



STATUTORY INSTRUMENTS.

**S.I. No. 427 of 2018**



CIRCUIT COURT RULES (FAMILY LAW) 2018

CIRCUIT COURT RULES (FAMILY LAW) 2018

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924 and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961), section 27 of the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the annexed Rules of Court.

Dated this 2nd day of May 2018.

(Signed):

Jacqueline Linnane  
Sarah Berkeley  
Fiona Duffy Coady  
Keith Walsh  
Rita Considine  
Noel Rubotham

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

Dated this 3rd day of October 2018.

Signed: CHARLES FLANAGAN,  
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 16th October, 2018.*

S.I. No. 427 of 2018

CIRCUIT COURT RULES (FAMILY LAW) 2018

1. (1) These Rules, which may be cited as the Circuit Court Rules (Family Law) 2018, shall come into operation on the 31st day of October 2018.

(2) The amendment effected in rule 65(4) of Order 59 of the Circuit Court Rules shall apply to proceedings already commenced on the date on which these Rules come into operation.

(3) These Rules shall be construed together with the Circuit Court Rules 2001 to 2018.

(4) The Circuit Court Rules 2001 to 2017 as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2018.

2. The Circuit Court Rules are amended:

(i) by the substitution for Order 59 of the Order set out in Schedule 1, and

(ii) by the substitution for rule 39 of Order 59A of the following rule:

“39. Part III of Order 59 shall apply, with the necessary modifications, to civil partnership law proceedings and to cohabitation proceedings, provided that the references in Order 59, rule 65 to a motion for judgment in default in accordance with Order 59, rule 34, and a motion for an order in agreed terms in accordance with Order 59, rule 35, shall in such proceedings be treated as references respectively to a motion for judgment in default in accordance with Order 59A, rule 10(1), and a motion for judgment in agreed terms in accordance with Order 59A, rule 10(6), and the Forms 37L, 37M, 37N, 37W and 37X modified accordingly shall be used in case progression in civil partnership law proceedings and in cohabitation proceedings.”.

3. The Forms 2N, 37D, 37G, and 37L in Schedule 2 shall be substituted for the forms bearing the like numbers respectively set out in the Schedule to the Circuit Court Rules.

**SCHEDULE 1**

“ORDER 59

FAMILY LAW

**I. Preliminary and General**

**Definitions: Statutory provisions**

1. (1) In this Order—

the “2004 Act” means the Civil Liability and Courts Act 2004 (No. 31 of 2004);

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

the “Domestic Violence Act” means the Domestic Violence Act 1996 (No. 1 of 1996);

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

the “Family Home Act” means the Family Home Protection Act 1976 (No. 27 of 1976);

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

the “Gender Recognition Act” means the Gender Recognition Act 2015 (No. 25 of 2015);

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

the “Hague Convention Act” means the Protection of Children (Hague Convention) Act 2000 (No. 37 of 2000);

the “Hague Child Convention” means the Convention on jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children, signed at the Hague on the 19th day of October, 1996;

the “Judicial Separation Act” means the Judicial Separation and Family Law Reform Act 1989 (No. 6 of 1989);

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

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

**Definitions: other**

(2) In this Order—

“case progression” means the preparation of proceedings for trial in accordance with the procedure under Part III of this Order;

“pension relief” means relief under section 12 and/or section 13 of the Family Law Act or section 17 of the Divorce Act;

a “recorder” means a person referred to in section 40(3)(a) of the 2004 Act intending to attend or attending any proceedings to which a relevant enactment relates for the purpose of the preparation and publication of a report of such proceedings in accordance with section 40(3) of the 2004 Act;

a “relevant enactment” has the same meaning as in section 39 of the 2004 Act;

“return date” means the date first fixed for the hearing by the Court of an originating Notice of Motion issued in accordance with this Order.

**Venue for proceedings**

2. (1) Subject to sub-rules (2) to (8), proceedings under this Order shall be brought in the county where any party to the proceedings ordinarily resides or carries on any profession, business or occupation.

(2) Proceedings for the appointment of a guardian for a child shall be brought in the county where the applicant or the child to whom the application relates ordinarily resides or carries on any profession, business or occupation.

(3) Proceedings for a declaration of parentage under section 35 of the Status of Children Act shall, where no party to the proceedings ordinarily resides or carries on any profession, business or occupation in the State, be brought in the Dublin Circuit.

(4) Proceedings under the Domestic Violence Act shall be brought:

- (i) in the county where the place in relation to which the application for a barring order is made is situate, or
- (ii) in the county where the applicant ordinarily resides (subject to section 14(2) of the Domestic Violence Act), or
- (iii) where the proceedings are begun by the Child and Family Agency pursuant to section 6 of the Domestic Violence Act, in the county where any party on whose behalf the application is made ordinarily resides.

(5) Subject to section 4(2) and section 4(3) of the Hague Convention Act, proceedings before the Court under the Hague Convention Act or under the Hague Child Convention by virtue of the Act shall be brought:

- (a) in the case of proceedings to which section 4(1)(c) of the Hague Convention Act applies, in the county in which the child to whom the request relates resides;
- (b) in the case of any other proceedings under the Hague Convention Act or under the Hague Child Convention by virtue of the Hague Convention Act, in such county or Circuit as is prescribed by statute or these Rules for proceedings of the kind concerned.

(6) Proceedings on any application under the Gender Recognition Act shall be brought in the county in which the child on whose behalf the application is being brought ordinarily resides.

**Requirements for all originating documents**

3. (1) Every originating document under this Order shall state the name, description, address and address for service of proceedings of each party to the proceedings and where, relevant, the name and address of any child to whom the proceedings relate.

(2) Where neither any party to the proceedings nor any child to whom the proceedings relates resides in the county, the originating document shall additionally set out the basis on which jurisdiction is claimed.

(3) Every originating document under this Order shall be dated and signed by the solicitor for the applicant or by the applicant, if acting in person. Where the applicant is a child, the originating document shall be signed by the solicitor for the applicant's next friend, or by the next friend, if acting in person.

(4) In any proceedings which concern the marriage of any person, an original marriage certificate shall be produced.

(5) Order 23, rule 4 (where applicable), 5, 7 and 8 shall apply to a marriage certificate or decree of divorce, separation or annulment which has issued outside the State and which is required to be produced in proceedings before the Court and Order 23, rule 9 shall additionally apply where such certificate or decree is not in one of the official languages of the State.

(6) In any proceedings to which section 3(1) of the Guardianship Act applies, the originating document shall set out any material facts which the applicant alleges ground any of the factors and circumstances mentioned in section 31(1) of the Guardianship Act as relevant to the child or children concerned and his, her or their family and are relevant to determining for the purposes of the Guardianship Act what is in the best interests of to the child or children concerned. Such facts shall be verified on oath, either in any Affidavit of Welfare filed by the applicant, or otherwise on affidavit.

(7) The address to which a respondent should apply in order to receive information in relation to legal aid shall also be included in every originating document.

**Commencement of proceedings by Family Law Civil Bill**

4. (1) All proceedings for any one or more of the following reliefs shall be commenced by issuing out of the Office for the appropriate county of the appropriate Family Law Civil Bill in accordance with Form 2N of the Schedule of Forms, with such modifications as are appropriate, and which complies with the requirements of this Order which apply to proceedings for such relief:

- (i) divorce;
- (ii) judicial separation;
- (iii) relief after a foreign divorce or separation outside the State, subject to the requirements of rule 14;
- (iv) nullity;
- (v) a declaration of marital status;
- (vi) the determination of property issues between spouses under section 36 of the Family Law Act;
- (vii) the determination of property issues between formerly engaged couples under section 44 of the Divorce Act;
- (viii) relief under section 15A or section 25 of the Family Law Act, or section 18 of the Divorce Act (provision out of the estate of the other spouse);
- (ix) relief under the Guardianship Act, where sought in conjunction with, or ancillary to, other relief mentioned in this rule;
- (x) relief under the Children Act;
- (xi) relief under the Maintenance Act;
- (xii) relief under the Family Home Act;
- (xiii) relief under section 35 of the Status of Children Act;
- (xiv) relief under the Hague Convention Act or the Hague Child Convention.

(2) Every Family Law Civil Bill shall be in numbered paragraphs setting out the relief sought and the grounds relied upon in support of the application.

**Commencement of proceedings by originating Notice of Motion**

5. (1) Subject to sub-rules (2) and (3), all originating proceedings for any one or more of the following reliefs shall be commenced by the issuing out of the Office for the appropriate county of an originating Notice of Motion, which complies with the requirements of this Order which apply to proceedings for such relief:

- (i) relief under section 6A, section 6C, section 6E(3), section 6F(1), section 7(4), section 8(1), section 8(2), section 8(4) or section 8(5) and section 8(6) of the Guardianship Act (which application shall not require a grounding affidavit);
- (ii) relief under section 8 of the Maintenance Act (which application shall be grounded on an affidavit).

(2) Where relief mentioned in sub-rule (1) is, or may be, sought in conjunction with or ancillary to relief sought in proceedings mentioned in rule 4, it shall not be necessary to issue a separate originating Notice of Motion and the relief concerned may be claimed in the Family Law Civil Bill.

(3) Where relief mentioned in sub-rule (1) is sought where proceedings in the Court between the same parties or concerning the same child are already in being in accordance with that sub-rule, the relief concerned may be sought by Notice of Motion in the proceedings in being.

(4) An originating Notice of Motion under sub-rule (1) shall be entitled in the matter of the Act under which relief is sought and as between the applicant and any respondent, and shall specify precisely the relief sought.

#### **Commencement of proceedings by originating Motion *ex parte***

6. (1) All originating proceedings for any one or more of the following reliefs shall be commenced by originating Motion *ex parte*:

- (i) applications under section 33 of the Family Law Act for an order exempting the marriage from the application of section 31(1)(a) of that Act or under section 47 of the Civil Registration Act 2004 for an order exempting the marriage from the application of section 46(1)(a)(i) of that Act;
- (ii) applications under section 12 of the Gender Recognition Act for an order exempting a child from the requirement to comply with section 9(2)(a) or section 15(8)(b) of the Gender Recognition Act.

(2) Such applications may be grounded upon an Affidavit or upon oral evidence given by or on behalf of the parties, as the Court may direct, which evidence shall set out the reasons for the application and the grounds supporting it.

(3) An originating Motion under sub-rule (1) shall be entitled in the matter of the Act under which relief is sought and in the matter of the person or persons to whom the application relates, and shall specify precisely the relief sought.

#### **Issue and entry of proceedings**

7. (1) On the issuing of a Family Law Civil Bill, originating Notice of Motion or originating Motion under this Order, a copy thereof shall be filed in the Office.



(2) Where required, the appropriate statutory declaration made pursuant to section 5 of the Judicial Separation Act or section 6 of the Divorce Act, which shall be in the Form 37D of the Schedule of Forms, shall be filed together with the Family Law Civil Bill.

(3) In any proceedings in which financial relief is sought, an Affidavit of Means in the intended action sworn by the Applicant shall be filed together with the Family Law Civil Bill.

(4) Subject to rules 27(5) and 27B(3), in all proceedings where the welfare of a dependent child may be at issue, an Affidavit of Welfare in the intended action sworn by the Applicant shall be filed together with the Family Law Civil Bill.

(5) The County Registrar shall enter all originating documents which comply with the requirements of this Order.

(6) All originating Notices of Motions and originating Motions issued in accordance with this Order shall be assigned a return date and listed before the Court on the return date.

### **Service of proceedings**

8. (1) A Family Law Civil Bill shall be served on the respondent together with:

- (i) a copy of the appropriate statutory declaration made pursuant to section 5 of the Judicial Separation Act or section 6 of the Divorce Act, where required;
- (ii) a copy of the filed Affidavit of Means, in compliance with rules 42 and 43, in the Form 37A of the Schedule of Forms with such modifications as may be appropriate, where required, and
- (iii) subject to rule 27(5) and rule 27B(3), a copy of the applicant's Affidavit of Welfare, in compliance with rule 44, in the Form 37B of the Schedule of Forms, where required by rule 7(4).

(2) Where pension relief is sought, notice of the relief sought in accordance with Form 37 Cof the Schedule of Forms shall also be served on the trustees of the pension scheme in question in accordance with Order 11, rule 17, and an Affidavit of such service sworn and filed within 14 days of service of the Civil Bill.

(3) A copy of any originating Notice of Motion to which there is a respondent shall be served on the respondent together with a copy of any Affidavit grounding same and any exhibits thereto not later than 14 days before the return date.

(4) Proceedings in particular cases shall be served on such other persons (in addition to the respondent) as are required by the provisions of this Order or as are directed by the Court to be served.

(5) All other pleadings in proceedings commenced in accordance with this Order may be served in accordance with Order 11, rule 17 and shall be deemed to have been served on the second day after the day of posting.

(6) Where it is difficult or impossible to serve any respondent or other person directed to be served or notified within the jurisdiction, the Court or the County Registrar may make an Order:

(i) for substituted service, or

(ii) for service outside the jurisdiction, or

(iii) for both substituted service and service outside the jurisdiction,

of the originating document or notice thereof.

