Family Law Matters
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A balancing act: children, their parents and the law

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Contents

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A revealing commentary on life in Ireland

This Winter 2008 edition of *Family Law Matters* concludes the second year of the pilot project to report on family law cases around the country. The six editions published so far include reports on a wide range and variety of matters from many parts of the country. This time around we have taken the opportunity to review the topics covered since the first edition in Spring 2007. The result is an index which itemises topic and location and links them to the relevant edition of *Family Law Matters*.

The welfare of children continues to be central to many family law applications. Issues concerning guardianship, custody and access have featured in each edition and Winter 2008 is no exception. We feature reports from Dublin, Cork and the Northern, Midland, Eastern and South-Eastern Circuits and, as in previous issues, highlight the difficulties facing judges daily in Irish courts. In some cases, matters to be decided are not complex legal ones but do demand of the litigants a measure of reason and co-operation not always forthcoming. This means judges sometimes have to adopt a more social – as opposed to legal – role. The reports continue to provide a revealing commentary on life in Ireland today, providing a powerful snapshot of how people live.

Reports in Winter 2008 are not confined to issues affecting Irish citizens. Our feature article sheds light on the Hague Convention and the subject of "child abduction". The convention, which has been adopted by 84 countries, is primarily concerned with securing the return of children wrongfully removed from, or wrongfully retained, out of their country of habitual residence, back to that country. It is implemented into Irish law by the Child Abduction and Enforcement of Custody Orders Act, 1991. In many convention cases the "abductor" is not a stranger but is often the custodial parent or guardian of the child. Given the nature of the subject matter it is not surprising that the convention obliges national courts, "except where exceptional circumstances make this impossible", to issue its judgment no later than six weeks after the application is lodged. Our article examines how the Irish courts meet this challenge.

We also feature a case under the convention where a father's application for the return of children was settled on terms approved by the court with the judge congratulating the parties on resolving their difficulties,

Editorial Team: John Quirke, Fiona Farrell Helen Priestley & David Crinion

Family Law Matters Summer 2007 featured an edited excerpt from a major paper delivered by Judge Conal Gibbons to the 2006 national conference of the Judicial Studies Institute on the subject of child care. He referred to child care law as being a "hidden world in the sense that, like private family law proceedings generally, public law child care applications are heard in camera".

We interview Finbarr O'Leary, deputy chief executive officer of the Children Acts Advisory Board, who says the board is considering how it might report on child care cases in light of the recent amendment to the Child Care Act, 1991. The board was set up, inter alia, to advise ministers on policy relating to the co-ordination and delivery of services under the Child Care Act and the Children Act, 2001. We note the intention outlined by the Minister for Finance in the recent budget to subsume the board into the Office of the Minister for Health and Children as part of the rationalisation of State agencies.

Our look at statistics includes information from the Courts Service Annual Report 2007 on trends in a variety of family law areas such as divorce, judicial separation, nullity, guardianship, custody, access and maintenance. Most applications for both divorce and judicial separation are made in the Circuit Court. Statistics on the gender breakdown of applicants reveal that wives bring more applications for both judicial separation and divorce in the Circuit Court than husbands. Additional family law statistics are available in the annual report which can be accessed on the Courts Service website: *www.courts.ie*

We are grateful to all who have assisted in the preparation of material for this edition most especially the court reporters whose are listed in the panel on the Contents page.

John Quirke, Fiona Farrell

Woman fails in bid for sole custody of daughters

A woman argues that her estranged husband promised to return their children to her after her house was refurbished – the husband vehemently denies this. In a case concerning day-to-day care of children, **Judge Con Murphy** says his main concern is their welfare

'I don't want to hear of any fighting in the mean time, as the girls are getting older they'll need a strong relationship with their mother'

In Cork Circuit Court a woman failed in her bid to have the day-to-day care of her children transferred back to her. Judge Con Murphy heard that she and her husband had married in 1996 and had two daughters. The children had been mainly living with their father because when the couple separated the wife left the family home and left the children with her husband. She then moved into a house which needed a lot of work. She claimed that her husband had agreed to give the children back to her once the house was done up. Her husband said he had agreed to no such thing.

The wife generally had her daughters for the weekends, her previous solicitor had told her that she was entitled to have the children full time and acting on this advice she did not return the girls one Sunday. Her husband then took her to court where he was left as the main carer for the children and his wife was formally granted weekend access and later was granted a week night also.

The wife had just moved to a house that was within a few miles of the family home and was asking the court to transfer primary care of the girls from her husband back to her. Her husband claimed that she left because she was having an affair. The wife said that the marriage was over long before the affair began.

The wife told the court that the marriage had been very difficult for a number of years before she left. She recalled telling her husband that she was having a miscarriage. She said he told her that he would call a taxi for her instead of bringing her to the hospital himself. The marriage went downhill from there. The couple tried counselling but to no avail. They went on holidays and decided between them that the marriage just could not be saved. The wife claimed they agreed that she should move out because the family home was owned by her husband's mother and that her daughters would move in with her when September came around. By that stage her house would be done up and the children could start school in her locality.

When September arrived her husband refused to hand over the girls. The woman broke down as she said: "I'm their mum, I should be minding them. They will have things that they need to talk to their mother about. When they're sick other people mind them." The wife intended to return to college in October. The judge asked her how she planned to do that and mind the children. She said that the course she was interested in took place mainly during the day when the girls would be at school.

The husband's barrister then addressed the court, saying his client vehemently disagreed with his wife's version of events. His client had done everything he could to assist his wife after the miscarriage and that he never ever agreed to give his daughters over to

his wife. The court heard that the wife had a degree from a prestigious university so there was no need for her to return to college. He then put it to the wife that when push came to shove she left but her husband stayed and organised his life around the children.

The husband told the court that the agreement had always been that his wife would get the children at the weekends and that she also had access one night during the week. Judge Murphy said to the husband that the natural inclination of the court was to give custody to mothers especially when girls were involved. "I have proven for the last three years that I have a secure relationship with my children. They are very happy and my sister and parents are a great support," he replied.

The judge told the couple that the most important consideration was the welfare of the children. He gave them joint guardianship and custody with primary care of the children remaining with the father. He gave the woman access from Friday at 3pm until Monday at 6.30pm. He also granted her every second week during the school holidays and said that they could swap mid term breaks. Judge Murphy concluded by saying that the court would look at custody and access again in a year's time. "I don't want to hear of any fighting in the mean time, as the girls are getting older they'll need a strong relationship with their mother," said the judge.

No judge could decide this 'without an expert report'

Judge Gerard Griffin adjourns an access and custody case over children born to an unmarried couple pending a Section 47 report

On the Eastern Circuit, an application under the Guardianship of Infants Act, 1964 sought to decide the custody and access of children born to an unmarried couple. The Irish father and foreign national mother met and the woman became pregnant. The children were born abroad but the family then moved to Ireland where they lived for a short time. After the separation, the woman returned to her homeland with the children and remained there until a court ordered her return to Ireland following an order by the Irish Supreme Court. This was on the basis that she had abducted the children from the jurisdiction without their father's knowledge or consent. The mother's barrister told the court that the matter was long running and that her client had issued the civil bill to regularise custody and access. Guardianship had been dealt with in the District Court and they now wanted to deal with custody and access as the mother was anxious to return home with the children as she had another child there who had to live with relatives while she was here.

Judge Gerald Griffin asked if the District Court had ordered a Section 47 report and was told that this had been mentioned during proceedings but that the judge had left it up to the parties to organise or the Circuit Court to decide.

Judge Griffin said: "The position of the applicant mother is that she believes that the children would be better off with her [in her home]. I see there is a third child and

'One of the children has a disorder and there is extensive medical evidence on record but yet there is no Section 47 report to hand'

his father is here today to give evidence on the applicant's behalf. One of the children has a disorder and there is extensive medical evidence on record but yet there is no Section 47 report to hand."

The father's barrister said they had suggested two possible experts to furnish reports but the other side had not responded. The judge said: "Well neither I nor any other judge could decide this matter without having sight of an expert report."

The mother's barrister said her client was living in temporary accommodation in Ireland with the children, had been refused social benefits by the Department, missed the other child terribly and she was concerned with how long the proceedings were taking since the family unit remained broken while the case was in train.

'My concern is with the welfare of the children'

The judge replied: "My concern is with the welfare of the children and while the other child is a factor, the welfare of the infants is paramount. I don't believe I or any other judge can make a decision without an independent expert report. There is nothing in the law preventing the other child from coming to Ireland to be with the family."

The father's barrister said his client wanted custody or joint custody of the children and increased access to them as the current arrangement of one day a week was insufficient. He asked the court to consider making an interim access order having heard the evidence.

In evidence, the mother said she had been going through a divorce when the couple met and the father had helped her through it. They then began a relationship in January 2004 and she became pregnant. In summer 2005 they moved to Ireland to be closer to the father's work. But he then decided to return to college to further his studies which meant that she became the sole bread winner.

Initially their relationship was good but he began to treat her eldest child, who was not his, differently from the other children. The child became very withdrawn. She said that even his sister became concerned about his treatment of this child. She had seen him hitting and shouting at the child and at one stage when the child was slow to get ready for school, the father pushed him outside in his underwear and threw cold water at him.

Even though she was the breadwinner in the house, he took financial control and completely ruled the roost. She had received a lump sum in settlement of her divorce and he used it to pay off his credit card bills and to buy a car. She told the court that the money was held in a joint account but she had no card to access it. The mortgage was in the father's sole name but she said she made the repayments.

The relationship began to break down in September 2006 as she was anxious to spend more time with the children and believed one of them had a disorder and needed more attention. The father refused to get a job and he would not acknowledge the possibility of his child having the particular disorder. At this stage, she said, she became homesick and longed to have her family around her for support.

"It was in November 2006 when I was due to go [home] that things came to a head. He would not make the trip with me so I had to get a friend to come instead. Once I got there he started to send text messages accusing me of abandoning him and taking the kids away."

He apologised when she returned to Ireland but she later discovered an email that he had sent to the crèche while she was away saying she had abandoned him and taken the children which had ruined her good name with the crèche.

She said that in December 2006 things had become unbearable and she decided to approach him about his behaviour and the family finances. After this, he left the family home, she said, and went drinking and next day drove off in the car with the children's buggy in it and did not return until New Year's Eve.

In the meantime, she had taken the children to a friend's house. When he found out, he phoned the Garda Síochána and implied that the children were in danger. She said this had really upset her eldest child and that she was now very concerned about his behaviour and decided to return [to her homeland] for a short while. When he found out they had gone, the father threw her and the children's belongings out and withdrew all the money from their joint account. Finally, she pleaded to the court to be allowed to return to the place where she had established a stable and secure family home.

She had no difficulty with the father having a relationship with his children or with regular access but she wanted to live with them in her own country.

Judge Griffin then adjourned proceedings until a Section 47 report was available. In the meantime, he ordered that the children be enrolled in a suitable school in Ireland.

Court decides when wintertime begins and ends

A Dublin Circuit Court judge was recently asked to decide when summertime began and ended for the purpose of settling access issues with a six-year-old child. Judge Petria McDonnell was told that the parents, who had a judicial separation, had agreed that summer access would be shared equally but could not agree on how to divide the time. The child was to be returned at 5pm in winter and 6pm in summer but when summertime began and ended had not been determined. The husband's barrister said an EU document stated that wintertime began at 1 am on the last Sunday in October and ended at 1 am on the last Sunday in March. The court should follow this, she said, as it left no room for confusion. Given the child's age, Judge McDonnell ruled that for access purposes, wintertime would run from October to March.

The court heard there had been significant disagreement about access with little communication between the parties. Some information was passed through the child who had been seeing a clinical psychologist. "It's outrageous that your client is getting information through the child," said Judge McDonnell. "I understand why [she] is a very anxious child." If this behaviour didn't stop,

'It's outrageous that your client is getting information through the child. I understand why [she] is very anxious'

she said, "she'll need psychological help for the rest of her life".

The husband's barrister outlined the access problems between the parties. A complex and lengthy court order covered dates and times but they still had difficulties and had to consult their legal advisers. "We're up to half-term and we're now looking at Christmas."

