the proceedings;

(f) the views expressed to it in relation to the matter by or on behalf of \*the applicant/\*the respondent/\*.....of....., being a person to whom the proceedings relate

Hereby adjourns the proceedings to the Court sitting at ..... on the ..... day of .....20... and appoints.....of..... under section 32(1)(b) of the Guardianship of Infants Act 1964 an expert to determine and convey the views of the said child(ren).

The said expert shall—

ascertain the maturity of the child(ren)

\*ascertain whether or not \*the said child \*each said child is capable of forming \*his/\*her own views on the matters that are the subject of the proceedings

\*where the said expert ascertains that \*the said child \*each said child is capable of forming \*his/\*her own views on the matters that are the subject of the proceedings—

the said expert shall

(i) ascertain the views of \*the said child \*each said child

\*generally

\*on the following question(s) on which the Court seeks the views of the child(ren), namely

Question(s):-

1.....

2.....

(ii) furnish to the Court a report, which shall put before the Court any views expressed by the child(ren) in relation to the matters to which the proceedings relate.

The report is to be \*lodged with the District Court Clerk at ..... not later than \*handed into Court on the ..... day of ..... 20...

Dated this ... day of ..... 20...

Signed .....  
Judge of the District Court

\*Delete inapplicable words



No. 58.53

SCHEDULE C

O. 58, r. 14

Guardianship of Infants Act 1964, section 12A(4)

Child Care Act 1991, section 20

Order directing report

Record number:

District Court Area of

District No.

..... Applicant

..... Respondent

\*UPON APPLICATION under \*section 12A(4) of the Guardianship of Infants Act 1964 \*section 20 of the Child Care Act 1991 made to the Court on this date by the above-named \*applicant/\*respondent of..... \*(in the court (area and) district aforesaid), for an order under section 20 of the Child Care Act 1991

\*WHEREAS THE COURT having heard the parties considers it appropriate to do so under section 20 of the Child Care Act 1991

THE COURT

under \*section 12A(4) of the Guardianship of Infants Act 1964 \*section 20 of the Child Care Act 1991 hereby adjourns the proceedings to the Court sitting at ..... on the ..... day of .....20... and directs the Child and Family Agency to undertake an investigation of the circumstances of..... born on.....,..... born on....., (a) child(ren) residing at.....

AND THE COURT \*hereby gives the following directions as to the care and custody of the said child(ren)..... \*hereby makes a supervision order in respect of the said child(ren)....., pending the outcome of the investigation by the Child and Family Agency.

AND THIS ORDER requires the Child and Family Agency to undertake an investigation of the circumstances of the said child(ren)..... and to consider whether it should—

- (a) apply for a care order or for a supervision order with respect to the child(ren),
- (b) provide services or assistance for the child(ren) or \*his/\*her/\*their family, or
- (c) take any other action with respect to the child(ren).

AND if the Child and Family Agency undertakes an investigation under the said section 20 of the Child Care Act 1991 and decides not to apply for a care

order or a supervision order with respect to the child(ren) concerned, it is required to inform the Court of—

(a) its reasons for so deciding,

(b) any service or assistance it has provided, or it intends to provide, for the child(ren) and \*his/\*her/\*their family, and

(c) any other action which it has taken, or proposes to take, with respect to the child(ren).

\*Having regard to the evidence given and what was offered on behalf of the parties, the Court considers that the following circumstances in particular should be investigated, namely, .....

\*A report in writing on the investigation to be \*lodged with the District Court Clerk at ..... not later than \*handed into Court on the ..... day of ..... 20...

Dated this ... day of ..... 20...

Signed .....

Judge of the District Court

\*Delete inapplicable words

EXPLANATORY NOTE

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

These rules amend the District Court Rules by amending Orders 54, 54A, 57 and 58 and 98 and associated forms in Schedule C 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)  
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