**Directions on return date of originating Notice of Motion or originating Motion**

9. On the return date of an originating Notice of Motion or originating Motion, the Judge may give such directions as to the hearing of the application as seem appropriate in the circumstances of the case.

**Service of documents and notices by the County Registrar or other court officer**

10. Where the registrar of the Court or the County Registrar is required to serve a copy of an order or a notice upon any person or body, such service shall be satisfied by the service of a certified copy of the said order by registered post to the said person or body.

**Costs**

11. (1) In all proceedings under this Order, the Court may make such order as to costs as it considers just.

(2) In all proceedings under this Order, the costs as between party and party may be measured by the Judge, and if not so measured shall be taxed in default of agreement by the parties by the County Registrar. Any party aggrieved by such taxation may appeal to the Court and have the costs reviewed by it.

(3) Where necessary, the Court may make an order determining who shall bear any costs incurred by trustees of a pension scheme pursuant to section 12(22) of the Family Law Act or section 17(22) of the Divorce Act and in making such determination the Court shall have regard to any representations made by the trustees pursuant to rule 41.

**Time**

12. (1) The Court may, upon such terms (if any) as it thinks reasonable, enlarge or abridge any of the times fixed for taking any step or doing any act in any proceedings to which this Order applies.

(2) The Court may, upon such terms as to costs or otherwise as it thinks fit, declare any step taken or act done to be sufficient, even though not taken or done within the time or in the manner prescribed by this Order.

**Publicity of proceedings**

13. Where required by statute, and subject to any order of the Court made under section 40(3A) of the 2004 Act, hearings of proceedings and applications under this Order shall be held in camera.

**II. Proceedings under:**

**Guardianship of Infants Act 1964**  
**Family Law (Maintenance of Spouses and Children) Act 1976**  
**Family Home Protection Act 1976**  
**Status of Children Act 1987**  
**Judicial Separation and Family Law Reform Act 1989**  
**Family Law Act 1995**  
**Family Law (Divorce) Act 1996**  
**Children Act 1997**

*Leave to Issue Proceedings***Leave to issue proceedings for relief after foreign divorce or separation outside the State**

14. (1) No proceedings for relief after a foreign divorce or separation outside the State shall issue without the leave of the appropriate Court in accordance with section 23(3) of the Family Law Act.

(2) An application for leave to issue such proceedings shall be made *ex parte* by way of *ex parte* docket grounded upon the Affidavit of the applicant or another appropriate person. The grounding Affidavit shall:

- (i) exhibit a draft of the Family Law Civil Bill for relief after divorce or separation outside the State which the Applicant seeks leave to issue;
- (ii) set out fully the reasons why relief is being sought, and
- (iii) include a specific averment to the fact that, to the knowledge, information and belief of the applicant, the jurisdictional requirements of section 27 of the Family Law Act are complied with in the particular case, specifying the particular basis of jurisdiction relied upon.

(3) The foreign decree of divorce or separation shall be produced in accordance with rule 3(5).

*Content of Family Law Civil Bill***Additional requirements for Family Law Civil Bill where divorce is claimed**

15. A Family Law Civil Bill in which a Decree of Divorce is sought shall include the following details—

- (i) the date and place of marriage of the parties;

- (ii) the length of time the parties have lived apart, including the date upon which the parties commenced living apart, and the addresses of both of the parties during that time, where known;
- (iii) details of any previous matrimonial relief sought and/or obtained (and where appropriate, a certified copy of any relevant court order shall be annexed to the Family Law Civil Bill);
- (iv) details of any previous separation agreement entered into between the parties (and where appropriate, a certified copy of any relevant deed of separation or separation agreement shall be annexed to the Family Law Civil Bill);
- (v) the names, dates of birth and ages of any dependent children of the marriage;
- (vi) details of the family home(s) and/or other residences of the parties including, if relevant, details of any former family home or residence, including in every case details of the manner of occupation or ownership thereof;
- (vii) where reference is made in the Family Law Civil Bill to any immovable property, whether it is registered or unregistered land and a description of the land including any premises thereon so referred to, whether or not relief is sought in respect of same;
- (viii) the basis of jurisdiction under the Divorce Act;
- (ix) the occupation(s) of each party;
- (x) the grounds relied upon for the relief sought;
- (xi) each provision of the Divorce Act under which relief is sought.

**Additional requirements for Family Law Civil Bill where judicial separation is claimed**

16. A Family Law Civil Bill in which a Decree of Judicial Separation is sought shall include the following details—

- (i) the date and place of marriage of the parties;
- (ii) the names, dates of birth and ages of any dependent children of the marriage;
- (iii) details of the family home(s) and/or other residence of the parties including, if relevant, details of any former family home or residence including in every case details of the manner of occupation or ownership thereof;
- (iv) where reference is made in the Family Law Civil Bill to any immovable property, whether it is registered or unregistered land

and a description of the land including any premises thereon so referred to, whether or not relief is sought in respect of same;

- (v) the basis of jurisdiction under the Judicial Separation Act and/or the Family Law Act;
- (vi) the occupation(s) of each party;
- (vii) the grounds relied upon for the decree and any other relief sought;
- (viii) each provision of the Judicial Separation Act and/or the Family Law Act under which relief is sought including whether or not an order under section 54(3) of the Family Law Act is sought.

**Additional requirements for Family Law Civil Bill where relief after foreign divorce or separation outside the State is claimed**

17. (1) A Family Law Civil Bill in which relief after a foreign divorce or separation outside the State is sought shall include the following details—

- (i) the date and place of marriage of the parties;
- (ii) the date and place of divorce or, as the case may be, separation of the parties;
- (iii) the financial, property, custody and access arrangements operating ancillary to the foreign decree; whether such arrangements were made by agreement, by order of a court or otherwise; whether such arrangements were made contemporaneously with the foreign decree or at another time, and the extent of compliance therewith;
- (iv) the names, dates of birth and ages of any dependent children of the marriage;
- (v) details of the family home(s) and/or other residence of the parties including, if relevant, details of any former family home or residence including in every case details of the manner of occupation or ownership thereof;
- (vi) where reference is made in the Family Law Civil Bill to any immovable property within the State, whether it is registered or unregistered land and a description of the land including any premises thereon so referred to, whether or not relief is sought in respect of same;
- (vii) the basis of jurisdiction under section 27 of the Family Law Act;
- (viii) the present marital status and occupation(s) of each party;
- (ix) the grounds relied upon for the relief sought;

- (x) each provision of the Family Law Act under which relief is sought;
- (xi) details relevant to the matters referred to in section 26 of the Family Law Act;
- (xii) particulars of the order of the Court granting leave to commence the proceedings, and a certified copy of the order shall be annexed to the Family Law Civil Bill.

(2) The foreign decree absolute or final decree of divorce or separation shall be produced in accordance with rule 3(5).

**Additional requirements for Family Law Civil Bill where nullity is claimed**

18. A Family Law Civil Bill in which a decree of nullity is sought shall include the following details—

- (i) the date and place of marriage of the parties;
- (ii) the domicile of the spouses on the date of the marriage and on the date of the institution of proceedings and, where either spouse has died prior to the institution of proceedings, the domicile of the said spouse at the date of death;
- (iii) whether or not the spouses or either of them has been ordinarily resident in the State throughout the period of one year prior to the date of institution of proceedings and, where either spouse has died prior to the institution of proceedings, whether or not the said spouse was ordinarily resident in the State throughout the period of one year prior to his death;
- (iv) the address and description of each party;
- (v) the number of children of the marriage;
- (vi) the grounds upon which the decree and any other relief is sought;
- (vii) the relief sought (including whether or not a declaration relating to the custody of a dependent member of the family under section 46 of the Family Law Act is sought), and
- (viii) the issues to be tried.

**Additional requirements for Family Law Civil Bill where a Declaration of Marital Status is claimed**

19. A Family Law Civil Bill in which a Declaration of Marital Status is sought shall include the following details—

- (i) the nature of the Applicant's reason for seeking such a declaration;
- (ii) full details of the marriage, divorce, annulment or, as the case may be, legal separation in respect of which the declaration is

sought including the date and place of such marriage, divorce, annulment or, as the case may be, legal separation (and where possible, the marriage certificate, decree of divorce, annulment or, as the case may be, legal separation shall be annexed to the Family Law Civil Bill, and rule 3(5) shall apply to any foreign marriage certificate or decree concerned);

- (iii) the manner in which the jurisdictional requirements of section 29(2) of the Family Law Act are satisfied;
- (iv) particulars of any previous or pending proceedings in relation to any marriage concerned or to the matrimonial status of a party to any such marriage in accordance with section 30 of the Family Law Act;
- (v) the relief being sought;
- (vi) any other relevant facts.

**Additional requirements for Family Law Civil Bill where determination of property issues is claimed**

20. A Family Law Civil Bill in which the determination is sought of property issues between spouses, under section 36 of the Family Law Act or between formerly engaged persons, under section 44 of the Divorce Act shall include the following details—

- (i) the description, nature and extent of the disputed property or monies;
- (ii) the state of knowledge of the applicant spouse in relation to possession and control of the disputed property or monies at all relevant times;
- (iii) the nature and extent of the interest being claimed by the applicant in the property or monies and the basis upon which such a claim is made;
- (iv) the nature and extent of any claim for relief being made and the basis upon which any such claim for relief is being made;
- (v) where reference is made in the Family Law Civil Bill to any immovable property, whether it is registered or unregistered land and a description of the land including any premises thereon so referred to;
- (vi) the manner in which it is claimed that the respondent spouse has failed, neglected or refused to make to the applicant spouse such appropriate payment or disposition in all of the circumstances and details of any payment or disposition made;

- (vii) that the time limits referred to in section 36(7) of the Family Law Act have been complied with;
- (viii) any other relevant matters.

**Additional requirements for Family Law Civil Bill where relief under section 18 of the Divorce Act or section 15A or section 25 of the Family Law Act is claimed**

21. A Family Law Civil Bill in which relief is sought under section 18 of the Divorce Act or section 15A or section 25 of the Family Law Act shall include the following details—

- (i) the date and place of marriage and the date of any decree of divorce or judicial separation, and the marriage certificate and (in the case of a decree of divorce or judicial separation granted within the jurisdiction) a certified copy of the decree, or (in the case of a decree of divorce granted outside the jurisdiction) the original decree and any documents required by rule 3(5) shall be annexed to the Family Law Civil Bill;
- (ii) details of previous matrimonial relief obtained by the applicant and in particular lump sum maintenance orders and property adjustment orders, if any;
- (iii) details of any benefits previously received from or on behalf of the deceased spouse whether by way of agreement or otherwise and details of any benefits accruing to the applicant under the terms of the will of the deceased spouse or otherwise;
- (iv) the date of death of the deceased spouse;
- (v) the date on which representation was first granted in respect of the estate of the deceased spouse;
- (vi) if applicable, the date upon which notice of the death of the deceased spouse was given to the applicant spouse;
- (vii) the date on which the applicant spouse notified the personal representative of his or her intention to apply for relief under section 18(7) of the Divorce Act and section 15A(7) of the Family Law Act;
- (viii) the nature and extent of any claim for relief being made and the basis upon which any such claim for relief is being made;
- (ix) the marital status of the deceased spouse at the date of death;
- (x) the marital status of the applicant at the date of the application and whether the applicant has remarried since the dissolution of the marriage between the applicant and the deceased spouse;



- (xi) details of all dependants of the deceased spouse at the date of death and of all dependents of the applicant at the date of the application together with dependants details of any other interested persons;
- (xii) that no order under section 18(10) of the Divorce Act or section 15A(10) of the Family Law Act has previously been made;
- (xiii) details of the value of the estate of the deceased spouse, where known;
- (xiv) any other relevant facts.

**Application by personal representative to distribute where relief pursuant to section 18 of the Divorce Act or section 15A or section 25 of the Family Law Act is claimed**

22. An application pursuant to section 15A(6) or section 25(7) of the Family Law Act or section 18(6) of the Divorce Act by the personal representative in relation to the distribution of the estate shall be by motion, grounded on affidavit, on notice to the applicant spouse and to such other persons as the Court shall direct.

**Additional requirements for Family Law Civil Bill where relief under the Guardianship Act or the Children Act is claimed**

23. A Family Law Civil Bill in which relief is sought under the Guardianship Act or the Children Act shall include the following details—

- (i) the precise reliefs being sought;
- (ii) whether the applicant is the mother, the father, the second parent or some other relative of the child to whom the application relates;
- (iii) whether the respondent is the mother, the father, the second parent or some other relative of the child;
- (iv) details of the guardians of the child;
- (v) the residential address and occupation of the applicant and the respondent;
- (vi) the grounds on which the application is being made;
- (vii) the date of birth and place of residence of the child;
- (viii) all other relevant details relating to the child;
- (ix) any other relevant information.

**Additional requirements for Family Law Civil Bill where relief under the Maintenance Act is claimed**

24. A Family Law Civil Bill in which relief is sought under the Maintenance Act shall include the following details—

- (i) the precise reliefs sought and the persons in respect of whom they are sought;
- (ii) the residential address and occupation of the applicant and the respondent;
- (iii) the relationship between the applicant and the respondent and the persons in respect of whom the application is made;
- (iv) the date of marriage (if applicable) including details of the date and place of marriage;
- (v) the names, dates of birth and place of residence of all children concerned in the application;
- (vi) the nature of the failure to maintain asserted;
- (vii) any relevant change of circumstances (if applicable);
- (viii) any other relevant circumstances.