The wife's barrister said: "It would be disappointing if my client walked away from court thinking she was solely to blame for this. Certainly the difficulty is on both sides. Is there somebody who can assist the parties to prevent them coming to court?"

Judge McDonnell said that having looked at the evidence she could not help thinking that a little help was needed here.

After some discussion, the parents agreed to attend a named individual for counselling on communication and joint parenting. It was hoped that this would help them avoid a return to court. Both parties were to share costs.

Keep children out of court matters

'If you sense you are putting [the child] under undue pressure, step back from it. Keep the kids out of it'

A father was warned that he would lose his access to his daughter if he continued to discuss his family law proceedings with her. In the Dublin Circuit Family Court, Judge Gerard Griffin had been told by the wife's lawyer that the father had revealed details of a previous hearing to his 12-year-old daughter and disputed an assertion made that she was upset by the proceedings. The court heard that after the confrontation with her father she had stated that she did not want to live anymore and the child's mother had got a letter from the school expressing concern about her. The father said he had been told by an older daughter that she was doing well at school.

"There should be no discussion with children as to what's said in this court," Judge Griffin told the father. "You're on a knife edge as to whether I will take away your access. There should be no discussion as to what's said in court. It applies to both parties. The child should not be involved in any contention. If you sense you are putting [the child] under undue pressure, step back from it. Keep the kids out of it." The father was made to swear that he would abide by the existing access conditions.

The wife's lawyer was seeking an extension to a barring order but the matter was adjourned as the father was not legally represented and was awaiting legal aid. A previous court had been reluctant to hear the matter in the absence of legal aid for the father and Judge Griffin was told that it could be October or November before the Legal Aid Board would be in a position to provide representation. The judge said the availability of legal aid was most urgent in this case and he directed that the Legal Aid Board be written to requesting urgent representation for the father. He adjourned the matter for mention and gave liberty to the wife's lawyer to come back into court in 48 hours if there was any breach by the father of his undertakings.

Father told to take part in disciplining son

Judge Miriam Reynolds, sitting in a Midland Family Circuit Court, heard an application from a mother for sole custody of her eldest son who was 15 years old. The matter had already been before the court and Judge Reynolds had ordered a Section 47 report before making any determination.

The mother's concern was that her son had developed drug and alcohol problems and was generally being disruptive and badly behaved in school and at home. She and her husband had been separated for a period of time and both of the children had unlimited access to their father. She believed the father was not acknowledging the extent or gravity of the boy's problems and that this lessened the boy's willingness to take responsibility for his actions or recovery.

A Section 47 report was available for the court's consideration and Judge Reynolds asked both parties for evidence of the boy's behaviour in the interim and what, if any, improvements had been made by all parties concerned.

The mother said her son was attending counselling for his drink and drug dependencies and she attended the sessions with him weekly. Gradually her son's behaviour had changed, she said, and he had made efforts to change the company he was keeping. He had been enrolled in a new school and was due to start there next term and was planning on studying for his Leaving Cert.

She repeated her reasons for seeking sole custody. She told Judge Reynolds that both parents were supposed to attend the boy's counselling sessions but the father made little or no effort to be there. She was happy for her sons to continue to have unlimited access to their father but her husband refused to accept the gravity of the situation or to be proactive in providing a stable and disciplined environment in which their son could recover.

The boy's father did not wish his wife to be granted sole custody as he had a very good relationship with his son and wanted this to continue.

He believed his son was becoming a man and that his input into his life was now even more important. He said he had difficulties getting to the counselling sessions due to work commitments and that he believed the sessions were for his son's benefit and not his.

Judge Reynolds explained that the compilation of a Section 47 report was for the court's benefit and not to assist either party in blaming the other. The case should be about moving forward and she advised them that the report stated "the boy lives in a very caring environment. His mother is particularly devoted".

On the father's evidence, Judge Reynolds said the boy was not yet a man and he needed guarding and protecting. She declined to grant sole custody to the boy's mother but warned that her decision might change in the future if the boy's father did not start participating in disciplining his son. She warned the parents that communication between them needed to improve.

'The compilation of a Section 47 report is for the court's benefit and not to assist either party in blaming the other'

Judge gives parent who drinks a chance

'I'm going to put [the father] on test. If anything happens you will lose the access. You're on test'

A father who applied to take his daughter for overnight access was warned that he would lose the access if he drank. Judge Gerard Griffin was told at Dublin Circuit Family Court that the father had been living with his mother in Dublin but had now moved to a town near the capital with his partner. The matter had come before the court last April when the judge decided that the access was to remain as it was – one afternoon a week from 1pm to 5pm. There had been problems with alcohol in the past and a condition of the access was that he was not to drink alcohol for up to 12 hours before or during the access. He was now seeking overnight access with his six-year-old daughter.

The father's mother had the daughter every weekend and the child's mother told Judge Griffin that in the previous month the access had gone well. His lawyer said he was looking for normal access where he could take her out. He now lived with a partner in a town near Dublin and wanted overnight access on alternative weekends from Friday to Saturday. The child's mother was not happy with him having overnight access. She had no address for him and was worried that he would drink.

Judge Griffin said he would give the man a chance. "I'm going to put him on test. If anything happens you will lose the access. You're on test." The mother of the applicant told the judge she would ensure that her son behaved. "I would stop her [the child] from going if he was drinking," she said.

Her son gave the court his address and the judge ordered he could have access from Friday to Sunday every second weekend. "If it doesn't work out, he loses out," he said.

Report sought on access of drink-dependent mother

A mother sought greater access to her children before Judge Anthony Kennedy on the Midland Circuit. Three barristers represented the mother, the HSE and the children's father in the matter which had previously been before Judge Miriam Reynolds who had not retained seisin.

The mother was an alcoholic and her access to her children had been curtailed.

"She cannot bring the children anywhere," her barrister told the court. "The limited access she has is effectively meaningless."

The mother had been giving blood tests weekly to prove that she was not drinking.

Her barrister said that previously when the matter was in court Judge Reynolds had said the mother would be allowed to get her house in order and if she started drinking again her access would be revoked.

The father's barrister said the father did not want to revoke access. He asked that the mother give an undertaking not to drive and that he would drive instead and pick up the children. When the mother's barrister asked to hand in her client's medical results, Judge Kennedy stated that was unnecessary and in turn asked the mother to give oral evidence.

The mother said she had regular blood tests and was attending Alcoholics Anonymous. "I have a very good sponsor," she said. Although she had had a car accident, she had been "unfortunate" and it was not alcohol related, she added.

Judge Kennedy made no general order save that HSE was to compile a report on the mother's access. He adjourned the hearing until the next family law sittings in June.

In Brief

Grinds included in maintenance agreement

A wife brought a case for maintenance against her husband in respect of their two daughters in a matter listed before Judge Anthony Kennedy on the Midland Circuit.

The eldest daughter was about to sit her Leaving Certificate examination and she was receiving grinds in a number of subjects.

The wife had been made redundant from her employment and could no longer afford to fund the grinds.

"She's looking for another job" the wife's barrister told the court. "…her daughter should not be deprived of a lack of a chance to do well in her Leaving Cert as a result of her mother's redundancy." The husband earned €578 per week and paid €250 in maintenance.

"Grinds were taken into account when he agreed to pay that maintenance," the husband's barrister said. "He needs time to know exactly where he is".

After looking at the husband's income, Judge Kennedy decided to make no order and to leave the maintenance in place as it was.

Father refuses mediation before return to court

A judge in Dublin Circuit Court declined to grant joint guardianship to a father who refused to give an undertaking that he would attend mediation before returning to court. Instead, **Judge Petria McDonnell** adjourned the matter to a later sitting

'[The father's] a stranger in law to her. If anything happened to her mother, he'd have no rights'

At a previous hearing, she had granted the mother sole custody of the child. The parents had met in England and then moved to Ireland where their daughter was born. They were engaged to be married and lived together with their child for about 14 months until the relationship broke down. The father had previously succeeded in obtaining an injunction preventing the mother from leaving the jurisdiction with the child and, at a later hearing, the court had granted sole custody of the daughter to the mother, who is a foreign national and now lives in another European country with her daughter.

The issue of guardianship had been deferred. Under the terms of an access agreement, mainly brokered by the child's parents and their legal representatives, the daughter will fly to Dublin for access with her father. The details were agreed by the parties in negotiations which took place during the day outside the courtroom and the parties also agreed on maintenance payments.

Judge McDonnell was asked to rule on those issues the parties could not agree including the question of which flight the daughter should travel home on at the end of her weekend access visits.

In addition, they could not agree guardianship. The mother's barrister said her client feared the father's controlling influence while the barrister appearing for the father said it would be grossly unjust if he had all the expense but none of the responsibilities. It was, she submitted, in the child's interest for him to be appointed guardian as she would have two people looking after her. The judge asked what the extra ingredient in guardianship was in this case. The father's counsel replied: "He's a stranger in law to her. If anything happened to her mother, he'd have no rights."

Judge McDonnell said she found guardianship very difficult in this case. "I'm conscious that the normal rule is joint guardianship. I'm looking at fairness on both sides." She was aware of the mother's fear that she might be hauled into court a lot. She acknowledged the father's very deep love for his daughter. While she was not describing it as an obsession, he was very involved. "I'm wondering if I could get an undertaking regarding mediation – if some commitment could be made. I do have concerns he might be lacking in respect for her as a mother. I am making him a joint guardian and I'm asking him not to resort to the courts unless absolutely necessary and to respect her rights as a mother. While I have some concerns about making him a guardian, I'm going to make him a joint guardian and hope the concerns [the mother] has expressed will not be borne out. It stems from his deep love for his child."

The judge asked for his agreement not to come back to court without mediation or

agreement. The father's counsel asked for time to discuss the matter with her client and, after a brief recess, said she was could not give the undertakings sought. "They're far too wide," she said. The mother's barrister said her client would be prepared to make a joint commitment. "It's simply saying let the courts be the last resort. My client is saying – let's do it mutually."

Having heard from his barrister that the father was declining her suggestion, Judge McDonnell adjourned the issue of joint guardianship to a later sitting and confirmed her previous order granting the mother sole custody. She refused to grant a stay pending an appeal.

House sale deferred until children's future is secure

'This marriage was a joint venture so why should you get more than half of the home?'

A wife came before Dublin Circuit Court seeking to have the family home worth €480,000 and with no mortgage transferred to her. The husband suggested that either the house was sold when the youngest child reached 18 and the proceeds were then split or the house should be sold now and he would take €150,000. He would also pay weekly maintenance of €75 per child. The wife had offered him €80,000 and would not seek maintenance for the children in return. Her husband turned this offer down.

The couple married in 1988 and their first house was one the husband had bought before the marriage. This was sold some years later and the proceeds used to buy their current home. They all still lived under the same roof but the wife claimed that her husband never spoke to her and only occasionally spoke to the children so she wanted him to leave. She believed he was lying to the court about his earnings and was making a more than he said. She was paying the children's school fees.

The husband's barrister argued that the marriage had been a joint venture. There were various periods where they swapped roles, one would go out to work and the other would stay at home with the children. This maximised their earning potential as a couple. The barrister asked: "This marriage was a joint venture so why should you get more than half of the home?" The wife said because she contributed more.

In evidence, the husband countered that he had a good relationship with his children and always spoke to them. His parents paid for the first year of private education for each child and he had paid since that time and that he also bought groceries for the house.

"What do you say about your wife's accusation that you're making more than you say?" Judge Martin Nolan asked. The man insisted he was telling the truth and that the nature of his work meant that his income fluctuated sometimes.

The judge said the evidence of both parties had been confused to say the least and the court had a few functions in such a case.

The first was to make sure that the children of the marriage had safe and good accommodation and the second was to do justice between the parties. The family home had been bought and developed through joint endeavours.

"I have no alternative in this case but to make an order that [the wife] live in the family home to the exclusion of [the husband] until the children reach 18, finish full time education or reach the age of 23 whichever is the latest. Then the house is to be sold and the proceeds split 50/50," said the judge.

Business goes to husband, house goes to wife

A couple who owned a company together came before Dublin Circuit Court looking for a judicial separation. The husband wanted to keep the business, sell their house and split the proceeds between them. The wife did not want to sell the company either because it was how the family made money but she wanted to keep the family home until their youngest child reached 18 and then sell it.

Judge Martin Nolan heard that the husband had set up the company a year after their marriage. The wife worked in the business full time until the children were born and had then worked there part time. They had long standing difficulties in terms of communication and when communication totally broke down the wife stopped working there.

The husband told the court that the marriage was problematic from day one as they were very different. He also had made inquiries and a nice three-bedroom semi-detached home could be bought in their area for about €365,000.He valued their current family home at €810,000 and it had no mortgage. If it was sold it would leave them both with enough money to buy a new house. He also told the court that he wanted his wife's interest in the business transferred to him on the condition that on sale or liquidation she would get her half.

His wife's barrister then questioned the husband. He wanted the children to spend half of their time with him and half with their mother. "Your wife cannot see this mathematical division working," said her barrister. The husband said it was important that the children had time with both parents. "Your wife will say that you have been shouting and roaring at her and the children," said her barrister.

The husband replied that his wife was very aggressive and confrontational and that he never responded until it got to a point where he had no choice. The barrister tried to ask more questions about that aspect of the marriage and said the husband was seeing a psychologist.

The judge then intervened, saying: "That is enough of that. What is the relevance of this and how will it affect my order?" The barrister asked the husband if he accepted that his wife would find it very hard to get a job because she had no training. The husband said she had been very good at her job in their company and would easily get another one.

The wife then told the court that she had no problem with her son staying with his father several nights a week but three or four nights a week would disrupt his routine too much. None of this applied to their daughter as she was no longer living at home. She said her son was a very anxious and nervous child generally so moving away from his friends would affect him badly.

"Could you describe the position at work prior to your leaving," asked her barrister. She said her husband totally ignored her and would only communicate through third parties and it became too much.

The husband's barrister then asked her if there was anything wrong with her husband's proposal that they sell the house and buy two smaller ones; that way they could both start again mortgage-free. The wife said it would be too traumatic for the children. The barrister replied that while meaning no disrespect the actual marriage had probably caused the children trauma. The wife was not being asked to move to another part of the country.

In giving his decision, Judge Nolan said the only certainty was that a judicial separation should be granted. There were competing interests and competing versions of events. The business should be transferred entirely

'That is enough of that [line of questioning]. What is the relevance of this and how will it affect my order?'

to the husband; the family home to the wife. The house was worth €300,000 more than the business therefore the judge put a charge for half that amount on the family home in favour of the husband. The wife was to pay over that sum to her husband when their son reached 14 and if she failed to do so the house would be sold to raise that money.

The pensions and all other joint funds were to be split equally. Judge Nolan thought it important that the child should sleep in his own bed during the week but that his father should have liberal access to him. He granted weekend access to the father and said he would allow the parties to try to agree a schedule.

Wife's financial input valued at €100,000

In a case before Judge Alice Doyle on the Eastern Circuit the court heard that a couple had lived together since 1997, married in 2004 and separated in 2006. They had no children together. The applicant husband argued that his wife had made little financial contribution to the marriage. He supported two children from a previous marriage and he had built the family home on land he had got from his mother. This, he believed, entitled him to a greater portion of the family home, the parties' main asset.

The wife replied that she had made a significant financial contribution since they would have got no mortgage on their first home had it not been a joint venture. She said that during their 10-year relationship she had paid money due to the respondent's ex-wife for the support of his two children and that she continued this until 2005 at which point she decided to return to study and could no longer afford to do so.

Judge Doyle requested submissions from counsel for both parties. The husband's counsel submitted that, under the Judicial Separation and Family Law Reform Act, 1989, the court had to take into account the length of the marriage and any other children which either party had. The wife's counsel submitted that the court had to take into account the length of time the parties cohabited and that since the parties were married to each other everything was "in the pot".

Judge Doyle granted the judicial separation. She was satisfied that the husband had made a greater financial contribution, but the wife had contributed too and she valued this at €100,000. The judge allowed the wife to keep her car but said she would have to make the repayments. The judge directed the transfer of the family home to the husband on payment of the €100,000 which was to be made within four months.

Wife fails in bid for extra maintenance

In a divorce before Judge Anthony Kennedy on the Midland Circuit, the respondent wife consented to the divorce but wanted additional maintenance for the couple's daughter.

The couple had been married for five years and had obtained a judicial separation in 2003. Since the separation they were both in new relationships and both had children with their new partners.

The husband lived in the original family home having bought out his wife after separation agreement. The wife received weekly maintenance of €40.

Her barrister said that because she was "of very limited means" she wanted "additional maintenance from her husband and some contribution towards her legal costs". In response to Judge Kennedy, the wife's barrister confirmed that she had privately instructed her legal team.

Her barrister said: "My client did not wish to consult with the Legal Aid Board. Her separation was acrimonious some years ago. She's looking for at least a contribution to costs for instructing a solicitor, for court attendance and so on."

Judge Kennedy refused to give an order for costs to the wife: "A clean break is needed for the couple. They both need to move on with their lives. They both have children with other people. The applicant [husband] is equally of limited means," he said.

He noted that the wife had received a lump sum payment of €110,000 following the judicial separation and that she now owned a house with her new partner.

"If she didn't have the money to instruct privately then legal aid was available," he said. "She was informed that a letter of consent was all that was needed to be here for the divorce," he concluded.

'[The wife] was informed that a letter of consent was all that was needed to be here for the divorce'

Judge adjourns separation case until wife gets job

A woman who married in 1985 came before Judge Con Murphy in Cork Circuit Court seeking a judicial separation. She still lived in the family home with her husband and did not work. Her only source of income was the children's allowance and some money that her eldest son gave her. Her husband earned about €600 a week and she alleged that he also earned money from extra evening work.

The couple owned a house worth €335,000 with €35,000 owing on the mortgage. Her husband worked in a factory and she had been a housewife since the birth of their first child. She wanted her husband to move out and the house to be sold when the youngest child reached 18 at which point the proceeds would be split equally between them.

The judge asked why the woman was not working. Her barrister said she was doing a computer course and would be in a position to work in January 2009. At present, she did not have the resources to buy out her husband's interest in the house.

'Isn't it the obvious conclusion that until she gets a decent employment there is no advantage to [the wife] rushing things?'

The husband's barrister said that it was the wife's idea to end the marriage and that even her own family did not agree with the separation. The husband wanted to stay in the house and take care of the children. He would also pay his wife half of the value of the house within six months. His barrister said it was a case with limited assets and his proposal was the best way to resolve things. The husband claimed that his wife was turning the older children against him. He did not see why he should have to be the one to leave the house when his wife was the one who had called it a day.

The wife's barrister said she did not want to discuss conduct but the other side had raised it. The wife said her husband simply did not get on with the older children. She claimed he was abusive to her and she had tried to get him to go to counselling with her but he refused. She could not live with him any more and wanted him to leave.

"Isn't it the obvious conclusion that until she gets decent employment there is no advantage to [the wife] rushing things," said the judge. He told the parties that the court did not have the full puzzle. There was only one asset and one modest income and the next move would be for the wife to get a job.

The husband's barrister said all they could do was to repeat their offer but that they would pay over her interest in less than six months. The wife reiterated that she just could not live with her husband anymore. The judge said: "[The wife] is 48 years old and has 12 to 13 years of potential employment ahead of her. There's an element of 'hit me now with the child in my hands' to this case," said Judge Murphy and adjourned the matter.

In Brief

Judge explains procedure to lay litigant

A man, representing himself before Judge Martin Nolan in Dublin Circuit Court, told the court that he had no access to his child by court order. The judge said the court could do nothing as the orders were interim and applied only until the case was fully heard. The man replied that he had received a document called a "Civil Bill" from his wife's legal team and that he planned to represent himself at the full hearing.

Judge Nolan said the man should go through the document and then make out his case. He should see what he agreed with and did not agree with in the civil bill and then must make out his defence along those lines and hand it into the Circuit Court Office. The man was told that the case would then be set down for trial, would be given a date and on that day he could make his arguments and bring his own witnesses. The man seemed a little confused.The judge went through things again for him. "If you just take a look at the civil bill, look at it very carefully and see what you agree with and what you don't agree with and use that to make out your defence," he repeated. The man was told to put down his wishes on access and everything else in his defence. Judge Nolan concluded: "Unfortunately, I cannot do anything for you at present but it's not over. The sooner you get a defence in, the sooner the case gets on. You need to get your defence in and push the case on."

Wife finally agrees to divorce in 'ample assets' case

In a case where the value of a husband's assets falls from €9m to less than €2.2m in just over a year, the judge warns that unless he has evidence of that before him, he will discount it.

In a large provincial town on the South Eastern Circuit, Judge Thomas Teehan heard an application for judicial separation by a wife. The husband was counterclaiming for a divorce.

The wife's counsel said at the outset that this was an "ample assets" case. The only issue for the court was the division of the assets. The parties disputed the value of these, which were largely property, and there was no agreement either on proportions of the division.

The couple were married in 1984 and had two children aged 19 and 15 years. Both parties had had ordinary middle-class jobs, but through hard work and good business acumen, they built up a thriving company. The wife's counsel said his client gave up her permanent position and encashed her pension eight years into the marriage and used the money as seed capital for the venture. Her parents gave them a house. He said she worked in the business and also did part-time work elsewhere to supplement the couple's income. The family home was now in the wife's sole name, and the court was told there was no dispute over her ownership of it.

Her counsel said the husband left the family in January 2003 and moved in with another woman, with whom he now had two children. In 2006, he bought a house for himself and the woman for €6 million. This was against a background of leaving his client and the parties' children short of maintenance. There were substantial arrears.

The wife's counsel complained bitterly about the husband's non-compliance with discovery. He said the wife would contend that the assets were worth about €12 million while the husband had insisted the value was closer to €9 million after debt. His position now was that it had fallen substantially to €4 million. The wife's counsel said their accountant believed the husband had made a profit of €6 million from one company alone. If he insisted on a value of €4 million today, the court should draw inferences. His client was looking for an equal division of the assets.

The husband's counsel said he was counterclaiming for divorce and was seeking a clean break. The wife was not entitled to 50 per cent; that was not the law. He said it was 30 per cent in an ample resources case, and his client was willing to give 30 per cent.

The wife's counsel interjected, saying: "His client is willing to give 30 per cent. They're not his to give. The seed capital was the applicant's, the assets are joint. This is not a housewife and a high earner situation. It's simply not good enough."

The court then heard arguments about accountants and auctioneers separately engaged by the couple. The judge asked if the accountants had met and was told they had not. He said it was a High Court practice direction that they should. He then rose from the bench to allow time for the accountants

and auctioneers to talk in the hope that it might narrow the issues.

After some time, the wife's counsel told the judge that it was his client's wish for the case to proceed. She was seeking €1 million in a lump sum by way of interim maintenance. The husband had failed to comply with three orders for discovery and counsel considered the court should appoint a forensic accountant.

The husband's counsel said the wife was in the family home and had the benefit of a rental income, that his client would be prejudiced by such an interim award and that he simply could not pay it.

The judge said in a case of this magnitude, it was important that the fullest possible information should be given by each party and that sufficient time should be given to the parties to consider the information. It was, therefore, his view that the case was not ready to proceed.

'He should be able to raise €1 million ... he's spending more on his race-horse than he is on family'

He asked the parties to leave the court and discuss the appointment of a mutually agreed forensic accountant. When the parties returned with an agreed name, the wife's counsel said that on the €1 million interim lump sum, he could see no merit in the position taken by the husband's counsel. He said: "He should be able to raise €1 million in two or three weeks. He's spending more on his race-horse than he is on family".

The husband's counsel accused the wife's counsel of using emotive and strong language, saying it was inappropriate and that his stance was pejorative.

The judge directed that the forensic accountant be appointed along with an interim maintenance payment to the wife of €10,000 monthly in lieu of any existing arrangement. He reserved the question of costs but this might well be a case in which he would ultimately make an order for costs, he said. He adjourned the matter for two months.

When the case resumed, the wife's counsel said the forensic accountant's report showed the asset base was now worth €2.2 million. He said his client wanted a declaration that the family home was hers, and she wanted several properties transferred to her sole name. There was also €50,000 in an account which was set aside for a pension. She wanted the use of that immediately for college costs and sundries for the children.