**Additional requirements for Family Law Civil Bill where relief under the Family Home Act is claimed**

25. A Family Law Civil Bill in which relief is sought under the Family Home Act shall include the following details—

- (i) the address and description of the family home;
- (ii) the date and place of marriage of the parties;
- (iii) the residential address and occupation of the applicant and the respondent (if known);
- (iv) the relief sought and the facts intended to be relied upon;
- (v) a statement that the market value (within the meaning of section 2(1) of the Courts (Supplemental Provisions) Act 1961) of the land does not exceed €3,000,000;
- (vi) any other relevant circumstances.

**Additional requirements for Family Law Civil Bill where relief under section 35 of the Status of Children Act is claimed**

26. A Family Law Civil Bill in which relief is sought under section 35 of the Status of Children Act shall include the following details—

- (a) the address within the State where every party to the proceedings resides or carries on any profession, business or occupation;
- (b) the date of birth of the person concerned (within the meaning of section 35(1) of the said Act);
- (c) the place of birth of the person concerned;
- (d) if the place of birth of the person concerned is not within the State, the reasons for seeking the declaration from the Court;
- (e) the name and address of the person named as the father of the person concerned;
- (f) whether the person named as the father of the person concerned is or is not alive;
- (g) the name and address of the person named as the mother of the person concerned;
- (h) whether the person named as the mother of the person concerned is or is not alive;
- (i) the name and address of the person named as the second parent of the person concerned;
- (j) whether the person named as the second parent of the person concerned is or is not alive;
- (k) a brief statement of the grounds of the application for a declaration.

**Parties to proceedings for relief under section 35 of the Status of Children Act**

27. (1) In proceedings for relief under section 35 of the Status of Children Act, any person or persons named as father, mother or second parent of the person concerned shall be named as respondents to the proceedings, unless he or she is the next friend of the person concerned for the purpose of the said application. Where the person concerned is not the applicant, he or she shall also be named as a respondent to the proceedings.

(2) If any person who would otherwise be named as respondent is not alive or is not available for service of proceedings within the jurisdiction, then the application may be made in the first instance without service on that person.

(3) The Court may direct that notice of any proceedings under this rule shall be given to such person or persons as the Court thinks fit and the Court may, either of its own motion or on the application of that person or any party to the proceedings, order that that person shall be added as a party to those proceedings.

(4) Such notice shall be given by service upon the person to be notified of a true copy of Family Law Civil Bill and of notice of the making of the order directing the giving of such notice.

(5) In proceedings in which relief is sought:

(a) under section 35 of the Status of Children Act or

(b) under section 35 of the Status of Children Act and the Guardianship Act

but not under any other relevant enactment:

(i) it shall not be necessary for any Affidavit of Welfare to be filed or served before the application for relief under section 35 of the Status of Children Act is moved, and

(ii) a party shall only be required to file or serve any Affidavit of Welfare where so directed by the Court, and such direction may be given at, or at any time following, the hearing of the application for relief under section 35 of the Status of Children Act.

#### *Service and Notice*

#### **Service of Family Law Civil Bill on additional persons in particular cases**

28. (1) Where a declaration of marital status under section 29 of the Family Law Act is sought, the Family Law Civil Bill shall, in addition to the provisions of rule 8, be served upon the parties to the marriage or, where no longer living, their personal representatives (all of whom shall be parties to the proceedings) and upon such other persons as the Court may direct, including the Attorney General, which said persons (excepting the Attorney General) may be made parties to the proceedings in accordance with section 29(6) of the Family Law Act. The Attorney General shall, however, be entitled to interplead in such proceedings.

(2) Where relief is sought pursuant to section 15A or section 25 of the Family Law Act or section 18 of the Divorce Act, the Family Law Civil Bill shall be served in accordance with these Rules on the personal representative of the deceased and on the spouse (if any) of the deceased and on such other person or persons as the Court shall direct.

#### **Notification to non-parties**

29. Where, in any application in proceedings pursuant to this Order, it is appropriate to direct an order to any third person who is not a party to the proceedings, the Court may, if it thinks fit, adjourn the matter and direct the applicant or the respondent to notify the third person against whom an order is sought of the fact that an order is sought against him and of the adjourned date, so that the said third person may appear and be heard in relation to the making of the said order. Alternatively, the Court may, when making an order directed to any third person, provide, in the said order, that the said third person should have liberty to apply to the Court on notice to the applicant and the respondent

to set aside the order made insofar as it is directed against or relates to the said third person.

### *Appearance and Defence*

#### **Appearance**

30. (1) A Respondent shall enter an Appearance in the Office within 10 days of the service upon him of a Family Law Civil Bill.

(2) Where required, the appropriate statutory declaration made pursuant to section 5 of the Judicial Separation Act or section 6 of the Divorce Act, which shall be in the Form 37D of the Schedule of Forms, shall be filed together with the Appearance.

(3) The respondent shall serve a copy of the Appearance and appropriate statutory declaration on the applicant's solicitor or, where the applicant is acting in person, on the applicant.

(4) The Appearance shall include an address for service of any interlocutory applications and shall be signed by the respondent's solicitor or, by the respondent, if appearing in person.

#### **Defence**

31. (1) A Respondent shall, within 10 clear days from the date of service of the Appearance, or such further time as may be agreed between the parties or allowed by the Court, file and serve a Defence.

(2) In any proceedings in which financial relief is sought, an Affidavit of Means, in compliance with rules 42 and 43, sworn by the respondent shall be filed and served together with the Defence.

(3) In all proceedings where an Affidavit of Welfare of the applicant is required by rule 7(4), an Affidavit of Welfare in compliance with rule 44, sworn by the respondent shall be filed and served together with the Defence.

(4) Where pension relief is sought by way of counterclaim, notice thereof in accordance with Form 37C of the Schedule of Forms shall also be served on the trustees of the pension scheme in question and an Affidavit of such service sworn and filed within seven days of service of the Defence and Counterclaim.

(5) Without prejudice to the entitlement of the Court to permit representations in relation to the making or refusal of an attachment of earnings order at the hearing of the action, such representations for the purposes of section 8(6)(b) of the Family Law Act; section 13(6)(b) of the Divorce Act, or section 10(3)(a) of the Maintenance Act may be included in the Defence.

#### **Extension of time for Appearance or Defence**

32. No Appearance or Defence shall be entered after the time specified in this Order without the leave of the Court or of the County Registrar or the agreement of the parties, and no Defence shall be entered unless the respondent has previously entered an Appearance as required by rule 30.

**Obligation to file Affidavit of Means and Affidavit of Welfare where no Defence**

33. Whether or not a Defence is filed and served in any proceedings, the respondent shall, where appropriate, in any event be obliged to file and serve an Affidavit of Means and an Affidavit of Welfare in accordance with this Order within 20 days after the service of the Family Law Civil Bill upon him or her.

*Motion for Judgment in Default or for order in agreed terms***Motion for judgment in default**

34. (1) Where a respondent has made default in entering an Appearance or filing a Defence, as the case may be, the applicant may, subject to the following provisions of this rule, at any time after such default, apply to the Court by motion on notice:

- (i) to the respondent, and
- (ii) where pension relief is sought, to the trustees of the pension scheme concerned,

for judgment in default of Appearance or Defence.

(2) Such application shall:

- (a) in the case of motions returnable in the Dublin Circuit subject to sub-rule (8), be returnable initially before the County Registrar;
- (b) in the case of motions returnable in all other Circuits, be returnable initially before the County Registrar in accordance with rule 68(1).

(3) No notice of motion for judgment in default of Appearance or Defence shall be served unless the applicant has at least 14 days prior to the service of such notice written to the respondent giving notice of the applicant's intention to serve a notice of motion for judgment and at the same time consenting to the late entry of an Appearance or filing of a Defence within 14 days from the date of the letter.

(4) If no Appearance is filed or, as the case may be, no Defence is delivered within the 14 day period specified in sub-rule (4) the applicant may serve a notice of motion for judgment in default, which shall be returnable to a date not less than 14 clear days from the date of the service of the notice, such notice of motion to be filed not later than six days before the return date.

(5) If in any case the applicant can establish special reasons for making it necessary to serve a notice of motion for judgment in default of appearance or defence in the cases provided for by this rule with greater urgency than in accordance with the provisions hereinbefore contained, he may apply *ex parte* to the Court for an order giving him liberty to serve a notice of motion for Judgment in default of appearance/defence giving not less than four clear days' notice to the respondent, or in the alternative the Judge may deem good the service of a notice of motion giving not less than four clear days' notice to the respondent.

(6) Upon the hearing of such application the Court may, on proof of such default as aforesaid, and upon hearing such evidence, oral or otherwise, as may be adduced, give judgment on the applicant's claim endorsed on the Family Law Civil Bill, or may give leave to the respondent to defend the whole or part of the claim upon such terms as the Court may consider just.

(7) In the case of default of Defence in proceedings for a declaration of parentage, the Court may on proof of such default as aforesaid, and upon hearing such evidence, oral or otherwise, as may be adduced, give judgment on the Family Law Civil Bill or direct that the application proceed on the footing that the matters set out in the Family Law Civil Bill be deemed to be admitted by the party in default.

(8) Notwithstanding sub-rule (2), where the President of the Circuit Court directs by practice direction, in respect of the Dublin Circuit, that motions for judgment in default of Appearance or Defence or a category of such motions specified in the practice directions shall, during any period specified in the practice direction, be returnable initially before the Court, such motions shall be returnable initially before the Court.

#### **Motion for Order in agreed terms**

35. (1) In any case in which the parties are agreed in respect of all of the reliefs being sought, the Applicant or the Respondent may, subject to the provisions of the following sub-rules of this Rule, by notice of motion, to be served on the other party and, where relief pursuant to section 12 and/or 13 of the 1995 Act and section 17 of the 1996 Act is sought, on the trustees of the pension scheme concerned, not less than 14 clear days before the hearing, apply to the Court for judgment in agreed terms.

(2) An application mentioned in sub-rule (1) shall, unless the Court otherwise directs, be grounded, *inter alia*, upon:

- (i) an affidavit exhibiting the agreed terms, and
- (ii) an affidavit or updated Affidavit of Means of each party, sworn in each case not earlier than six months before the date on which the motion is issued.

(3) On the hearing of the application the Court may, upon hearing such evidence, oral or otherwise, as may be adduced:

- (i) give judgment in the terms agreed between the parties, or
- (ii) adjourn the application and direct the attendance of a party or other person, or the giving of further evidence on the application, as the Court may require, or
- (iii) give directions in relation to the service of a Notice of Trial or Notice to fix a date for Trial.

(4) Where an agreement or consent to the making of an order under this rule is given in writing by a party who does not intend to appear on the hearing of the motion, such agreement or consent shall be verified on affidavit or otherwise verified or authenticated in such manner as the Court considers sufficient.

(5) Where an order to be sought under this rule includes an order for pension relief, a draft of such order which has, so far as the pension relief sought is concerned, been served on the trustees of the pension scheme in question, shall be handed into Court on the hearing of the application.

*Notice of Trial/Notice to fix a date for Trial*

**Notice of Trial / Notice to fix a date for Trial**

36. The applicant may serve a notice of trial or a notice to fix a date for trial, as appropriate, in accordance with Forms 15A and 15B of the Schedule of Forms:

- (a) where the proceedings are required under Part III of this Order to undergo case progression, when so directed or permitted by the County Registrar, or
- (b) in accordance with rule 38(6), when the conditions of that sub-rule have been satisfied.

**Notice of Trial (Circuits other than Dublin Circuit)**

37. (1) This rule shall not apply to the Dublin Circuit.
- (2) Not less than ten days' notice of trial shall be served upon the respondent and all other necessary parties.
- (3) Where relief is sought under sections 12 and/or 13 of the Family Law Act or section 17 of the Divorce Act, notice of trial shall also be served upon the trustees of the pension scheme in question.
- (4) The notice of trial shall be filed at the Office not later than seven days after it is served.
- (5) Service and filing of the notice of trial shall operate to set down the action or matter (including counterclaim if any) for hearing at the next ensuing Sittings.
- (6) The service of notice to fix a date for a trial, as duly completed in the Office, on all necessary parties shall operate to set down the action (including a counterclaim if any) for hearing, to be listed before the County Registrar for allocation of a date for the hearing.

**Notice to fix a date for Trial (Dublin Circuit)**

38. (1) This rule shall apply only to the Dublin Circuit.
- (2) Subject to rules 36, 39 and 73(1)(g), where notice to fix a date for trial is to be given, the party intending to give notice shall lodge with the Office a notice to fix a date for trial in the Form 15B of the Schedule of Forms.



(3) On receipt of such notice, duly completed, from the Office, that party shall serve a copy of the completed notice setting out the date upon which a date for hearing will be fixed by the County Registrar on all of the other parties and, where relief is sought under sections 12 and/or 13 of the Family Law Act or section 17 of the Divorce Act, on the trustees of the pension scheme in question.

(4) At least ten days' notice to fix a date for trial shall be given.

(5) The service of notice to fix a date for a trial, as duly completed in the Office, on all necessary parties shall operate to set down the action (including a counterclaim if any) for hearing upon such date as may be fixed by the County Registrar.

(6) Notwithstanding rule 36, notice to fix a date for trial in the Form 15B of the Schedule of Forms may be lodged by either party by agreement of the parties, without any requirement for case progression, where both parties have certified both completion of the pre-case progression steps in the Form 37W of the Schedule of Forms and readiness for trial in the Form 37X of the Schedule of Forms and each such certificate of each party is attached to the notice to fix a date for trial.

#### **Service of notice of trial or notice to fix a date for trial by Respondent**

39. Where the Applicant has failed to serve a notice of trial or notice to fix a date for trial, as appropriate, within ten days after the date on which the Applicant has been directed or permitted to do by the County Registrar, in any proceedings which are subject to case progression, the Respondent may do so and may file the same in accordance with these Rules.

#### *Joinder of actions*

#### **Joinder of actions**

40. The Court, if it considers it desirable, may order that two or more actions to which this Order applies be tried together, and on such terms as to costs as the Court shall deem just.

#### *Affidavit of Representations*

#### **Affidavit of Representations**

41. (1) Save where the Court otherwise directs, any notice party, including the trustees of a pension scheme, who wishes to make representations to the Court under section 12(18) and/or section 13(2) of the Family Law Act or section 17(18) of the Divorce Act shall make such representations by Affidavit of Representation.

(2) The Affidavit of Representation shall be filed and served on all parties to the proceedings within 28 days of service upon the notice party of notice of the application for relief under section 12 and/or 13 of the Family Law Act or section 17 of the Divorce Act in accordance with rules 8(2) and 31(4) or within such time or in such manner as the Court may direct.

(3) Without prejudice to the entitlement of the Court to permit representations by persons having a beneficial interest in property (not being the other spouse) pursuant to section 15(5) of the Family Law Act and section 19(5) of the Divorce Act or by interested persons pursuant to section 15A(5) or section 25(6) of the Family Law Act and section 18(5) of the Divorce Act at the hearing of the action, such representations may be made by way of Affidavit of Representation to be filed and served on all parties to the proceedings as directed by the Court.

*Affidavit of Means*

**Affidavit of Means**

42. (1) Without prejudice to:

- (a) the right of each party to make application to the Court for an Order of Discovery pursuant to these Rules and
- (b) the jurisdiction of the Court pursuant to section 12(25) of the Family Law Act and section 17(25) of the Divorce Act,

in any case where financial relief under any of the Acts to which this Part applies is sought, the parties shall file Affidavits of Means in accordance with rules 8(1), 31 and 33 in respect of which the following provisions of this rule shall apply.

(2) Where a Defence and/or Counterclaim has been filed, each party shall, unless the other party dispenses in writing with the requirement of vouching, vouch his Affidavit of Means, in the manner specified in Form 37L, within 28 days of the date of filing of the Respondent's Affidavit of Means or 21 days before the date fixed for a case progression hearing, whichever is earlier.

(3) If a party fails to file, serve, or properly vouch the items referred to in, his or her Affidavit of Means as required by these Rules—

- (i) the Court, on application by notice of motion, and, in accordance with section 34(1) and the Second Schedule of the Courts and Court Officers Act 1995, the County Registrar, on application by notice of motion or in the course of case progression, may make an order enlarging the time within which the party in default must file or serve an Affidavit of Means and/or vouch (in such manner or on such terms as the Court, or the County Registrar as the case may be, directs) the items referred to in any Affidavit of Means or may make an order for Discovery, or
- (ii) the Court may make such other orders as the Court deems appropriate and necessary (including an order that such party shall not be entitled to pursue or defend as appropriate a claim for any ancillary reliefs under the Acts save as permitted by the Court upon such terms as the Court may determine are appropriate and/or adjourning the proceedings for a specified period of time to enable compliance) and furthermore and/or in the alternative relief pursuant to section 38(8) of the Family Law Act or section

38(7) of the Divorce Act may be sought in accordance with rule 55.

**Content of Affidavit of Means**

43. (1) The Affidavit of Means shall set out in schedule form details of:

- (i) the party's income, assets, debts, expenditure and other liabilities wherever situated and from whatever source and,
- (ii) to the best of the deponent's knowledge, information and belief the income, assets, debts, expenditure and other liabilities wherever situated and from whatever source of any dependent member of the family.

(2) The Affidavit of Means shall be in accordance with Form 37A in the Schedule of Forms or such modification thereof as may be appropriate.

(3) Where relief pursuant to section 12 of the Family Law Act is sought, the Affidavit of Means shall also state to the best of the deponent's knowledge, information and belief:

- (i) the nature of the scheme;
- (ii) the benefits payable under the scheme;
- (iii) the normal pensionable age;
- (iv) the period of reckonable service of the member spouse.

(4) Where information relating to the pension scheme has been obtained from the trustees of the scheme under the Pensions Acts 1990 to 2015, such information should be exhibited in the Affidavit of Means and where such information has not been obtained a specific averment shall be included in the Affidavit of Means as to why such information has not been obtained.

*Affidavit of Welfare*

**Affidavit of Welfare**

44. (1) An Affidavit of Welfare shall be in the Form 37B in the Schedule of Forms.

(2) Where the respondent agrees with the facts as averred to in the Affidavit of Welfare filed and served by the applicant, the respondent may file and serve an Affidavit of Welfare in the alternative form provided for in Form 37B.

(3) Where the Respondent disagrees with the Affidavit of Welfare filed and served by the applicant, a separate Affidavit of Welfare, including the schedule provided for in Form 37B shall be sworn, filed and served by the respondent in accordance with rule 31.

*Counterclaims***Counterclaim**

45. Save where otherwise directed by the Court, a Counterclaim, if any, brought by a respondent shall be included in and served with the Defence, in accordance with the provisions of these Rules.

**Additional requirements for Counterclaim where divorce is claimed**

46. A Counterclaim in proceedings for a decree of divorce shall include the following details—

- (i) the facts specified at rule 15 in like manner as in the Family Law Civil Bill;
- (ii) the ground(s) for a decree of divorce, if sought;
- (iii) any ground upon which the respondent intends to rely in support of any ancillary relief claimed; and
- (iv) the relief sought under the Divorce Act.

**Additional requirements for Counterclaim where judicial separation is claimed**

47. A Counterclaim in proceedings for a decree of judicial separation shall include the following details—

- (i) the facts specified at rule 16 in like manner as in the Family Law Civil Bill;
- (ii) the ground(s) for a decree of judicial separation, if sought;
- (iii) any additional ground upon which the respondent intends to rely in support of any ancillary relief claimed, and
- (iv) the relief sought under the Family Law Act.

**Additional requirements for Counterclaim where relief after divorce or separation outside the State is claimed**

48. A Counterclaim in proceedings for relief after divorce or separation outside the State shall include the following details—

- (i) the facts specified at rule 17 in like manner as in the Family Law Civil Bill;
- (ii) any additional ground upon which the respondent intends to rely in support of any ancillary relief claimed; and
- (iii) the relief sought under the Family Law Act.

**Additional requirements for Counterclaim where decree of nullity is claimed**

49. A Counterclaim in proceedings for a decree of nullity shall include the following details—

- (i) the ground(s) for a decree of nullity, if sought;
- (ii) any additional ground upon which the respondent intends to rely in support of any relief claimed;
- (iii) the relief sought (including whether or not a declaration relating to the custody of a dependent member of the family under section 46 of the Family Law Act is sought), and
- (iv) any additional issues to be tried.

**Additional requirements for Counterclaim where a Declaration of Marital Status is claimed**

50. A Counterclaim in proceedings for a Declaration of Marital Status shall include the following details—

- (i) the facts specified at rule 19 in like manner as in the Family Law Civil Bill;
- (ii) any additional ground upon which the respondent intends to rely in support of any relief claimed, and
- (iii) the relief sought under the Family Law Act.

**Additional requirements for Counterclaim where determination of property issues is claimed**

51. A Counterclaim in proceedings for the determination of property issues between spouses, under section 36 of the Family Law Act or between formerly engaged persons under section 44 of the Divorce Act shall include the following details—

- (i) the facts specified at rule 20 in like manner as in the Family Law Civil Bill;
- (ii) any additional ground upon which the respondent intends to rely in support of any relief claimed, and
- (iii) the relief sought under the Family Law Act.

**Additional requirements for Counterclaim where relief under Guardianship Act or Children Act is claimed**

52. A Counterclaim in proceedings for relief under the Guardianship Act or the Children Act shall include the following details—

- (i) the facts specified at rule 23 in like manner as in the Family Law Civil Bill;
- (ii) any additional ground upon which the respondent intends to rely in support of any relief claimed, and
- (iii) the relief sought under the Guardianship Act and/or the Children Act.

**Additional requirements for Counterclaim where relief under Maintenance Act is claimed**

53. A Counterclaim in proceedings for relief under the Maintenance Act shall include the following details—

- (i) the facts specified at rule 24 in like manner as in the Family Law Civil Bill;
- (ii) any additional ground upon which the respondent intends to rely in support of any relief claimed, and
- (iii) the relief sought under the Maintenance Act.

**Additional requirements for Counterclaim where relief under Family Home Act is claimed**

54. A Counterclaim in proceedings for relief under the Family Home Act shall include the following details—

- (i) the facts specified at rule 25 in like manner as in the Family Law Civil Bill;
- (ii) any additional ground upon which the respondent intends to rely in support of any relief claimed, and
- (iii) the relief sought under the Family Home Act.

*Interim and Interlocutory Applications***Interim and Interlocutory Applications**

55. (1) An application for:

- (i) Preliminary Orders under section 6 of the Family Law Act or section 11 of the Divorce Act;
- (ii) maintenance pending suit or relief under section 7 or section 24 of the Family Law Act or section 12 of the Divorce Act;
- (iii) information pursuant to section 12(25) of the Family Law Act or section 17(25) of the Divorce Act;
- (iv) relief under section 35 of the Family Law Act or section 37 of the Divorce Act;
- (v) relief under section 38(8) of the Family Law Act or section 38(7) of the Divorce Act;
- (vi) a report under section 47 of the Family Law Act or section 42 of the Family Law Act;
- (vii) any other interlocutory relief,

shall be by Notice of Motion served upon the parties to the proceedings and, in the case of applications pursuant to section 12(25) of the Family Law Act or section 17(25) of the Divorce Act, upon the trustees of the pension scheme concerned.

(2) Prior to any interlocutory application for discovery or for information pursuant to section 12(25) of the Family Law Act or section 17(25) of the Divorce Act being made, the information sought shall be requested in writing voluntarily at least 14 days prior to the issuing of the motion for the relief concerned and upon failure to make such a request, the Judge may adjourn or strike out the motion or make such other order, including an order as to costs, as to the Court may appear appropriate.

(3) An application for alimony pending suit in nullity proceedings shall be by Notice of Motion grounded upon Affidavit setting out the assets, liabilities, income, debts and expenditure of the applicant for alimony and, in so far as same is known to the applicant, the assets, liabilities, income, debts, and expenditure of the respondent to the Motion.

(4) Where the respondent wishes to defend an application for alimony pending suit mentioned in sub-rule (3), the respondent shall file a replying Affidavit setting out details of his assets, liabilities, income, debts and expenditure.

(5) Applications for the appointment of medical and/or psychiatric inspectors in respect of the applicant and/or the respondent shall be made by Motion on Notice to the other party and such Motion shall be issued not later than 14 days after the elapsing of the times for the entry of an Appearance and delivery of a Defence save with the leave of the Court or the County Registrar.

(6) In any case where the Court is satisfied that the delay caused by proceeding by Motion on Notice under this rule would or might entail serious harm or mischief, the Court may make an Order *ex parte* as it shall consider just. Urgent applications under this sub-rule may be made to a Judge at any time or place approved by him, by arrangement with the County Registrar for the County in question.

(7) Interim and interlocutory applications shall where appropriate be made to the County Registrar in accordance with the Second Schedule to the Court and Court Officers Act 1995 and Orders 18 and 19.

(8) If on the date for hearing of any Application under this Rule the matter is not dealt with by the Court for any reason, and, in particular, on foot of an adjournment sought by either party, the other party, whether consenting to the adjournment or not, may apply for, and the Court may grant, such interim or interlocutory relief as to it shall seem appropriate without the necessity of service of a Notice of Motion.

(9) Any interim or interlocutory application shall be heard on Affidavit, unless the Court otherwise directs, save that the deponent of any Affidavit must be available to the Court to give oral evidence or to be cross-examined as to the Court shall seem appropriate.

(10) Notwithstanding sub-rule (9), a Motion for Discovery and a Motion in the course of nullity proceedings for the appointment of medical/psychiatric inspectors shall be heard on a Notice of Motion only.