The husband's counsel said his client was in financial crisis. The court had been told the assets were worth €12 million, when they were actually worth €2.2 million. The case had been opened in a pejorative and unhelpful manner, he argued.

The wife's counsel said the husband's statement of affairs in January 2007 showed €8 million; by December 2007, it was €4.5 million, now he was saying it was €2.2 million.

The husband's counsel replied: "He's not saying it. The accountants are saying it."

The wife's counsel retorted: "It can't all be attributable to the economy. He's reduced his assets from €9 million to less than €2.2 million."

The judge warned: "Unless there's evidence of that before me, I'll be discounting that. There's been enough heat already generated in this case before any evidence has been given." He rose to read the accountant's report.

An hour later, he was told the case had been settled. The wife would accept service of the divorce application, so the judge could grant the divorce instead of the judicial separation.

The terms of settlement stated that the wife was to have a declaration that the family home was hers and she was to get three rental properties in her sole name. One of these properties had a small mortgage which she would take over. The €50,000 which had been set aside for pension was to be used to pay the forensic accountant and the auctioneers, and any surplus would revert to the husband. The parties agreed to split all the children's costs equally between them. The settlement was full and final.

The judge praised the parties for agreeing despite their difficulties, and he wished them well in the future.

Gardaí phone mother over whereabouts of children

In a case before Judge Martin Nolan in the Dublin Circuit Court, a woman in the process of buying out her boyfriend's interest in their house said he would not sign the deed of transfer. There was also a court order saying that the man should have access to their children from Sunday to Tuesday. The order was that she would leave the house so he could have access there but it was not working. He was constantly breaching the order. She wanted to set up a child minding business to raise the money to buy out his interest but she could not do that with him there.

The man's barrister asked if she recalled any difficulties with access on May 2nd. She said she had gone out with the children and her family because her boyfriend had not turned up for his scheduled access the week before. She got a call from the Garda Síochána asking where the children were.

"Did you refuse to hand them over and say that it was fine because there was a new access order?" asked the man's barrister. "I refused to hand them over because it was my sister's wedding and he had locked us out the week before. I said there was a case pending not that there was a new order," she replied.

The man said access had been very difficult for him because one week his girlfriend would say she was sick and the next she would say that she was going away. He found it hard to stick to the exact access times because he worked nights.

"I want the parties to go outside and agree this. I will grant access on weekends. Those are the parameters," said Judge Nolan. The parties later returned. They had agreed to access times between them and the man agreed to sign the deed of transfer.

'I want the parties to go outside and agree this. I will grant access on weekends. Those are the parameters'

House division decided on contributions

'The cottage was… terrible... you needed an umbrella in bed and had to open the back door if there was a fire'

An unmarried couple who had separated in 2000 after being together for 15 years and who could not agree on what to do with their house came before Judge Martin Nolan in the Dublin Circuit Court.

The man had owned their first house and he said his girlfriend had put little money into doing it up. He had put the entire proceeds from its sale in 1986 into buying their second home. He had always contributed to the mortgage and other bills up to the break up. The woman would not agree to a 50/50 split because she said the first house was in a terrible state when she moved in and she had had two jobs to pay for doing it up. The boyfriend left their current house in 2000 because he had breached a safety order. The woman continued to pay the mortgage as she always had and it was paid off in 2007.

Judge Nolan heard that she moved in with her boyfriend as a lodger in 1982 and paid a very small rent because the house was rough. They started a relationship and she stopped paying rent. "The cottage was in a terrible state. You needed an umbrella in bed and you had to open the back door if there was a fire," she said. All the money from her second job went into the roof, the bathroom and the like. The house fetched about £16,000. They applied for a mortgage for the second house. "Who was the principal earner?" asked her barrister. The woman said that she was so the mortgage was assessed on her income. "I paid the mortgage, he just paid for the central heating," she said.

The man left the family home because he had a drinking problem and his girlfriend got a safety order. The court was told that she paid for all carpeting and curtains and also used the inheritance her father gave her for the house. She said her boyfriend paid next to nothing and nothing at all since he had left.

The woman was then cross-examined by her boyfriend's barrister. "You said the first house was in a terrible state yet you paid rent." She did so because she could not afford anywhere else, she said. The barrister then asked her if she had any vouchers to back up all the renovations she said she had paid for. She replied she did not because that was all so long ago. The woman accepted that her boyfriend put the money from the sale of the first house towards the second house.

"How much would you say you put into the house in renovations since 2000?" Judge Nolan asked her. She thought she had spent about €30,000.

The boyfriend then said that the first house was not as bad as his girlfriend was making out and that they had both paid to renovate it. His father was a carpenter and had helped to do it up. There had never been a single argument about money.

He accepted that his girlfriend had always paid the mortgage. "Where did your money go then?" her barrister asked. "That's what I'd like to know," he replied. Judge Nolan asked him if he was trying to say that his girlfriend somehow took the money. The man said he was not.

Judge Nolan said: "The parties aren't married so I must decide this on the basis of contributions. There is no doubt that [the man] inherited the first house and there is no doubt that [the woman] made substantial contributions to do it up. It must have been in reasonable condition to get £16,000 back when it was sold. It seems admitted by [the man] that he earned less. Even if I accept that that both parties did their best I must accept that [she] paid more towards the property in question. Taking into account all factors I think that [the woman] should get 72.5 per cent and [the man] should get 27.5 per cent of the value of the house which is €317,000. I will give [her] four months to pay that over to [him]."

'Unfair' to give family home to husband as wife is main provider

In the Dublin Circuit Court, Judge Martin Nolan was asked to consider a husband's "gross and obvious" conduct in a divorce application. The applicant wife's barrister made the request at the start of a hearing which lasted for two days and during which both parties disputed allegations of misbehaviour.

Judge Nolan heard that the wife had left the family home to live with a man 20 years her senior. She denied a sexual relationship with him even though she admitted she shared his bed. He had a heart triple by-pass and also suffered from lung disease. They were extremely good friends. "He needed looking after. We had very good fun together," she said.

After his heart operation and with the husband's agreement, he moved into the woman's family home to recuperate but they moved out to live together in his home after the husband had allegedly demanded that the man pay rent, a claim the husband denied. When the man died in 2003, he left the wife his house valued at €200,000 and other assets worth €174,000 and she was referred to in his will as his partner.

The husband claimed this was the wife's third sexual relationship during their marriage. The first was when they were living in Dublin and the second was with a businessman whose wife discovered them in a shower. "The man's wife told me," said the husband. "Her husband confessed to the affair. It lasted for eight to nine months and he confessed to giving my wife money. His wife asked me for the return of the money." The husband did not know how much money was involved.

"This was a woman of means and it must have been serious money," he said.

"Is this a fantasy?" his wife's barrister asked him. "It's not a fantasy. [The man who left the house and money to the wife in his will] was the third known affair. People in the village knew. This was common knowledge and the children were very embarrassed."

The husband, denied that he had affairs but said he was now in a relationship with a woman, who was 10 weeks pregnant. They became acquainted through a friend in 2005. He had married her in a non-christian ceremony in 2006 and planned, once the divorce came through, to "marry her properly and take care of her and the child and I eventually hope to retire [abroad] in five or six years."

The court heard the wife had brought up six children, with very little financial support from her husband.

Their first family home was bought in his sole name in 1972 but was transferred to his wife's name in 1973 because of his difficulties with the Revenue Commissioners. A site was bought later in another location and the second family home was built here. The pair disputed who had paid for the site and house construction. The wife had lived on site with some of her children in a mobile home during construction. The husband claimed he had built it almost "with his bare hands" and had paid for it. The wife said she had contributed to the cost with her share of the proceeds from the sale of their first home and from money she received from her family. "There was no money whatsoever from him," she told Judge Nolan.

The husband said he had allowed her name to be on the documents seeking planning permission as he did not want to attract the "tax man's" attention". Asked by Judge Nolan if he had ever paid income tax, he

'My money had run out and [my wife's partner] was a very wealthy man. She was very fond of money'

replied: "Not since the 1970s."

The wife said that because of her husband's failure to provide she had to take on a number of part-time jobs. She denied a suggestion by the husband's barrister that she spent this money on socialising and that he had given her money every week. He had not given her any financial support since the 1980s. Her husband was a gambler, she said, and a heavy drinker who used to smash things up in the house. At one stage, she had had to apply for a protection order.

The husband denied the gambling and drinking claims. He had paid for everything including the mortgage on their first house. He had moved out of the family home in 1993 after the County Sheriff had called to say he would be back to clear out the house if his tax was not paid. With his wife's help, he had evaded the Revenue. He moved into a flat and she pretended he had gone to England. He supported his family, met them every week and gave his wife about £150 every weekend without fail. At that time, he earned about £300 and paid about £40 a week rent. She was also getting the Lone Parent Allowance, "to make it look genuine that I had deserted her".

In 1994, he claimed he discussed his wife's sexual affairs with her and they agreed to make a fresh start. They sold the family home. He denied putting pressure on her for her share of the proceeds after he had spent his share on drink and gambling. "Not true," he said. "Every penny was spent finishing the [new] house."

His wife knew there was always cash in their house which he kept in a tin box in their bedroom. The amount varied from £1,000 to £10,000. "My money had run out and [the wife's partner] was a very wealthy man. She was very fond of money."

He said her affair with the man had caused the marriage break up. He had agreed that the man could convalesce in their family home on the understanding that they would then move into his house which was being built at the time in return for which he would get the deeds of the family home. Instead, he said, they offered him €30,000 to go away.

The wife's barrister then put it to him that the man was a family friend who had helped

his wife financially because he saw she was in difficulty. "[The man] was never a family friend and my family was never short of food or clothes," he replied.

The court heard evidence that the husband had smashed the windscreen and passenger window of the man's car, which the wife was driving, with a pickaxe handle. Two of her children were with her at the time and he threatened to kill her. He was charged with malicious damage and the Garda Síochána confiscated his shotgun. He said he did this because at the time his wife was sleeping with her partner at weekends and would return on Monday morning in his car to the family home to collect her daughters to bring them to school.

"The neighbours could see her coming back from his bed to collect her daughters for school. I told her I would damage the windscreen if she came again in his car. My wife was out of the car at the time. Breaking the windscreen was foolish on my part." He denied the threat to kill her. "I never laid a finger on my wife," he said.

Judge Nolan said: "… to some extent I have to make up my mind which to believe." The wife's evidence was compelling and he believed most of it. The husband's evidence had been hesitant but he believed him to be cunning. He had, Judge Nolan said, lived "a magical existence" in that he had managed to "escape the intrusions of most of the State agencies". He was taking past conduct into account to some degree but "I have to ensure that proper provision exists for both parties". The judge made a declaration that the wife was the sole owner of the property in which she lived (the house of her deceased partner). As for the family home: "I cannot give this to [the husband]. It would be unfair in the circumstances. There is an ongoing obligation to care for [the disabled daughter] and the burden will fall on [the wife] who has been the main provider." Judge Nolan ordered that the family home be sold with 60 per cent of the proceeds going to the husband and 40 per cent to the wife. He granted a decree of divorce with the usual blocking orders. The husband's barrister applied for a stay in the event of an appeal and Judge Nolan granted a stay on his order on the family home only, with any such appeal to be lodged within 10 days of his ruling.

In Brief

Woman applies for divorce too early

A woman applied for divorce on consent before Judge Doirbhile Flanagan on the South Eastern Circuit. The respondent husband was not represented. The wife said the couple had last lived together in January 2005, which was contrary to the instructions she had provided to her counsel and solicitor. She tried to explain to the judge that they had been living separate lives since May 2004, while remaining under the same roof.

Judge Flanagan asked her if during that seven-month period the parties had any family interaction, for example had they eaten together, had they taken the children out together, had they had joint finances.

The woman said they had done very little together but that they had had a joint account until January of 2005.

Judge Flanagan was not happy to grant the decree as it was obvious to her that the parties did not have the requisite four of the previous five years living apart and that these proceedings should not have been issued until May 2008.

Summary return of children – a look at the Hague Convention

The Hague Convention, adopted in 84 countries, is there to ensure that any child under 16 who has been wrongfully removed from his/her country of habitual residence is returned

The Hague Convention is primarily concerned with securing the return of children wrongfully removed from, or wrongfully retained, out of their country of habitual residence, back to that country. The convention, adopted by 84 countries, is implemented into Irish law by the Child Abduction and Enforcement of Custody Orders Act 1991.

The convention applies to any child habitually resident in a contracting State who is under 16 years. Among EU member states (other than Denmark), the Brussels II bis Regulation (Council Regulation (EC) No 2201/2003) also applies to applications under the convention.

While the term "child abduction" is used in the convention and domestic legislation,

it may be considered an unfortunate term for what are normally disputes between a child's parents or guardians. In many convention cases, the "abductor" is the custodial parent or guardian, not a stranger. For the purposes of the convention, a child's removal or retention is considered wrongful if it breaches the custody rights of a person, institution or body, under the law of the State of habitual residence, rights that were being exercised at the time of the wrongful removal or retention.

"Custody rights" has an autonomous meaning for the convention's purpose. In broad terms, a person has custody rights if s/he has rights relating to the care of the child (not necessarily on a day-to-day basis), and, in particular, a right to participate in a decision on the child's place of residence. Institutions or bodies, including national courts, may be considered to have custody rights.

Central Authorities

Each country designates a central authority. Under Article 7 of the convention, these authorities must co-operate with each other to secure a child's prompt return. In practice, where it is alleged that a child has been wrongfully removed, the left-behind parent or guardian contacts the central authority which, in turn, contacts the central authority in the country to which the child has been removed. In Ireland, the central authority is the Minister for Justice and a unit in the Department discharges his duties. When a request is received, a solicitor in a law centre is instructed to apply on the applicant's behalf, to the High Court for the child's return. All applicants have an automatic right to legal aid for proceedings under the convention.

The High Court has exclusive jurisdiction under the convention. Proceedings are by way of special summons grounded on affidavit, returnable directly before the court, normally on the next Wednesday after issue. Article 11 of Regulation 2201/2003 obliges member states to have court procedures which are the most "expeditious procedures available in national law". It also obliges national courts, "except where exceptional circumstances make this impossible", to issue its judgment no later than six weeks after the application is lodged.

The separate Hague Convention List (HLC) in the High Court, with proceedings immediately under the control of the court, seeks to achieve this objective. Respondents are only permitted a short period of time to put in replying affidavits. Nevertheless, the obtaining of further affidavits from an applicant in his or her own country, in particular where the applicant does not speak English, often creates unavoidable delay beyond the six-week period.

Obligation to hear the child

A special feature of applications for the return of children to an EU member state, is that Article 11(2) of Regulation 2201/2003, obliges the court to ensure that "the child is given the opportunity to be heard during the proceedings, unless this appears inappropriate, having regard to his or her age or degree of maturity". There are no rules of court made in Ireland or facilities available to the High Court to comply with this obligation. A practice has developed where for children aged eight years or older the court will at an early stage direct that the child be interviewed by a child psychologist, social worker or other person with experience of interviewing children on matters specifically directed by the court. The interviewer prepares a report for the court which both parties receive. If the parties require, that person is asked to attend the hearing and is available for cross-examination. The normal order directs a limited interview and assessment. It is not a general assessment, pursuant to Section 47 of the Family Law Act 1995. An order may be made for the interview of a child younger than eight years where it is contended that his/her maturity warrants the child being given an opportunity to be heard.

Analogous orders are made for interview and assessment of children in applications from non-EU countries where it is contended the child objects to being returned to its country of habitual residence.

Mandatory obligation to return the child

The basic principle underlying the convention is that a child wrongfully removed or retained, in respect of whom an application

'The child's return is based on the premise that the courts of a child's country of habitual residence are best placed to determine custody and other disputes for what is in the child's best interests, between parents or guardians.'

is made for his or her return within a period of less than one year, shall be returned to the country of habitual residence forthwith. Article 12 imposes a mandatory obligation on the courts to return the child forthwith. There are, however, a limited number of exceptions to this basic principle.

The exceptions, if established, only remove the mandatory obligation to return the child and give the court a discretion not to order the return of the child. However, the decisions of the Supreme Court and High Court make clear that even where an exception is established, the court has a discretion to order the child's return, and in determining whether or not to do so will have regard to the convention's underlying principle. The child's return is based on the premise that the courts of a child's country of habitual residence are best placed to determine custody and other disputes for what is in the child's best interests, between parents or guardians.

Article 12 permits a court not to return a child where it is established that 12 months elapsed before the date of application and the child is now settled in a new environment.

Four further exceptions are provided for in Article 13:

- The rights of custody were not actually exercised at the time of removal or retention
- The applicant had consented to or subsequently acquiesced in the removal or retention
- There is a grave risk that the return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation
- Where the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of his/her views

Each exception has been narrowly applied and construed by the courts in this and other jurisdictions. The consideration of the individual exceptions is beyond the scope of this article.

There are limited statistics available on applications in Ireland. In 2007, there were about 45 applications under the Hague Convention. Most are resolved without the necessity of a full hearing. The case law is strongly in favour of the return of children. Many respondents, on receiving appropriate legal advice, appear to accept that they must return the child to the country of habitual residence and seek to resolve their disputes in that country.

By agreeing to make a voluntary return, they will often set undertakings from an applicant which facilitates the return. A minority of cases are resolved upon the basis that the child remains in this jurisdiction and in those instances, the court may be asked to amend the proceedings to include claims under the Guardianship of Infants Act, and make appropriate orders.

Where proceedings begin in the High Court for a child's return, under the convention, Section 13 of the Act of 1991, obliges any other court in Ireland to stay proceedings pending before it, pending the determination of the application under the Hague Convention. It happens, from time to time, that a person who takes a child to this country, may begin proceedings in the family, High, Circuit or District Courts, seeking custody orders, and is later faced with an application from the other parent or custodian, under the Hague Convention.

In such circumstances, the Family Court is obliged to stay the already commenced proceedings, pending the determination of the Hague Convention proceedings.

'Cases such as this are black and white: either the children stay or are sent back'

The parents at the centre of a Hague Convention case are congratulated by Mr Justice John MacMenamin on managing to resolve their difficulties

A matter before Mr Justice John MacMenamin involved a mother's alleged abduction of her two children, aged almost 12 and 6 years.

At the outset, the parties had submitted an agreed statement of facts. Briefly, this revealed that the parents, both EU nationals but neither Irish, began a relationship in 1995 and never married. They had two children who both had citizenship of their mother's country of origin. When the relationship ended in 2004, the family had been living in the father's country of origin. Arguments ensued over the residence and access of the children and eventually the father obtained a court order declaring that they were not to be removed from his homeland. He had secured "parental responsibility" rights for both children and these gave him rights of custody for the purposes of the Hague Convention and Council Regulation (EC) No. 2201/2003 (Brussels II bis).

The mother challenged the court order and the parties were in and out of court between December 2004 and December 2005. Matters deteriorated and the court eventually ordered that the children be joined in the proceedings and that a guardian ad litem be appointed. In September 2005, the mother removed the children, taking them first to mainland Europe and later, in February 2006, to rural Ireland.

The children were settled there and doing well in school.

In early 2008, the father found out his children were in Ireland when the Irish Central Authority confirmed as much to the central authority of his country of origin. That authority requested that the children be returned and a month later the father submitted a written request for this.

A special summons was issued in March 2008.

As a result of an Irish court order, the older child was interviewed by a child psychologist to ascertain her views on staying in Ireland

Court Report

or being returned to her father's country. The doctor also had to examine whether the child's views were independent or if she had been influenced by one or other parent. Any other matter which the child felt ought to be brought to the court's attention was also to be canvassed.

The doctor's report was available for the hearing before Mr Justice MacMenamin.

The mother objected to the father's orders on grounds that the children were well settled; that the older child was objecting to returning and that she was old and mature enough to have her views acknowledged; delay by the father and, finally, the discretion of the court.

When the case opened, the mother's counsel said the burden of proof had shifted to her.

(The burden of proof falls on the opposing party if the court finds that the applicant has proved the criteria for the application of the Hague Convention.)

The parties asked the judge for time so that issues between them might be narrowed. The judge responded that cases such as this were black and white: either the children stayed or were sent back. He said a decision of the court could have a bearing on how the parties related to each other and how they then related to the children. He reminded them that the children were parties to the action and should not be put in an invidious position.

The father's counsel returned at lunchtime and informed the judge that a settlement had been reached on the following terms:

- The mother acknowledged that the children had been wrongfully removed;
- The title of the proceedings was to be amended to include the Guardianship of Infants Act, 1964 and the Family Law Act, 1995;
- The father was to be appointed guardian under Section 6(a) of the Guardianship of Infants Act, 1964;
- The mother agreed that she would not remove the children from the jurisdiction of Ireland without the father's written consent;
- The mother would provide all school reports and medical reports pertaining to the children to the father;
- The parties were to begin communicating by writing, by telephone and by email;
- The mother would give the father all her contact details and those of the children.

Further, the mother agreed to facilitate access by the father and to be flexible.

The HSE was to be provided with the pleadings, and a Section 47 report (that is, a report pursuant to Section 47 of the Family Law Act 1995, which gives the court the power to obtain a report in writing on any question affecting the welfare of a party to the proceedings) was to be prepared.

The husband's counsel asked the judge to attach two certificates to the court order pursuant to Brussels II and III, saying these certificates would make the orders enforceable in all member states. Essentially, once this certificate is issued, member states cannot oppose recognition of an access order. This is because the certificate, which is issued by the judge who made the original access order, certifies that all parties, including the child(ren), have had the opportunity to be heard, and that where the judgment has been given in default, that the party in default has been given notice and time to prepare a defence.

The certificate is known as Annexe III

to Brussels II bis. It makes an access order automatically enforceable in all member states and the enforcement is by local law and procedure.

The mother's counsel said it was envisaged that the order would be brought to the attention of the Central Authority in Ireland and in the father's home country, and to the attention of the police forces of both countries.

The judge congratulated the parties on resolving their difficulties, saying that it was ultimately for the good of the children that the parents should co-operate with each other.

Busy year for family courts

The courts in Ireland continue to deal with large volumes of family law cases across a wide spectrum. In this feature we outline the basic requirements for many family law applications and take a look at trends and figures as published in the Courts Service Annual Report 2007

Divorce

To obtain a divorce in Ireland the parties must have been living apart for a period amounting to four of the five years preceding the court application. There must be no reasonable prospect of reconciliation and proper arrangements must have been made for the spouse and any dependent children of the family. Almost 4,000 divorces were granted in Ireland in 2007.

The Circuit Court deals with the vast majority of divorce cases. Applications for divorce in the Circuit Court increased by 2% on the previous year with 4,081 applications made in 2007. The majority of those applications (60%) were made by wives. Divorces granted increased by 7% from 3,420 in 2006 to 3,658 in 2007. Of 3,658 divorces granted 1,471 were granted to husbands and 2,187 to wives.

In the High Court the majority of divorce applications (51.5%) were made by husbands. Approximately 38% of all divorce cases commenced in the High Court in 2007 concluded within 12 months of the date of issue.

Figures 1 and 2 show the trends in divorce applications made and granted since 2000. Figure 3 gives the gender breakdown of those applying for divorce in the Circuit Court in 2007.