(11) Where any oral evidence is heard by the Court in the course of any application made *ex parte*, a note of such evidence shall be prepared by the applicant or the applicant's solicitor and approved by the Judge and shall be served upon the respondent forthwith together with a copy of the order made (if any), unless otherwise directed by the Court.

#### **Medical and/or psychiatric inspectors**

56. (1) Where medical and/or psychiatric inspectors are appointed by the Court or the County Registrar, the solicitors for the parties shall attend with the parties on the appointed day at the place in which the inspection is to take place for the purpose of identifying the parties to the County Registrar or his nominee.

(2) Where a party is unrepresented, appropriate photographic proof of identity must be produced sufficient to satisfy the County Registrar or his nominee of the identity of the party concerned.

(3) No inspection shall be carried out unless the procedures contained in this rule are satisfied.

(4) Upon completion of the inspection, a report thereof shall be sent by the inspector directly to the County Registrar for the County in which the proceedings have issued.

#### *Evidence*

#### **Evidence in proceedings by Family Law Civil Bill**

57. (1) Save where the Court otherwise directs and subject to rule 55, every application under this Part of this Order shall be heard on oral evidence.

(2) Notwithstanding the provisions of sub-rule (1), where relief under section 12 of the Family Law Act or section 17 of the Divorce Act is sought by the applicant or the respondent, evidence of the actuarial value of a benefit under the scheme (as defined in section 12(1) of the Family Law Act and section 17(1) of the Divorce Act) may be by Affidavit filed on behalf of the applicant or, as the case may be, the respondent, such Affidavit to be sworn by an appropriate person and served on all parties to the proceedings and filed at least 14 days in advance of the hearing and subject to the right of the respondent or applicant to serve Notice of Cross-examination in relation to same. Where one of the parties has adduced evidence of the actuarial value of a benefit by Affidavit as provided for herein and the other party intends to adduce similar or contra oral evidence, notice of such intention shall be served by the disputing party upon all other parties at least ten days in advance of the hearing.



*Further relief and applications on behalf of dependent persons***Further relief and applications on behalf of dependent persons**

58. (1) Where either party or a person on behalf of a dependent member of the family wishes at any time after the hearing of the Application to seek further relief as provided for in the Act or to vary or discharge an order previously made by the Court that party shall issue a Notice of Motion to re-enter or to vary or discharge, as the case may be, grounded upon an Affidavit seeking such relief.

(2) Such Motions shall be subject to the provisions of rules 8, 28, 41, 42, 43 and 57, as appropriate.

(3) Where a person on behalf of a dependent member of the family wishes to make application for ancillary reliefs at the hearing of the action, such application shall be by way of Notice of Motion to be served on all other parties to the proceedings setting out the reliefs sought grounded on Affidavit which said Motion shall be listed for hearing on the same date as the hearing of the action contemporaneously therewith. Such Motions shall be subject to the provisions of rules 8, 28, 41, 42, 43 and 57, as appropriate.

*Miscellaneous***Issue of nullity in proceedings for a Declaration of Marital Status**

59. Where any party to proceedings for a declaration under section 29 of the Family Law Act alleges that the marriage in question was void or voidable and the Court decides to treat the application as one for annulment of the marriage, the provisions of this Order in relation to the procedures applicable to decrees of nullity may be adapted in such manner as the Court shall direct.

**Applications for relief under section 33 of the Family Law Act or section 47 of the Civil Registration Act 2004**

60. (1) An application by originating motion *ex parte* under section 33 of the Family Law Act for an order exempting the marriage from the application of section 31(1)(a) or (i) under section 47 of the Civil Registration Act 2004 for an order exempting the marriage from the application of section 46(1)(a)(i) of that Act may be made:

- (i) by the parties to the intended marriage where both are over the age of 18 years;
- (ii) by the legal guardians of the parties to the intended marriage where both are under the age of 18 years;
- (iii) where one of the parties is over the age of 18 years, by that party and the legal guardian or guardians of the other party.

(2) Where deemed appropriate by the Court, a guardian or guardians ad litem may be appointed by the Court to represent either or both of the parties.

(3) The application may be grounded upon Affidavit or upon oral evidence given by or on behalf of the parties, as the Court may direct, which evidence shall set out the reasons justifying the exemption and the basis upon which it is claimed that the application is in the interests of the parties to the intended marriage.

**Applications under section 8 of the Maintenance Act**

61. (1) In an application under section 8 of the Maintenance Act by originating Notice of Motion, the originating Notice of Motion shall:

- (i) specify the relief sought (including whether or not relief under section 8B of the Maintenance Act, as inserted by section 43 of the Family Law Act, is sought);
- (ii) state the name and place of residence or address for service of the applicant.

(2) Where relief under section 8B of the Maintenance Act is sought, the originating Notice of Motion shall, in addition to being served on the respondent, be served upon the trustees of the pension scheme.

(3) There must be at least ten clear days between the service of the notice and the day named therein for the hearing of the motion.

(4) Subject to the right of the Court to give such directions as it considers appropriate or convenient, evidence at the hearing of the motion shall be by affidavit.

(5) Any affidavit to be used in support of the motion shall be filed in the Office and a copy of any such affidavit shall be served with the notice.

(6) Any affidavit to be used in opposition to the application shall be filed in the Office and served upon the applicant and, where relief pursuant to section 8B of the Maintenance Act is sought, upon the trustees of the pension scheme by the respondent following the service on him of the applicant's affidavit.

(7) Any affidavit of representations to be used by the trustees of the pension scheme shall be filed in the appropriate Office and served upon the applicant and the respondent.

**Proceedings to have a conveyance declared void under section 3 of the Family Home Act**

62. The applicant in proceedings wherein it is sought to have a conveyance declared void pursuant to the provisions of section 3 of the Family Home Act (as amended by section 54 of the Family Law Act)(which said proceedings shall be instituted by way of Equity Civil Bill seeking declaratory relief) shall forthwith and without delay following the institution of such proceedings cause relevant particulars of the proceedings to be entered as a lis pendens upon the land (including any premises thereon) in question under and in accordance with section 121 of the Land and Conveyancing Law Reform Act 2009.

**Updating and vouching of Affidavits of Means and/or expert reports**

63. The Judge or the County Registrar may, on any occasion when proceedings are listed before him (including for mention or in any callover) direct the updating and vouching of Affidavits of Means, and/or expert reports, where necessary, to such date as is directed.

**III. Case Progression****Application of Part III**

64. (1) This Part shall apply to proceedings by Family Law Civil Bill in which relief is sought under any of the Acts referred to in Part II.

(2) The purpose of case progression is to ensure that proceedings are prepared for trial in a manner which is just, expeditious and likely to minimise the costs of the proceedings and that the time and other resources of the court are employed optimally.

**Listing of proceedings for case progression (Dublin Circuit)**

65. (1) This rule shall apply in the Dublin Circuit only.

(2) Where:

- (i) both parties have lodged a joint certificate of completion (signed by or on behalf of both parties) of the pre-case progression steps in the Form 37W of the Schedule of Forms, or
- (ii) a party has lodged a certificate of completion by that party of the pre-case progression steps in the Form 37W of the Schedule of Forms, and has given the opposing party not less than 14 days' written notice of his completion of the pre-case progression steps and his intention to apply for a case progression hearing and calling on that party to complete the pre-case progression steps,

the County Registrar shall cause the proceedings to be listed before him for a case progression hearing by Summons in Form 37L of the Schedule of Forms.

(3) Where sub-rule (2)(i) applies, the case progression hearing shall be listed on the next available date, and where sub-rule (2)(ii) applies, the case progression hearing shall be listed on the next available date following the expiry of 21 days from the date of issue of the Summons.

(4) Where a Summons has not issued in accordance with sub-rule (2) in respect of the proceedings within twelve months after the date of issue of the Civil Bill, then unless:

- (i) notice to fix a date for trial has been served and filed in accordance with these Rules, or
- (ii) a motion for judgment in default has been brought in accordance with rule 34, or

- (iii) a motion for an order in agreed terms has been brought in accordance with rule 35,

the proceedings shall be listed before the Court for an explanation of the delay in proceeding, and the Court may make such orders and give such directions as it considers appropriate, which may include striking out the proceedings including any counterclaim or directing the issue of a Summons for case progression by the County Registrar.

**Listing of proceedings for case progression (Circuits other than Dublin Circuit)**

66. (1) This rule shall apply in all Circuits other than the Dublin Circuit.

(2) The County Registrar shall cause the proceedings to be listed before him for a case progression hearing on a date which is not later than 70 days after filing by the Respondent of his Defence, his Affidavit of Means and, where required by this Order, his Affidavit of Welfare. The County Registrar shall issue a Summons, in Form 37L of the Schedule of Forms, to each of the parties to attend such hearing, to which shall be attached the case progression questionnaire referred to in rule 78. In fixing the date on which the proceedings are listed before him for case progression, the County Registrar shall allow the parties sufficient time to vouch the items referred to in their respective Affidavits of Means within the time prescribed by rule 71 and to complete the case progression questionnaire within the time prescribed by rule 78.

**Service of notice to pension trustees**

67. Where pension relief is sought by either party, the Notice to the Trustees shall be served, the Affidavit of Service in respect of same shall be filed and a copy of such Notice and Affidavit shall be served on the other party prior to completion of a certificate mentioned in paragraph (i) or (ii) of rule 65(2) or, in a case to which rule 66(2) applies, prior to the case progression hearing.

**Initial return before County Registrar in other cases**

68. (1) Save in the case of motions for judgment in default of Appearance or Defence returnable in the Dublin Circuit, any motion for judgment in default of Appearance or Defence in proceedings not already subject to case progression under this Part, any matter remitted or transferred from the High Court and any motion for re-entry of proceedings shall be returnable initially before the County Registrar.

(2) On the initial return date for a motion for judgment in default of Appearance or Defence returned before the County Registrar in accordance with sub-rule (1), the County Registrar shall—

- (a) in any case where he is satisfied, having made such inquiries as he may consider necessary, that the motion is not contested or that the parties are agreed in respect of all of the reliefs being sought, transfer the motion to the appropriate Court Motions List for such date as the County Registrar shall appoint;
- (b) in any case where he is satisfied, having made such inquiries as he may consider necessary, that the motion is contested, appoint a date

for a case progression hearing before him in the proceedings, and where he considers it appropriate, issue a Summons in Form 37L to any party to attend such hearing.

(3) Where the County Registrar has appointed a date for a case progression hearing under paragraph (b) of sub-rule (2), the County Registrar may make such order as he shall deem fit enlarging the time for the entry of an Appearance, or the delivery and filing of a Defence, or the service and filing of an Affidavit of Means or Affidavit of Welfare, or for the doing of any other act or taking of any other step in the proceedings.

#### **Case progression in remitted, transferred and re-entered proceedings**

69. On—

- (a) receipt of proceedings remitted or transferred from the High Court, or
- (b) re-entry of proceedings by a party,

the County Registrar shall appoint a date for a case progression hearing before him in the proceedings, and where he considers it appropriate, shall issue a Summons in Form 37L to any party to attend such hearing.

#### **Court direction for case progression**

70. The Court may direct that proceedings which are before it (including proceedings on foot of an appeal from an order of the District Court and proceedings sent forward from the District Court) shall be subject to case progression, in which event the County Registrar shall proceed in like manner as provided for in rule 64 or 65.

#### **County Registrar's directions as to vouching**

71. (1) Notwithstanding rule 42(2), where a case progression hearing has been listed before the County Registrar the County Registrar may give directions as to the vouching of the items referred to in the parties' respective Affidavits of Means where there is a dispute between the parties in relation to the vouching of any particular item or the adequacy of the said vouching.

(2) The County Registrar may fix a date by which such directions are to be complied with.

#### **Record of proceedings in case progression**

72. (1) Each County Registrar shall maintain a record, which may be in electronic form, of all proceedings at case progression hearings before him.

- (2) Such record shall, for the proceedings concerned, include particulars of—
  - (i) the date of issue of the summons to attend the hearing;
  - (ii) the date of each hearing and any adjournment thereof;
  - (iii) where the hearing is adjourned, the reason for the adjournment;

- (iv) the name of the County Registrar conducting the hearing;
- (v) the names of counsel, solicitors and any parties attending;
- (vi) the orders made or directions given at the hearing or any adjournment thereof.

(3) A copy of the record shall be placed on the Court file and a further copy of same shall be made available to a party to the proceedings at his request.

**Conduct of case progression hearing**

73. (1) At the case progression hearing the County Registrar—

- (a) shall establish what steps remain to be taken to prepare the case for trial, fix a timetable for the completion of preparation of the case for trial, and for that purpose adopt any timetable proposed by the parties if satisfied that it is reasonable;
- (b) may make orders or give directions with respect to pleadings, the exchange of between the parties of statements of issues, the identifying of issues in dispute between the parties, particulars, discovery, interrogatories, inspection of documents, inspection of real or personal property, commissions and examination of witnesses, or otherwise, which may be necessary or expedient;
- (c) may list the proceedings before the Court for the purpose of an application pursuant to section 47 of the Family Law Act or, after consultation with the appropriate County Registrar, cause the proceedings to be listed at the next sitting of the Court at any venue within the Circuit for that purpose;
- (d) may, save in respect of any issue affecting a dependent child, receive and record on behalf of the Court undertakings to the Court from a party to the proceedings having effect pending the trial of the proceedings or until further order made by the Court;
- (e) may adjourn the case progression hearing to enable any order made or any direction given to be complied with or any other act to be done or step to be taken in the proceedings;
- (f) may make inquiries of the parties so as to ascertain the likely length of the trial and the arrangements, if any, for witnesses, information and communications technology (including video conferencing) and any other arrangements which require to be made for the trial;
- (g) may fix the time and mode of trial, and may fix a date for trial (and may dispense with the requirement for service by either party of a notice of trial or a notice to fix a date for trial) or may give directions as to the service of a notice of trial or a notice to fix a date for trial;

- (h) may make any orders and give any directions in respect of arrangements for the trial as he considers necessary;
  - (i) may direct any expert witnesses to consult with each other within such time as the County Registrar shall specify for the purposes of—
    - (i) identifying the issues in respect of which they intend to give evidence,
    - (ii) where possible, reaching agreement on the evidence that they intend to give in respect of those issues, and
    - (iii) considering any matter which the County Registrar or the Judge may direct them to consider,

and require that such witnesses record in a memorandum to be jointly submitted by them to the County Registrar and delivered by them to the parties, particulars of the outcome of their consultations, within such time as the County Registrar shall specify:

provided that any such outcome shall not be in any way binding on the parties.

(2) Any order made or direction given at a case progression hearing shall be issued within 21 days of that hearing.

(3) The County Registrar may adjourn a case progression hearing from time to time and from place to place as may be appropriate, for the purposes of allowing any steps directed by the County Registrar or matters agreed to be done to be carried out, or so as to resume a case progression hearing after a matter has been referred to the Court by way of a Motion, or pursuant to rule 75(1) for any other reason, to enable the County Registrar to ensure that the proceedings are prepared for trial in the manner referred to in rule 64(2).

**Certification of compliance: Dublin Circuit**

74. (1) This rule shall apply in the Dublin Circuit only.

(2) Where during the course of case progression, both parties, not less than seven weeks before any adjourned case progression hearing date, jointly certify completion of the pre-case progression steps in the Form 37W of the Schedule of Forms, and compliance in full with all orders made and directions given in case progression and readiness for trial in the Form 37X of the Schedule of Forms, to which are appended copies of every order made and direction given in case progression, the proceedings shall be listed before the County Registrar to fix a date for hearing, notwithstanding that the case progression hearing is adjourned to a later date.

(3) The County Registrar shall, save in exceptional circumstances to be identified in any order made, fix a date for the hearing by the Court of the proceedings and vacate any adjourned date for the case progression hearing.

**Delay or default**

75. (1) Where the County Registrar concludes that there has been undue delay or default in complying with any order made or direction given by the Court or by him, or with any requirement of these Rules, he may list the matter for hearing at the next sitting of the Court or, after consultation with the appropriate County Registrar, cause the matter to be listed at the next sitting of the Court at any venue within the Circuit.

(2) Where the County Registrar so concludes, he shall furnish a Report to the Court setting out the delay or default concerned. Such report shall be in Form 37M of the Schedule of Forms.

**Attendance at case progression hearing**

76. (1) The solicitors appearing for each of the parties or, where a party is not represented by a solicitor, the party himself, shall attend the case progression hearing and any adjournment thereof.

(2) Where the County Registrar considers it necessary or desirable, he may direct that a party attend the hearing notwithstanding the fact that the party may be represented by a solicitor.

(3) Each representative of a party attending the case progression hearing shall ensure that he is sufficiently familiar with the proceedings and has authority from the party he represents to deal with any matters that are likely to be dealt with.

(4) Where a party is represented by counsel such counsel may attend the case progression hearing, but the fees of counsel for either party for attending the case progression hearing will be allowed in the taxation and measurement of costs only where the County Registrar so certifies.

**Costs in connection with case progression**

77. (1) The County Registrar may award costs incurred in connection with the case progression hearing as between party and party.

(2) The County Registrar may tax and measure any such costs, and may, where the Court so directs, tax and measure any solicitor and client costs incurred in connection with a case progression hearing.

(3) Where it appears to the County Registrar that a case progression hearing cannot conveniently proceed, or it appears to the Court that a case progression hearing could not conveniently proceed by reason of the failure of a party to be prepared for such hearing or, by reason of the default of any party in complying with any order or direction of the County Registrar, the County Registrar or, as the case may be, the Court, may award costs against such party, or may disallow the costs of such party, as the case may be.



**Case progression questionnaire**

78. (1) Each party shall lodge with the County Registrar and serve on the other party not later than seven days before the date fixed for the case progression hearing a case progression questionnaire, duly completed, in Form 37N of the Schedule of Forms.

(2) Where the County Registrar directs, a party shall revise or update a case progression questionnaire within such time as is directed by the County Registrar.

**IV. Appointment of guardians****Proceedings by originating Notice of Motion to appoint a guardian**

79. (1) In proceedings under the Guardianship Act commenced by originating Notice of Motion, a copy of the originating Notice of Motion shall be served on the other parent and on any other guardian of the child.

(2) In the case of an application by a person to whom section 6C(2)(b) of the Guardianship Act applies, a copy of the originating Notice of Motion shall also be served upon the Child and Family Agency.

(3) In the case of an application under section 6E(3) of the Guardianship Act, a copy of the originating Notice of Motion and any written nomination shall be served on each person mentioned in section 6E(4) of the Guardianship Act.

(4) Any further application in proceedings mentioned in sub-rule (1), including any application under section 6E(9) of the Guardianship Act in a case where an order has been made under section 6E(5) of the Guardianship Act, shall be made by the issue and service of a Notice of Motion.

(5) A copy of the Notice of Motion shall be served on every person served with a copy of the originating Notice of Motion by which the proceedings were begun, and on any other person required under the Guardianship Act or directed by the Court to be served.

(6) Every application mentioned in this rule shall be heard on oral evidence.

(7) Where the applicant's parentage of the child to whom any application mentioned in this rule relates is disputed, the applicant shall produce a certified copy of the entry in the Register maintained under the Civil Registration Act 2004, showing that the applicant is registered as a parent of the child to whom the application relates.

**V. Declaration of Parentage****Directions in proceedings for a declaration of parentage**

80. In proceedings for a declaration of parentage, the Court or the County Registrar, as the case may be, may make such orders and give such directions as it or he may deem expedient relating to the said application and to the hearing thereof, including but not limited to the giving of particulars, the provision of information, the sending of papers to the Attorney General, the adding of the

Attorney General or any other person as a party to the proceedings, the notification of the application to any person, and any other matter in relation to which applications or directions are provided by Part VI of the Status of Children Act.

**Applications by motion in proceedings for a declaration of parentage**

81. Every application:

- (i) pursuant to section 35(5) of the Status of Children Act (for a direction that papers be sent to the Attorney General);
- (ii) pursuant to section 35(7) of the Status of Children Act (ordering that a person be added as a party to the proceedings);
- (iii) for judgment in default of Defence,

shall, without prejudice to the power of the Court to act of its own motion, be made by motion on notice to such parties as are affected thereby, which notice shall be served at least four clear days before the hearing of such motion. Service of the notice of motion may, by exception to the provisions of Order 11, rule 5, be effected by ordinary post and shall be deemed to have been effected on the second day following the day of posting.

**Form and service of declaration of parentage**

82. (1) Any declaration made under section 35 of the Status of Children Act shall be in Form 37G of the Schedule of Forms or such modification thereof as may be appropriate.

(3) A copy of every declaration made under section 35 of the Status of Children Act shall be furnished by the County Registrar to An tArd-Chláraitheóir within ten days of the making of such declaration.

**VI. DNA Tests where Parentage is in Issue**

83. (1) Every application under section 38 of the Status of Children Act, for a direction for the use of DNA tests shall, without prejudice to the power of the Court to make a direction of its own motion, be made by Motion on Notice in accordance with Form 37H of the Schedule of Forms or such modification thereof as may be appropriate.

(2) Such notice of motion shall be entitled with the title of the proceedings in which the application is brought and shall specify the name of the person whose parentage is in dispute and shall set out the full name and address and date of birth of each person from whom it is proposed that a bodily sample be taken.

(3) The notice of motion shall be served on every person from whom it is proposed that a bodily sample be taken at least four clear days before the date fixed for the hearing thereof. Service of the notice of motion may, by exception to the provisions of Order 11, rule 5, be effected by ordinary post and shall be deemed to have been effected on the second day after the day of posting.

(4) Every said application shall be heard on oral evidence, unless the Court otherwise allows or directs.

(5) Every direction under section 38(1) shall be in Form 37I of the Schedule of Forms.

(6) Where bodily samples have been tested under section 40 of the Status of Children Act, no party to the proceedings shall, unless the Court otherwise directs, be entitled to call as a witness the person under whose control the bodily samples were tested or any person by whom anything necessary for the purpose of enabling these tests to be carried out was done, unless within 14 days after receiving a copy of the report he serves a notice in Form 37J of the Schedule of Forms or such modification thereof as may be appropriate on the other parties to the proceedings or on such of them as the Court may direct, of his intention to call that person as a witness.

## **VII. Domestic Violence**

### **Forms**

84. An originating application for the making of a Barring Order or Safety Order shall be instituted by the issuing of a Domestic Violence Civil Bill in the Form 2O of the Schedule of Forms or such modification thereof as may be appropriate in the circumstances.

### **Interim orders**

85. (1) An application for a Protection Order may be made by Motion on Notice or by *ex parte* application after the institution of proceedings for a Barring Order or Safety Order.

(2) An application for an interim Barring Order may be made by Motion on Notice or by *ex parte* application after the institution of proceedings for a Barring Order.

(3) Such applications shall be grounded upon an affidavit to be sworn by the applicant or such other person as may be appropriate.

(4) An application for the discharge or variation of a Protection Order or interim Barring Order shall be by Motion on Notice or by *ex parte* application and shall be grounded upon an affidavit to be sworn by the respondent or such other person as may be appropriate.

(5) Urgent applications under this rule may be made to a Judge at any time or place approved by him or her, by arrangement with the County Registrar.

(6) Where interim relief of any nature is granted following an *ex parte* application, the applicant shall forthwith cause a Notice of Motion to issue in respect of the reliefs which are being sought and/or affirming the *ex parte* orders which have been made, such Motion to be returnable before the Court not later than eight days following the granting of the *ex parte* relief and to be served upon the respondent in accordance with the provisions of rule 87, unless otherwise directed by the Court.

(7) Save where otherwise directed by the Court, all *ex parte* orders obtained shall lapse upon the expiration of eight days following the making thereof.

**Entry of Domestic Violence Civil Bill**

86. Every Domestic Violence Civil Bill under rule 84 shall be entered in the Office before service and a date for the hearing of same or a date upon which a date for hearing shall be fixed by the Court shall be obtained.

**Dates**

87. (1) Every Domestic Violence Civil Bill under rule 84 shall state the date upon which the application shall be listed for hearing or shall state the date upon which a date for hearing shall be fixed by the Court.

(2) For the purpose of obtaining an expeditious hearing of such application, the same may be set down for hearing at any sitting of the Court within the Circuit.

**Service**

88. (1) Every Domestic Violence Civil Bill under rule 84 and every Notice of Motion under rule 85 shall be served at least four clear days before the date scheduled for the hearing thereof.

(2) An Affidavit of Service of every such Domestic Violence Civil Bill and every such Notice of Motion shall be handed in at the hearing of the application or Motion.

**Evidence**

89. (1) Save by special leave of the Court, all applications made *ex parte* or by Motion on Notice for an interim Barring Order or Protection Order or for the variation or discharge of same pursuant to rule 85 shall be heard on affidavit evidence only.

(2) Where, by leave of the Court, any oral evidence is heard by the Court in the course of such applications *ex parte*, a note of such evidence shall be prepared by the applicant or the applicant's solicitor or the Child and Family Agency or the solicitor for the Child and Family Agency and approved by the Judge, unless otherwise directed by the Court.

(3) Save by special leave of the Court, all applications for a Barring Order or Safety Order and all applications for a variation or discharge of any Barring Order or Safety Order pursuant to rule 85 shall be heard on oral evidence.

**Joinder**

90. Any application for a Barring Order or Safety Order may be joined together with any other application on the same Notice or application.

**Service of orders**

91. (1) On the making, varying or discharging of a Barring Order, a Safety Order, an interim Barring Order or a Protection Order, the County Registrar shall cause a copy of the order in question to be given or sent as soon as practicable to:

- (i) the applicant;
- (ii) the respondent;
- (iii) the Child and Family Agency where application was made by the Child and Family Agency pursuant to section 6 of the Domestic Violence Act;
- (iv) the member of the Garda Síochána in charge of the Garda Síochána station for the area:
  - (a) in which is situate the place in relation to which the application for the Barring Order or interim Barring Order was made or
  - (b) in which the person for whose benefit the safety order or protection order was made resides or
  - (c) such other area as the Court shall deem appropriate, and
- (v) such other persons as are specified in section 11 of the Domestic Violence Act.