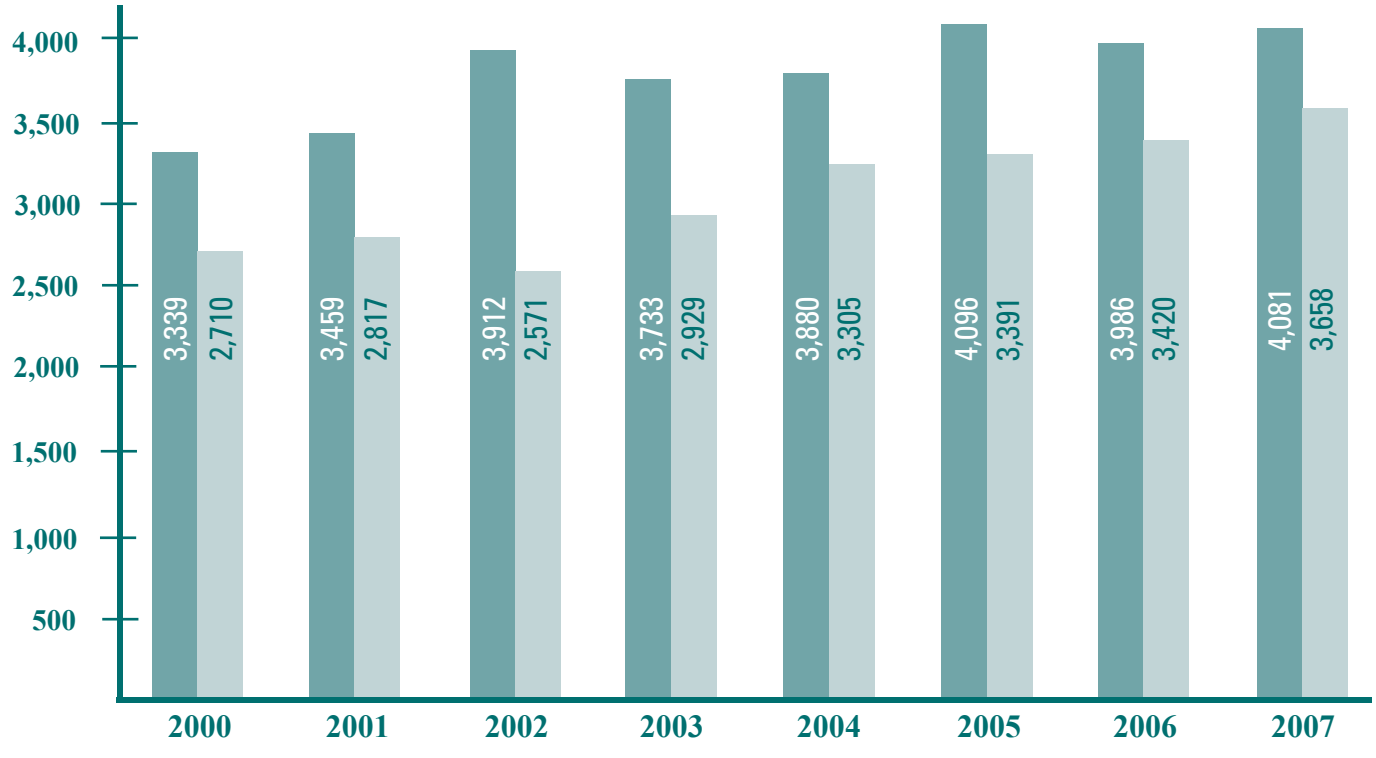

Figure 1: Divorce (Circuit Court)

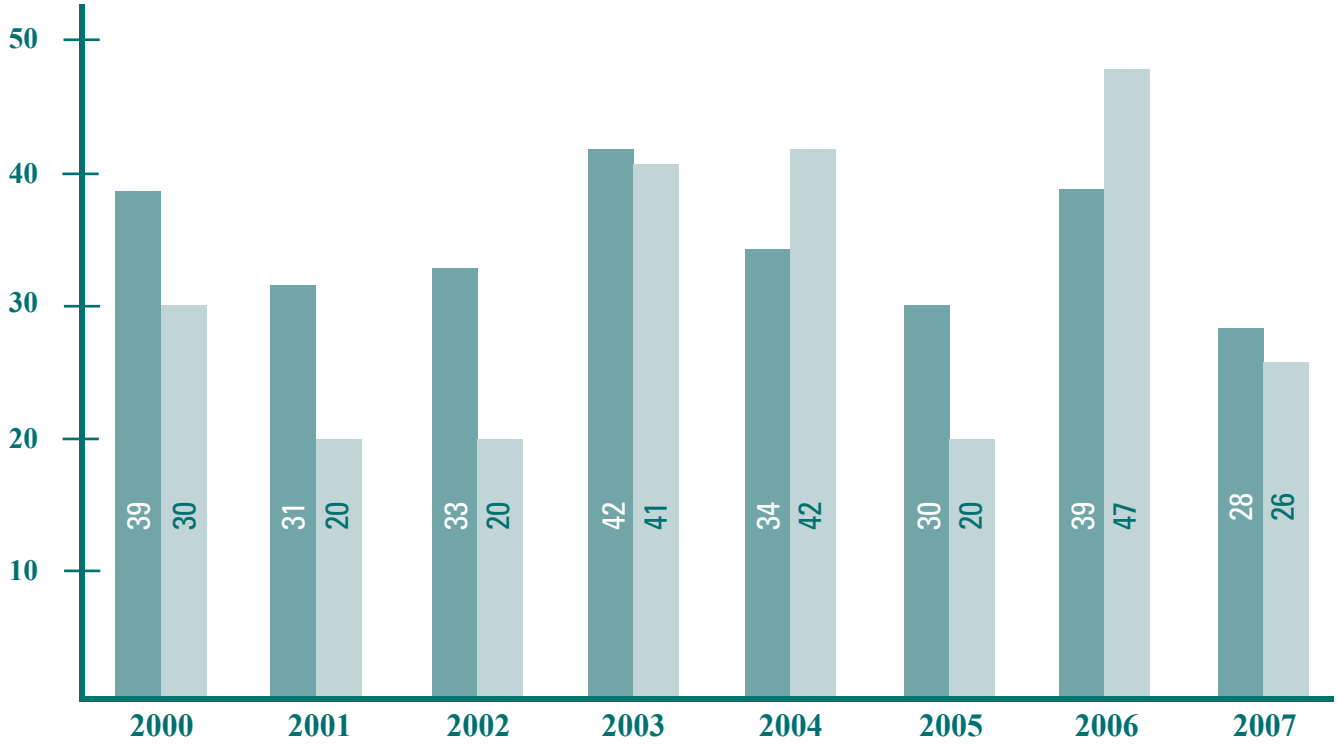

Figure 2: Divorce (High Court)

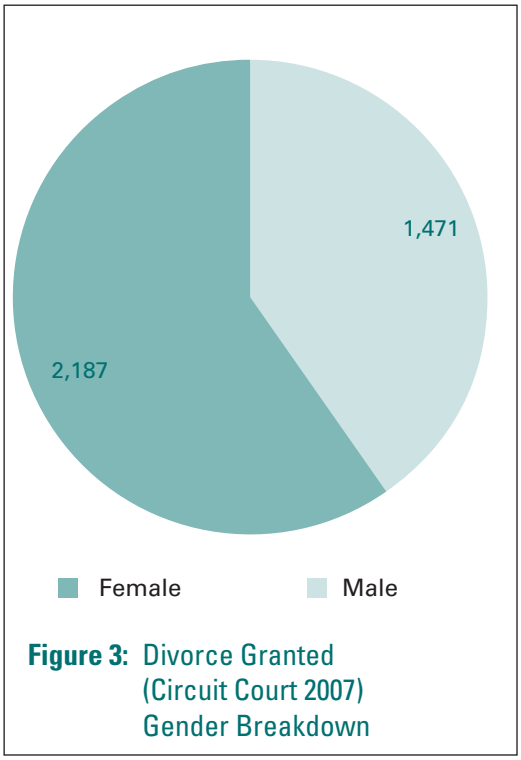

Figure 3: Divorce Granted (Circuit Court 2007) Gender Breakdown

Judicial separation

You can apply for a judicial separation on several grounds. The most common one is where the court considers that a normal marital relationship has not existed between the spouses for at least one year before the date of the application. In 2007, there were just under 2,000 applications for judicial separation in Ireland.

In both the Circuit Court and the High Court the majority of judicial separation applications are made by wives. In the Circuit Court, 1,190 or 70% of judicial separation applications were made by wives. Of the 1,167 judicial separations granted 342 were to husbands and 825 were to wives. In the High Court 90% of judicial separation applications were made by wives.

Figures 4 and 5 show the trends in judicial separation applications made and orders granted since 2000. Figure 6 gives the gender breakdown of those applying for judicial separation in the Circuit Court in 2007.

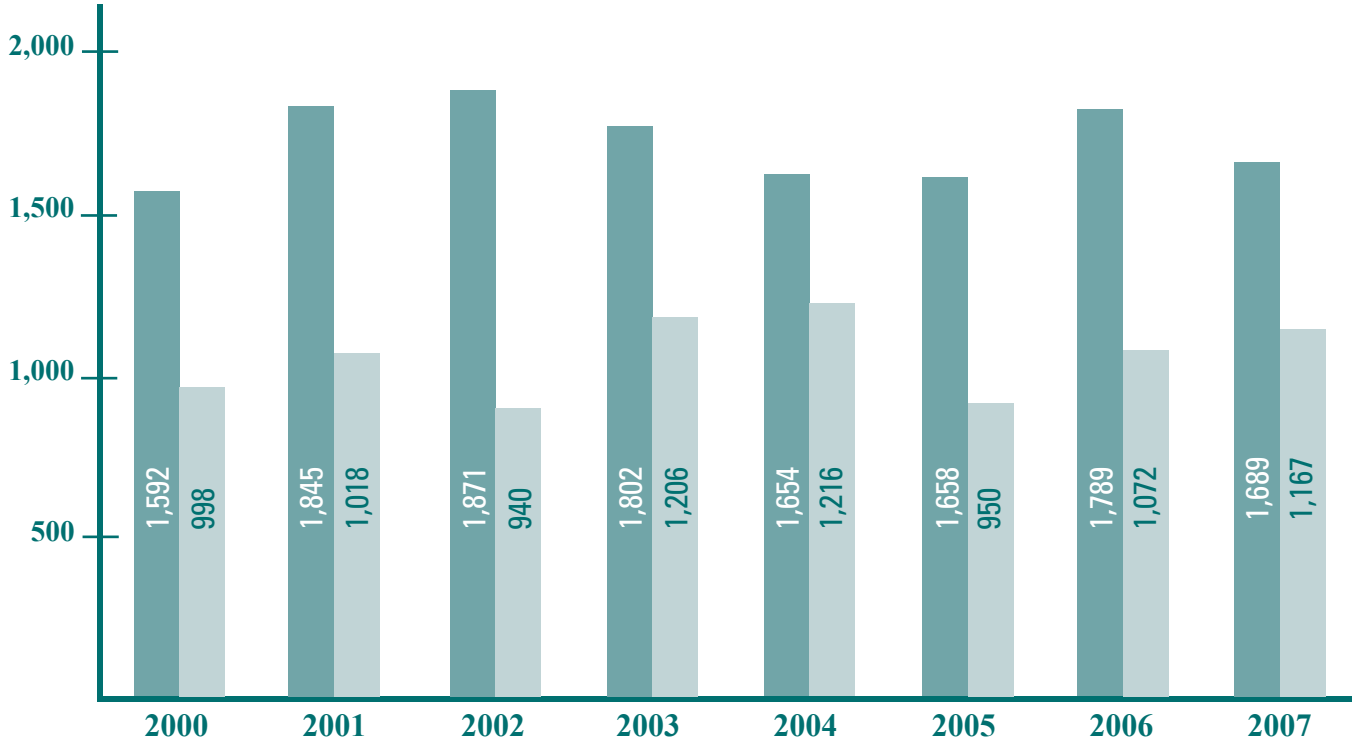

Figure 4: Judicial Separation (Circuit Court) New Applications Received Orders Granted