(2) Where an interim Barring Order or Protection Order is made *ex parte*, the copy order sent to the respondent shall have enclosed therewith a copy of the affidavit upon which the application was grounded and a copy of the approved note of any oral evidence heard in the course of such application, unless otherwise ordered by the Court.

**VIII. Proceedings under the Protection of Children (Hague Convention) Act 2000 and the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children, 1996.**

**Definitions in this Part**

92. In this Part, unless the context otherwise requires, each of the expressions “another contracting state”, “Central Authority”, “contracting state”, “decision”, “judgment”, and “measure” has the meaning assigned to it by section 1 of the Hague Convention Act.

**Form of proceedings**

93. (1) Proceedings before the Court under the Hague Convention Act or under the Hague Child Convention shall, subject to sub-rule (2), be brought by the appropriate Family Law Civil Bill which shall be issued, served and entered in accordance with this Order.

(2) Where proceedings directed to the protection of a child’s person or property are pending before the Court, an application for relief under the Hague Convention Act or under the Hague Child Convention may be brought by Notice of Motion in those proceedings.

(3) Where the Court is asked in accordance with the Hague Child Convention to exercise a jurisdiction conferred on it to take any measures by virtue of being the appropriate court of a contracting state, the Family Law Civil Bill under sub-rule (1) or, as the case may be, the Notice of Motion under sub-rule (2):

- (i) shall additionally be entitled in the matter of the provision of the Hague Child Convention in accordance with which the Court is asked to exercise jurisdiction, and
- (ii) shall additionally have appended a copy of any relevant request in writing made by the competent authority of another contracting state, together with a certified translation, where necessary, into Irish or English, or otherwise shall set out the basis on which the request to exercise jurisdiction is made.

#### **Interim or interlocutory applications**

94. Where, in any case, the Court is asked to exercise jurisdiction under the Act by virtue of Article 9, 11 or 12 of the Hague Child Convention to order relief of a particular kind, any interim or interlocutory order may be sought by *ex parte* application or, as the case may be, by Notice of Motion to be served upon the parties to the proceedings, and may be granted by the Court on such an application, and

- (a) in any case where the Court is satisfied that the delay caused by proceeding by Motion on Notice would or might entail serious harm or mischief, the Court may make an order *ex parte* as it shall consider just, and urgent applications under this paragraph may be made to a Judge at any time or place approved by him, by arrangement with the County Registrar for the County in question;
- (b) interim and interlocutory applications shall, where appropriate, be made to the County Registrar in accordance with the Second Schedule to the Court and Court Officers Act 1995 and Orders 18 and 19;
- (c) if on the date for hearing of any application under this rule the matter is not dealt with by the Court for any reason, and, in particular, on foot of an adjournment sought by either party, the other party, whether consenting to the adjournment or not, may apply for, and the Court may grant, such interim or interlocutory relief as to it shall seem appropriate without the necessity of service of a Notice of Motion;
- (d) any interim or interlocutory application shall be heard on Affidavit, unless the Court otherwise directs, save that the Deponent of any Affidavit must be available to the Court to give oral evidence or to be cross-examined as to the Court shall seem appropriate;
- (e) where any oral evidence is heard by the Court in the course of any application *ex parte*, a note of such evidence shall be prepared by the applicant or the applicant's solicitor and approved by the Judge and

shall be served upon the respondent forthwith together with a copy of the order made (if any), unless otherwise directed by the Court.

### **Stay of proceedings for purposes of Article 8 of the Hague Child Convention**

95. (1) Where the Court has jurisdiction in any proceedings to which the Hague Child Convention applies, under Article 5 or 6 of the Convention but, on application of a party to the proceedings or of its own motion, considers in accordance with Article 8 of the Hague Child Convention that the authority of another contracting state would be better placed in the particular case to assess the best interests of the child, the Court may stay the proceedings before it and, as the Court considers appropriate, either:

- (a) direct the Central Authority to make a request on its behalf to the proper authority of the other contracting state concerned to assume jurisdiction to take such measures of protection as it considers necessary in accordance with Article 8 of the Hague Child Convention, or
- (b) invite the parties to introduce such a request before the proper authority of the other contracting state concerned in accordance with Article 8 of the Hague Child Convention,

and the Court may, for those purposes, limit the period of any stay to a period specified by the Court, and adjourn the matter for further consideration.

(2) The Court may discharge a stay ordered in accordance with sub-rule (1) and direct the withdrawal of any request made under paragraph (a) of that sub-rule if the authority in the other contracting state concerned does not assume jurisdiction within the period for which the Court granted the stay.

(3) The Court may discharge a stay ordered in accordance with sub-rule (1) if the parties do not, within the period specified by the court, request the authority in the other contracting state concerned to assume jurisdiction.

### **Exchange of views**

96. The Court may give such directions to the Central Authority as are appropriate to facilitate participation in any exchange of views referred to in Article 8.3 or Article 9.2 of the Hague Child Convention in such manner and by such means as the Judge considers most suitable to meet the purposes of the Hague Child Convention.

### **Notification of order under Article 11 of the Hague Child Convention**

97. In any case where the Court has made an order under Article 11 of the Hague Child Convention, the Court may direct the Central Authority to notify the Central Authority of another contracting state of the making of that order and may direct the first-mentioned Central Authority to make inquiries of the Central Authority of another contracting state as to whether measures referred to in paragraph 2 of Article 11 of the Hague Child Convention have been taken.

**Application for order under Article 12 of the Hague Child Convention**

98. In any case where the Court has been asked to make an order under Article 12 of the Hague Child Convention, the Court may direct the Central Authority:

- (a) to make inquiries of the Central Authority of another contracting state as to whether any measures have been taken by the authorities having jurisdiction under Articles 5 to 10 of the Hague Child Convention and, if so, as to the content of those measures;
- (b) to make inquiries of the Central Authority of another contracting state as to whether a decision (in respect of the measures of protection which may be required by the situation) referred to in paragraph 2 of Article 12 of the Hague Child Convention has been taken and, if so, as to the content of that decision; or
- (c) to notify the Central Authority of another contracting state of the making by the Court of an order under Article 12 of the Hague Child Convention.

**Adjournment to make a request under Article 34 of the Hague Child Convention**

99. Without limiting any other power of the Court, the Court may adjourn proceedings under the Act or under the Hague Child Convention for the purpose of making a request under Article 34 of the Hague Child Convention.

**Evidence**

100. Proceedings to which the Hague Child Convention applies shall be heard and decided in accordance with the procedure specified in this Order for the substantive relief claimed, but the Court may receive evidence on affidavit of any matter in such proceedings, where, and on such terms as, it considers necessary.

**Form of certificate**

101. (1) A certificate of the Court for the purposes of section 6 of the Hague Convention Act shall be provided on application in writing to the County Registrar for that purpose and shall be in the Form 37O in the Schedule of Forms, and may contain such further particulars as the Court may direct the County Registrar to include.

(2) Where appropriate, certified copies of any relevant order of the Court in the proceedings and of any document lodged as proof of service in the proceedings may be appended to the certificate.

**IX. Section 12 of the Gender Recognition Act 2015****Definitions in this Part**

102. In this Part, unless the context otherwise requires:

each of the expressions “Court”, “endocrinologist” and “medical practitioner” has the same meaning as in section 2 of the Gender Recognition Act;



“guardian” has the same meaning as in section 12(7) of the Gender Recognition Act.

**Hearing otherwise than in public**

103. Where an application under rule 104 is heard otherwise than in public in accordance with section 12(3) of the Gender Recognition Act, only the officers of the Court, the applicant, the applicant’s legal representative (if any) and such other persons as the Judge in his discretion shall allow, shall be permitted to be present at the hearing.

**Form of Proceedings**

104. (1) An application shall be in the Form 37P in the Schedule of Forms and shall be made by originating motion *ex parte* by the next friend of the child grounded upon an affidavit, which shall be in the Form 37Q in the Schedule of Forms, sworn by the applicant.

(2) Where an application is intended to be made on behalf of the child for a gender recognition certificate, pursuant to section 8 of the Gender Recognition Act or section 11 of the Gender Recognition Act, the affidavit shall:

- (i) set out information sufficient to identify the child to whom the application relates;
- (ii) set out the circumstances of the application;
- (iii) identify the persons mentioned in section 12(4)(a) of the Gender Recognition Act whose consent is required to the making of the application and confirm the deponent’s consent, where the deponent is such a person mentioned, and
- (iv) in all cases, exhibit:
  - (a) the certificate, in writing, of a medical practitioner, mentioned in section 12(4)(b)(i) of the Gender Recognition Act in the Form 37S in the Schedule of Forms;
  - (b) the certificate, in writing, of an endocrinologist or psychiatrist, who has no connection to the child, mentioned in section 12(4)(b)(ii) of the Gender Recognition Act, in the Form 37T in the Schedule of Forms;
  - (c) the birth certificate of the child, and
  - (d) where the child has changed name from the name appearing on the birth certificate by Deed Poll, the Order of Deed Poll concerned.

**Proofs where application intended under section 15**

105. Where an application is intended to be made on behalf of the child for revocation of a gender recognition certificate, pursuant to section 15 of the Gender Recognition Act, the affidavit shall:

- (i) set out information sufficient to identify the child to whom the application relates;
- (ii) set out the circumstances of the application;
- (iii) identify the persons mentioned in section 12(4)(a) of the Gender Recognition Act whose consent is required to the making of the application and confirm the deponent's consent, where the deponent is such a person mentioned, and
- (iv) in all cases, exhibit:
  - (a) the certificate, in writing, of a medical practitioner, mentioned in section 12(4)(c)(i) of the Gender Recognition Act in the Form 37U in the Schedule of Forms;
  - (b) the certificate, in writing, of an endocrinologist or psychiatrist, who has no connection to the child, mentioned in section 12(4)(b)(ii) of the Gender Recognition Act, in the Form 37V in the Schedule of Forms;
  - (c) the birth certificate of the child, and
  - (d) where the child has changed name from the name appearing on the birth certificate by Deed Poll, the Order of Deed Poll concerned.

**Form of consent**

106. The consent of the child's parents, surviving parent or guardian to the making of the application may be given:

- (a) in the affidavit of such person or of each such person (in the Form 37Q or Form 37R, as appropriate in the Schedule of Forms), or
- (b) orally by such person or by each such person on the hearing of the application.

**Order dispensing with consent**

107. Where an application under this Part includes an application to dispense with the requirement to obtain the consent of a person referred to in section 12(4)(a) of the Gender Recognition Act to the making of an order, the affidavit grounding the application shall additionally set out the grounds and state and verify the facts supporting the grounds of the application to dispense with the requirement of such consent.

**Court may direct notice**

108. The Court may, on the hearing of an application under this rule, receive any oral evidence or may direct service of notice of the application on any person.

### **Appeals under Gender Recognition Act**

109. Any appeal to the Court under section 17 of the Act of 2015 shall be conducted in accordance with the provisions of Order 64C.

### **X. Section 40, Civil Liability and Courts Act 2004**

#### **Recorders**

110. (1) A recorder shall, prior to or at the commencement of the hearing of the proceedings, identify himself or herself to the Court and apply for such direction as the Court may give under section 40(3) of the 2004 Act.

(2) On any such application, the Court—

- (a) if satisfied that the recorder is a person referred to in section 40(3)(a) of the 2004 Act and that the recorder intends to attend the proceedings for the purpose of the preparation and publication of a report of proceedings to which a relevant enactment relates, and
- (b) having heard any submission made by or on behalf of any party to the proceedings, may allow the recorder to attend the proceedings subject to such directions as the court may give in that regard.

(3) The Court may, of its own motion or on the application of any party or person, vary or modify any directions given under sub-rule (2) during the course of any proceedings.

#### **Bona fide members of the press**

111. (1) Prior to, at the commencement of, or during the course of the hearing of proceedings to which a relevant enactment relates, the Court may

- (a) make inquiries of any person attending the proceedings with a view to verifying whether that person is a bona fide member of the press within the meaning of section 40(3A) of the 2004 Act;
- (b) hear any application by or on behalf of a party or person mentioned in section 40(3A)(b) of the 2004 Act (or the Director of Public Prosecutions in a case to which paragraph (e) of that sub-section refers) for an order under 40(3A)(b) of the 2004 Act or may for the purposes of considering the making of any such order of its own motion, hear submissions from any such party or person.

(2) An application referred to in paragraph (b) of sub-rule (1), if made prior to the commencement of the hearing of the proceedings, shall be by way of Notice of Motion, on notice to the other party and to any other person the Court shall direct.

(3) The Court may, at any time during the course of the hearing of the proceedings, of its own motion or on the application of a party or person mentioned in section 40(3A)(b) of the 2004 Act (or the Director of Public Prosecutions in a case to which paragraph (e) of that sub-section refers), having heard the parties

and any other person it considers necessary, vary or modify any order made in accordance with sub-rule (1)(b).