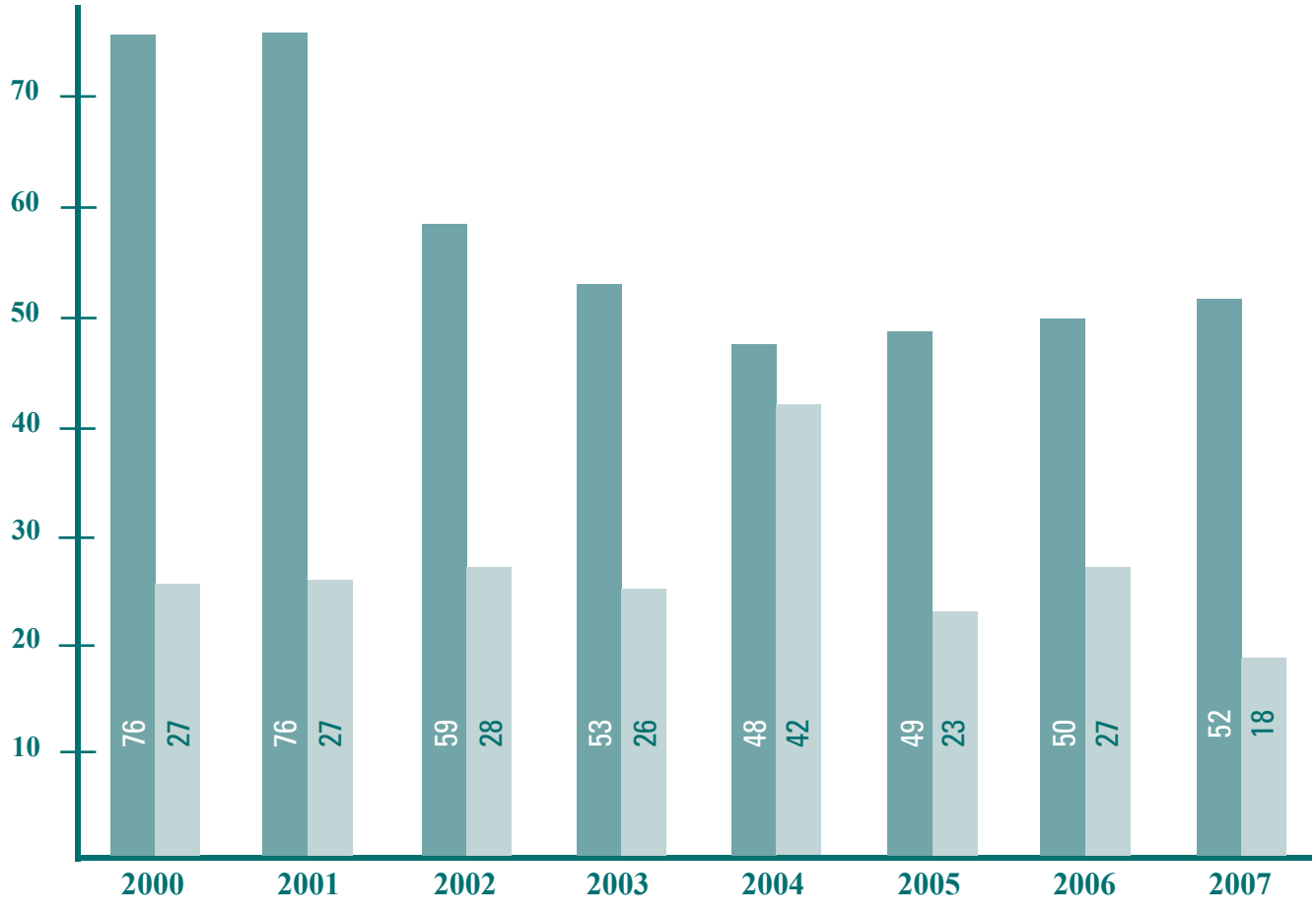

Figure 5: Judicial Separation (High Court) New Applications Received Orders Granted

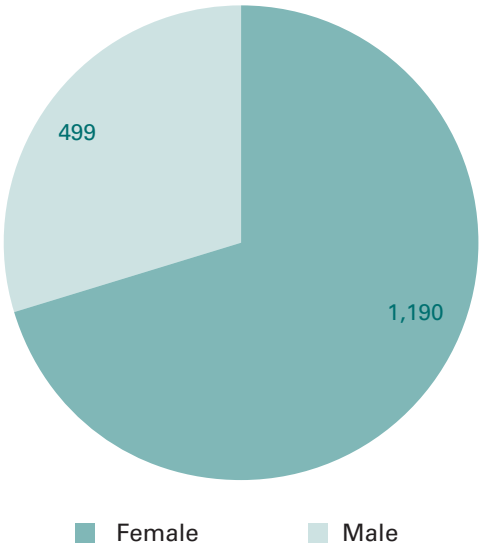

Figure 6: Judicial Separation Granted (Circuit Court 2007) Gender Breakdown

Nullity

When a marriage is annulled it stands as never having transpired in law. An alleged marriage may be either 'void' or 'voidable'. To find a marriage void the court must be satisfied that there was a lack of capacity (for example, one party already married), a lack of consent or that the requirements for a marriage ceremony were not followed. To prove that a marriage is 'voidable' a party must show that at the time of the marriage either party was impotent or incapable of entering into and sustaining a proper or normal marriage relationship.

The number of nullity applications in the Circuit Court in 2007 remained static at 60. Thirty-two of those applications were made by wives. There were no applications for nullity in the High Court in 2007. This continued the trend in previous years – there was one application in 2006 and one in 2005.

Figures 7 and 8 show the trends in nullity applications made and granted since 2000. Figure 9 gives the gender breakdown of those applying for nullity in the Circuit Court in 2007.

Figure 7: Nullity (Circuit Court)

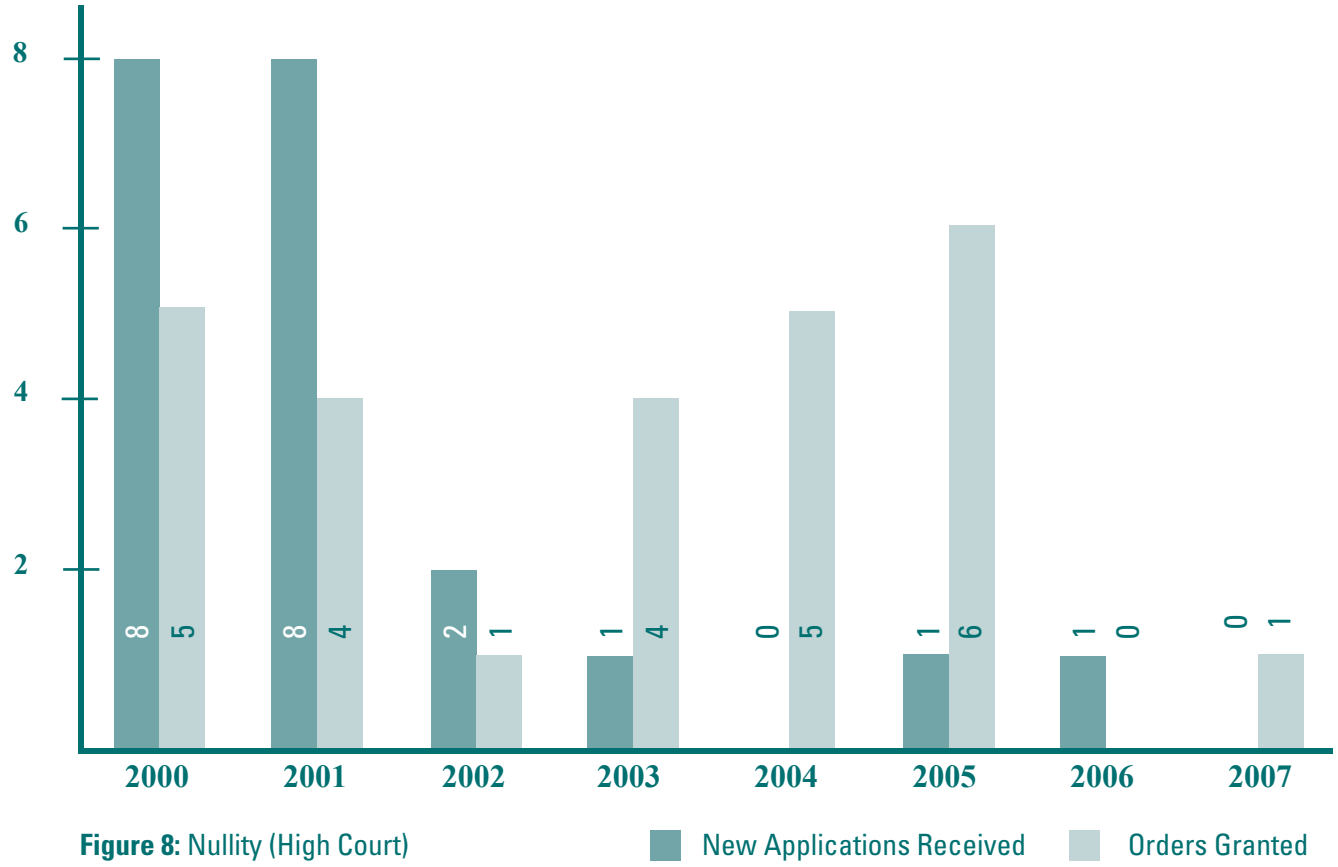

Figure 8: Nullity (High Court)

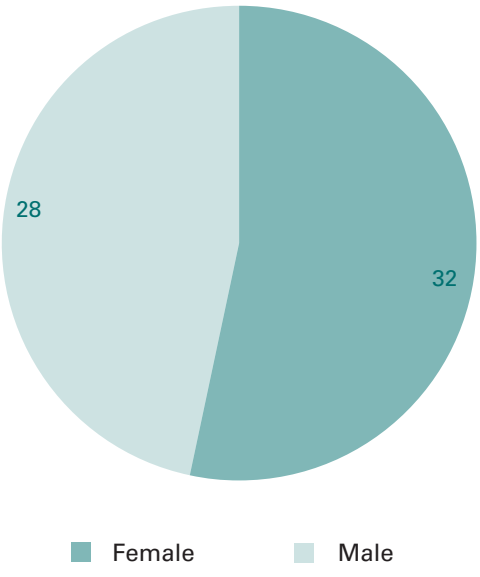

Figure 9: Nullity (Circuit Court 2007) Gender Breakdown

Notice of intention to marry

Section 33 of the Family Law Act, 1995 allows the court to dispense with the necessity to give three months notice of intention to marry and/or allow people under the age of 18 to marry. It was replaced by section 47 of the Civil Registration Act, 2004 which took effect from 5 November 2007.

Section 33 applications decreased by just under a fifth, from 903 in 2006 to 739 in 2007. Orders granted were down by a third, from 836 in 2006 to 546 in 2007.

Figure 10 gives details of applications for judicial separation, divorce and nullity received and orders granted in the Circuit Courts Ireland in 2007.

County	Applications	Judicial Separation		Divorce		Nullity		Section 33
		Male	Female	Male	Female	Male	Female	Applications
Carlow	**Received**	8	7	21	24	1	0	17
	Granted	3	6	23	30	2	0	7
Cavan	**Received**	8	19	22	19	2	1	16
	Granted	2	12	17	33	0	0	14
Clare	**Received**	7	40	34	52	3	3	8
	Granted	5	6	14	24	0	0	8
Cork	**Received**	57	115	152	253	3	8	71
	Granted	31	114	197	274	5	4	69
Donegal	**Received**	7	28	54	51	1	0	39
	Granted	6	14	38	72	0	0	20
Dublin	**Received**	214	320	582	872	5	5	226
	Granted	186	278	541	772	2	3	200
Galway	**Received**	36	124	89	142	5	3	47
	Granted	9	62	50	73	1	1	8
Kerry	**Received**	8	27	29	53	0	0	1
	Granted	4	22	32	52	0	0	1
Kildare	**Received**	13	43	61	78	0	1	17
	Granted	20	45	69	91	0	0	23
Kilkenny	**Received**	2	22	37	37	0	0	3
	Granted	10	18	38	48	0	0	2
Laois	**Received**	6	14	30	26	0	0	14
	Granted	2	7	18	16	0	0	13
Leitrim	**Received**	0	6	8	21	0	0	11
	Granted	1	6	9	16	0	0	10
Limerick	**Received**	40	67	85	119	0	1	30
	Granted	13	18	36	55	0	1	0
Longford	**Received**	0	11	12	13	0	0	10
	Granted	1	4	14	6	0	0	9
Louth	**Received**	7	32	41	47	0	0	43
	Granted	3	42	44	78	2	2	37
Mayo	**Received**	6	43	59	71	0	1	21
	Granted	3	23	33	46	1	1	19
Meath	**Received**	8	49	20	90	2	1	32
	Granted	9	35	45	87	0	0	9
Monaghan	**Received**	0	19	13	26	0	2	5
	Granted	1	10	7	29	0	0	2

continued on next page

County	Applications	Judicial Separation		Divorce		Nullity		Section 33
		Male	Female	Male	Female	Male	Female	Applications
Offaly	Received	3	21	19	30	0	0	10
	Granted	5	6	11	25	0	0	2
Roscommon	Received	3	11	22	23	0	0	2
	Granted	2	7	20	21	0	0	1
Sligo	Received	7	15	26	33	3	1	16
	Granted	2	15	20	36	0	0	5
Tipperary	Received	6	39	49	82	2	1	20
	Granted	2	19	67	79	1	0	20
Waterford	Received	9	28	37	76	0	2	8
	Granted	5	14	33	46	0	0	8
Westmeath	Received	11	26	30	52	0	1	19
	Granted	0	8	31	41	0	1	16
Wexford	Received	15	20	44	74	0	0	27
	Granted	5	19	35	76	0	0	20
Wicklow	Received	18	44	75	66	0	0	26
	Granted	11	15	56	61	0	0	23

Figure 10: Family law cases received and granted in Ireland

Custody and Access

Custody is the right to the physical care and control of a child. Where one parent has full custody of a child the question of access by the other parent may arise.