### **Accompanying person**

112. (1) Where a party, being the applicant or the respondent or other party in the proceedings, wishes to be accompanied in court in any proceedings to which a relevant enactment relates by another person (hereinafter referred to as “the accompanying person”) in accordance with section 40(5) of the 2004 Act, the party to the proceedings shall complete Form 37K and

- (a) where the other party or parties to the proceedings have agreed to the accompanying person, the party making such application shall lodge Form 37K, duly completed, with the County Registrar prior to or at the commencement of the hearing in the proceedings, and shall apply to the Court at that hearing to approve the accompanying of the party concerned by the accompanying person and for such directions as the Court may give under section 40(5) of the 2004 Act;
- (b) Some in *ex parte* applications, where the other party or parties have not agreed to the accompanying of the party by the accompanying person, the party seeking to be so accompanied shall, by motion (to which Form 37K, duly completed, shall be appended) on notice to the other party or parties returnable not later than fourteen days prior to the date fixed for the hearing of such proceedings, unless the Court otherwise directs, apply to the Court to approve the accompanying of the party concerned by the accompanying person and for such directions as the Court may give under section 40(5) of the 2004 Act;
- (c) In *ex parte* applications, subject to the filing of Form 37K in accordance with paragraph (a), the approval of any accompanying person shall be at the discretion of the Court.

(2) On any such application, the Court may approve the accompaniment of the party concerned by the accompanying person, subject to such directions as the Court may give, or may refuse such approval.

(3) The Court may, of its own motion or on the application of any party or person, vary or modify any directions given under sub-rule (2) during the course of any proceedings.

### **Disclosure of documents, information or evidence for the purposes of section 40 of the Civil Liability and Courts Act 2004**

113. An application by a party for an order for the disclosure to any third party of documents, information or evidence connected with or arising in the course of proceedings under a relevant enactment for the purposes set out in section 40(8) of the 2004 Act shall be made by motion to the Court on notice to the other party or parties, grounded upon an affidavit sworn by or on behalf of the moving party.”

**SCHEDULE 2**

FORM 2N

AN CHÚIRT TEAGHLAIGH CHUARDA

THE CIRCUIT FAMILY COURT

CIRCUIT

COUNTY OF

FAMILY LAW CIVIL BILL

IN THE MATTER OF THE GUARDIANSHIP OF INFANTS ACT 1964

OR

IN THE MATTER OF PART VI OF THE STATUS OF CHILDREN ACT  
1987

OR

IN THE MATTER OF THE FAMILY LAW (MAINTENANCE OF  
SPOUSES AND CHILDREN) ACT 1976

OR

IN THE MATTER OF THE FAMILY HOME PROTECTION ACT 1976

OR

IN THE MATTER OF THE JUDICIAL SEPARATION AND FAMILY  
LAW REFORM ACT, 1989 AND IN THE MATTER OF THE FAMILY  
LAW ACT 1995

OR

IN THE MATTER OF THE FAMILY LAW ACT 1995

OR

IN THE MATTER OF THE FAMILY LAW (DIVORCE) ACT 1996

BETWEEN

..... Applicant

AND

..... Respondent

You are hereby required within ten days after the service of this Civil Bill upon you to enter or cause to be entered with the County Registrar, at his Office at....., an Appearance (Form 5, Circuit Court Rules) to answer the claim of..... of....., the Applicant herein.

And take notice that unless you enter an Appearance, you will be held to have admitted the said claim, and the Applicant may apply for judgment against you.

And further take notice that you must not only enter an Appearance, but also, within ten days after entering your Appearance:

(i) if you intend to defend the claim on any grounds, you must deliver a statement in writing showing the nature and grounds of your Defence (Form 6A, Circuit Court Rules);

(ii) where financial relief is sought, file and deliver to the Applicant or his Solicitor a copy of an Affidavit of Means (Form 37A, Circuit Court Rules);

(iii) where the welfare of a dependent child may be at issue, file and deliver to the Applicant or his Solicitor a copy of an Affidavit of Welfare (Form 37B, Circuit Court Rules).

Your Appearance may be entered and any original Affidavit of Means and Affidavit of Welfare filed by posting same to the said Office and by giving copies thereof to the Applicant or his Solicitor by post. Your Defence and copies of any Affidavit of Means and Affidavit of Welfare may be delivered by posting same to the Applicant or his Solicitor.

The Applicant's Affidavit of Means \*and Affidavit of Welfare \*is/\*are filed and served with this Civil Bill.

Where a Defence and/or Counterclaim is filed, the Applicant is required, unless you dispense in writing with the requirement of vouching, to vouch \*his/\*her Affidavit of Means, within 28 days of the date of filing of your Affidavit of Means.

You are required, unless the Applicant dispenses in writing with the requirement of vouching, to vouch your Affidavit of Means, within 28 days of the date of filing of same.

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

Signed .....

Applicant/Solicitors for the Applicant

To .....

The Respondent/Solicitor for the Respondent

INDORSEMENT OF CLAIM

[Here insert details of the Applicant's claim and the grounds upon which relief is being sought as required by these Rules including the basis upon which jurisdiction is claimed]

THE APPLICANT CLAIMS:

[Insert reliefs sought by the Applicant]

.....

Applicant/Solicitors for the Applicant

\*Delete where inapplicable

FORM 37D

AN CHÚIRT TEAGHLAIGH CHUARDA

THE CIRCUIT FAMILY COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF THE JUDICIAL SEPARATION AND FAMILY LAW REFORM ACT, 1989 AND IN THE MATTER OF THE FAMILY LAW ACT, 1995

OR

IN THE MATTER OF THE FAMILY LAW (DIVORCE) ACT, 1996

AND IN THE MATTER OF AN INTENDED ACTION (if appropriate)

Between A.B ..... Applicant

and C.D ..... Respondent

STATUTORY DECLARATION PURSUANT TO SECTION 5 OR SECTION 6 OF THE JUDICIAL SEPARATION AND FAMILY LAW REFORM ACT, 1989 OR SECTION 6 OR SECTION 7 OF THE FAMILY LAW (DIVORCE) ACT, 1996

I, ....., solicitor, of ..... aged eighteen years and upwards, do solemnly and sincerely declare that:

1. I am the solicitor for the \*Applicant/\*Respondent in the above-entitled \* (intended) proceedings.

2. I have complied with the requirements of \*section 5 of the Judicial Separation and Family Law Reform Act 1989 \*section 6 of the Judicial Separation and Family Law Reform Act 1989 \*section 6(2) \*(and 6(3)) of the Family Law (Divorce) Act 1996 \*section 7(2) \*(and 7(3)) of the Family Law (Divorce) Act 1996.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Signed: .....

Declared before me..... [name in capitals] a \*(Judge of the District Court) \*(commissioner for oaths/practising solicitor) \*(peace commissioner) \*(notary public) by the said.....

\*[who is personally known to me],

\*[who is identified to me by ..... who is personally known to me]

\*[whose identity has been established to me before the taking of this Declaration by the production to me of



†passport no ..... issued on the ..... day of ..... by the authorities of ..... , which is an authority recognised by the Irish Government,

†national identity card no..... issued on the ..... day of ..... by the authorities of ..... which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement,

†Aliens Passport no. (..... issued on the ..... day of ..... by the authorities of ..... which is an authority recognised by the Irish Government,

†refugee travel document no ..... issued on the ..... day of ..... by the Minister for Justice and Equality,

† travel document (other than refugee travel document) ..... issued on the ..... day of ..... by the Minister for Justice and Equality,]

at ..... this ..... day of ..... 20.....

Signed: .....

\*Judge of the District Court \*Commissioner for Oaths / \*Practising Solicitor /\*Peace Commissioner /\* Notary Public.

\* Delete where inapplicable.

†Where relevant, provide details of the document by which identity has been established, and delete the remaining alternatives.

FORM 37G

AN CHÚIRT TEAGHLAIGH CHUARDA

THE CIRCUIT FAMILY COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF PART VI OF THE STATUS OF CHILDREN ACT  
1987

DECLARATION

BETWEEN

..... Applicant (applying by ..... Next Friend, if appropriate)

AND

..... Respondent

In the matter of ..... of ..... (the person concerned)

TAKE NOTICE that whereas the application of the above named applicant pursuant to Part VI of the Status of Children Act 1987, came before this Court and was determined on the .....day of .....

NOW IT IS HEREBY DECLARED that:

1 ..... of ..... in the County of ..... is the father of the person concerned above named; and/or

2 ..... of ..... in the County of ..... is the mother of the person concerned above named; and/or

3 ..... of ..... and ..... of ..... are the parents of the person concerned above named; and

4. The person concerned above named of ..... in the County of ..... was born on the .....day of .....

Which said Declaration is made this ..... day of ..... by His Honour Judge ..... sitting at The Courthouse, ..... in the County of .....

SEALED with the Seal of this Court by .....

County Registrar, this ..... day of .....

Signed .....

County Registrar

To: The applicant

To: The person concerned

FORM 37 L

AN CHÚIRT TEAGHLAIGH CHUARDA

THE CIRCUIT FAMILY COURT

CIRCUIT

COUNTY OF

20 ..... No .....

Between A.B., Applicant

and C.D., Respondent

SUMMONS TO ATTEND CASE PROGRESSION HEARING

Take Notice that these proceedings will appear in the County Registrar’s List on the ..... day of ..... 20 ..... at ..... for the purposes of a case progression hearing, at which

\*[You and your solicitor are required to attend]

\* [You are required to attend].

\*\* [TAKE NOTICE that, unless the other party dispenses in writing with the requirement of vouching, you are required to vouch all items in your Affidavit of Means within 28 days of the date of filing of the Respondent’s Affidavit of Means or 21 days before the date mentioned above for the case progression hearing, whichever be the earlier.]

AND FURTHER TAKE NOTICE, that if you seek a pension adjustment order in your proceedings, you are required within 14 days of the service of your Civil Bill (see Order 59, Rule 8(2) of the Circuit Court Rules) or as the case may be, within seven days of the service of your Defence (see Order 59, Rule 31(4) of the Circuit Court Rules), to (i) serve on the Trustees of the relevant Pension Scheme concerned and file a Notice, (ii) file an Affidavit of Service in respect of the service of the said Notice and (iii) serve on the other party a copy of such Notice and Affidavit of Service.

AND FURTHER TAKE NOTICE that each party shall complete and file in the Circuit Court Office a Case Progression Questionnaire, a copy of which is attached, at least seven days in advance of the date fixed for the case progression hearing.

All items in the Affidavit of Means of the parties shall be properly vouched to the other party. Such vouching shall, where relevant, include, but is not limited to, the following:

- (i) Statements including credit cards statements from each and every bank or other financial institution at which an account has been maintained or funds otherwise held by, to the order or for the benefit of the party concerned,

whether in that party's name or otherwise, for a period of one year prior to the date on which the Civil Bill was issued;

(ii) Detailed particulars of the assets and liabilities of each party (including benefits accruing and liabilities arising under any contingency) in existence at the commencement of, or acquired or incurred during the period of one year prior to the date on which the Civil Bill was issued;

(iii) Copies of any guarantees/indemnities given by or existing in favour of either party;

(iv) Copies of all tax returns returned by the party concerned for the last complete tax year ending in the period of one year prior to the date on which the Civil Bill was issued and for any subsequent complete tax year, and of assessments to tax made upon the party concerned for that tax year or those tax years, together with supporting documentation and balancing statements;

(v) P60s for the party concerned for the last complete tax year ending in the period of one year prior to the date on which the Civil Bill was issued and for any subsequent complete tax year together with pay slips for any subsequent period showing the pattern of income during that subsequent period and up to the date of vouching and any deductions at source therefrom;

(vi) Sets of full annual accounts for the last complete year of trading ending in the period of one year prior to the date on which the Civil Bill was issued (audited where required by law together with, where such accounts are required by law to be audited but audited accounts have not been produced for that period, the most recent audited accounts) of any company, partnership, profession or business in which any party has a shareholding or interest, save for a company which is publicly quoted in a recognised exchange, or as otherwise directed by the County Registrar;

(vii) Detailed particulars of any grants, subsidies, payments from any public fund or agency, or similar benefits for a one year period;

(viii) Detailed particulars of any pension and insurance/assurance policies or their equivalent;

(ix) Detailed particulars of any settlement, trust or other instrument of equivalent effect of which the party concerned is settlor, beneficiary or a potential beneficiary;

(x) Detailed particulars of any benefits received under any of the instruments mentioned at (ix);

(xi) Vouching shall be for the period from the date which is one year before the date on which the Civil Bill was issued to date unless otherwise directed by the Court or by the County Registrar, or agreed between the parties.

Any application in relation to the vouching done or to be done by either party may be made to the County Registrar at the case progression hearing.

Dated

(Signed)

County Registrar

Combined Office Manager / Nominated Signatory on behalf of the County Registrar

To: ..... (Applicant/Solicitor for the Applicant)

And to: ..... (Respondent/Solicitor for the Respondent)

\* Insert as appropriate

\*\* Insert where a Defence has been filed: see Order 59, Rule 42(2) of the Circuit Court Rules. Delete where the Summons is issued in the Dublin Circuit where both parties have lodged a joint certificate of completion of the pre-case progression steps.

EXPLANATORY NOTE

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

These Rules amend the Circuit Court Rules by substituting Order 59 (Family Law) and substituting rule 39 of Order 59A (Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010).

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

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