The District Court deals with the majority of applications for custody and access in Ireland. In 2007, 5,210 custody and access applications were received by the District Court, showing negligible increase on 2006. Of that number 3,475 were applications for access only, 814 were for custody only and 921 were for custody and access. Figure 11 gives details of the outcome of applications for custody and access in the District Court in 2007.

Note: References to new applications in this article means applications issued in a given year. It does not include applications carried forward from a previous year. Applications issued but not dealt with in a given year are carried forward to the following year.

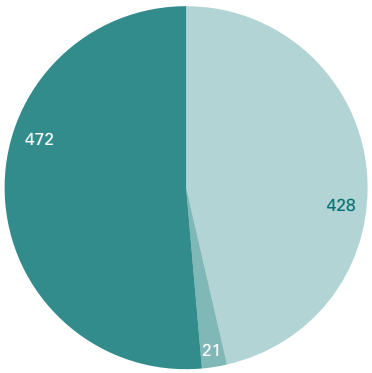

Figure 11A: Custody and Access (District Court 2007)

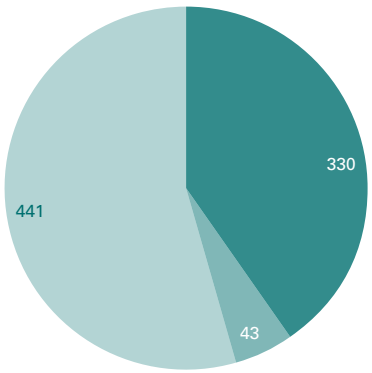

Figure 11B: Custody Only (District Court 2007)

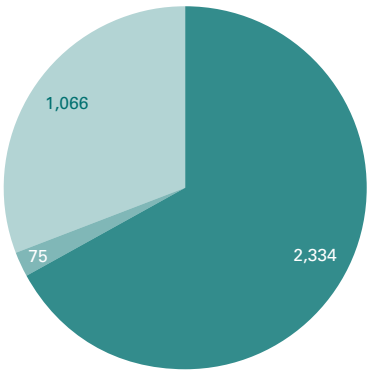

Figure 11C: Access Only (District Court 2007)

Guardianship

A guardian has a duty to maintain and properly care for a child and has a general right to make decisions about the child's religious and secular education, health requirements and general welfare. Married parents of a child are joint guardians and have equal rights in relation to the child. The right of parents to guardianship is set down in section 6 of the Guardianship of Infants Act, 1964. For children born outside marriage in Ireland, only the mother has automatic rights to guardianship. In 2007 there were 1,962 applications by non-marital fathers for guardianship of a child. Figure 12 gives the outcome of these applications.

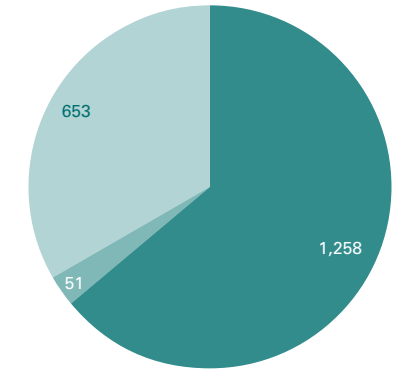

Figure 12: Guardianship (District Court 2007) (Non-marital fathers)

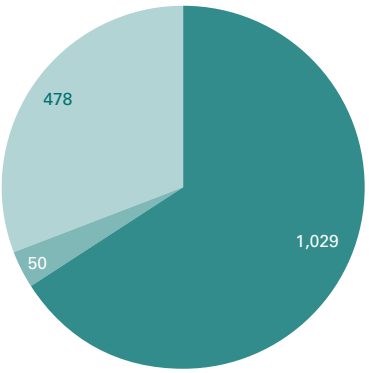

Figure 13A: Maintenance (District Court 2007) Married Applicants

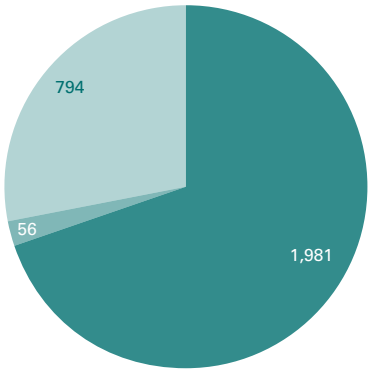

Figure 13B: Maintenance (District Court 2007) Unmarried Applicants

Maintenance

Both parents have a responsibility to support their children financially. This applies to all parents, whether married, separated, living together or if they have never lived together. Either parent can apply to the court for a maintenance order against the other parent.

The majority of applications made to the District Court in 2007 related to maintenance arrangements for unmarried couples (see Figures 13A & B).

Hague Convention

On page 24 we explained the operation of the Hague Convention in Ireland. There were 45 cases commenced in the High Court under the Convention in 2007. Some 97 interim orders were made. An interim order is an order made pending the final hearing of the case. There can be more than one interim order in a case.

Nine orders were made by consent for the child to stay in the jurisdiction, down 70% from 29 in 2006. Three orders were made by the Court directing that the child stay in the jurisdiction. Twenty orders were made by consent for the child to return to the originating country, an increase of 60% on the 2006 figure of twelve. The Court directed that the child be returned in two cases. (see Figure 14)

Hague Convention Orders (High Court)	2007	2006
Interim order	97	90
Child to remain (by consent)	9	29
Child to remain (Court)	3	0
Child to return (by consent)	20	12
Child to return (Court)	2	3
Child to be assessed	15	2

Figure 14: Hague Convention Orders (High Court)

Child care

Child care cases involve applications in the District Court by the Health Service Executive (HSE) in relation to the care of children, mainly to have children placed in the care of or under the supervision of the HSE temporarily or permanently.

Child care orders (District Court)	2007	2006
Supervision orders	556	520
Care orders	1,201	1,125

Figure 15: Child Care Orders (District Court)

At a Glance

- Divorces granted by the Circuit Court increased 7% from 3,420 in 2006 to 3,658 in 2007
- Of the 1,167 judicial separations granted by the Circuit Court 342 were to husbands and 825 were to wives
- Over 60% (or 2,831) of maintenance applications made to the District Court were by unmarried applicants
- 5,210 custody and access applications were made in the District Court

The Courts Service Annual Report 2007 is available online at *www.courts.ie*

Getting the best deal for children from child care services

The Children Acts Advisory Board plays an important role in providing advice and guidance to the Ministers for Health and Children and Justice, Equality and Law Reform and the child care sector on the workings of the Children Acts. **Finbarr O'Leary**, deputy chief executive of CAAB, talks to *Family Law Matters* about the board's work since its establishment

"There are a number of agencies and departments who are involved with policy and specifically the delivery of [child care] services but the role of the [Children Acts Advisory] Board is to make sure that the co-ordinated delivery can bring agencies together so that they can understand their prospective roles and enhance services for children," says Finbarr O'Leary, deputy chief executive of CAAB.

The board describes its vision as the provision of "coherent, consistent and effective responses to children who are central to the Children Acts". Its three corporate objectives are to provide sound advice and guidance to the Ministers and the child care sector; to facilitate co-operation between agencies; and to strengthen the knowledge base in the sector.

The CAAB was set up in July 2007 through an amendment to the Children Act 2001 and its main enabling and advisory roles are carried out in the context of the operation of the Child Care Act 1991 and the Children Act 2001.

It carries on some of the work of the Special Residential Services Board, where there existed previously a particular remit in the courts on child detention.

It is made up of 12 board members appointed by the Minister for Children and is chaired by Jacinta Stewart, chief executive of the City of Dublin VEC. Along with three experts appointed by the Minister for Children, the board includes senior managers from the Justice, Education and Health departments.

Given the relative youth of CAAB and its area of concentration there has been a certain settling in period and much of its early work has involved taking stock of existing services in the system.

Mr O'Leary says that CAAB has been getting a benchmark together by gathering statistics and assessing the outcomes since the introduction of 2001's Children Act.

The board has recently hosted regional seminars with key agencies in the child care sector and has undertaken research into how to improve inter-agency co-operation. Mr O'Leary says it is about "how effective it can be and how we can exchange knowledge across sectors. We're looking nationally first to see what practices are in place but we are also carrying a literary review internationally."

CAAB reviews the delivery of services in

the child care sector on an ongoing basis. It has engaged Trinity College to explore the most effective ways of making research knowledge accessible to practitioners, managers and policy makers. *Putting Research Evidence to Work* involves a review of the literature on the barriers, facilitators and approaches to putting research evidence to work by policy makers, senior managers and frontline practitioners.

CAAB is also involved in what it calls "a different response model" particularly in the social work area, says Mr O'Leary. He considers that this is a model that looks outside the usual way of delivering services to find an approach that fits the family, the child and the community.

The board's focus falls on various court proceedings that relate to children. For example, it publishes criteria for taking children into special care. The Health Service Executive applies for such orders through the District Court. It has a legal brief to ensure a certain level of facilities in special care units and also in detention schools.

Owing to a desire for a base of evidence when formulating policy in the area of children and the courts, the 1991 Act was amended in May 2007 to modify the in camera rule in child care proceedings to allow for reporting of such proceedings – in specific circumstances and by specified people. No child would be identified in these reports. CAAB's board is considering this amendment and the manner in which it could deliver such reports.

"There wouldn't be huge information [on child care proceedings] but what we are depending on is the Courts Service Annual Report of 2007 which gives an idea of the number of care orders and supervision orders. We're also working with the HSE in getting relevant statistics," says Mr O'Leary.

In another area, CAAB will soon publish guidelines on the role of the guardian ad litem - a person appointed by the court to defend an action on behalf of a minor or a person of unsound mind. In care proceedings or hearings regarding children in the care of the HSE, the court may appoint such persons.

"There has been quite a detailed consultation process going for a number of months. We have published guidance on the role of the guardian ad litem, the criteria for their use and the training and qualifications. It has been very productive in the sense of a clear focus," says Mr O'Leary.

CAAB also works with the Garda Síochána in the Dublin North Central area in the case management of children who come before the courts, as Mr O'Leary explains. "You might have a child before the court with maybe five or six different gardaí with a range of charges before the court over maybe a six-month period without the charges being dealt with, whereas now it's being dealt with by one officer who is managing it from the start and putting the material together. Hopefully this will be some benefit for the child.

This particular case management approach is based on quite detailed research in the courts about the number of times children and the gardaí attended the court.

CAAB also examines international practices and has recently attended a national conference held in Miami-Dade County, Florida. The Juvenile Assessment Centre at Miami-Dade is a processing, referral and evaluation centre for any juvenile who is arrested in the county. Justice and social service work together, providing a complete range of services for juveniles in the justice system.

"The Miami-Dade experience is a sort of one-stop shop for issues of welfare and juvenile justice," says Mr O'Leary. "These people have attended our seminar recently. Again, it's to set a scene of change. At the moment we're a bit away from a one-stop scenario."

We note the intention outlined by the Minister of Finance in his recent budget to subsume the CAAB into the Office of the Minister for Children in the Department of Health and Children as part of the rationalisation of State agencies.

Index

The following index provides details of topics and areas of the country covered in *Family Law Matters* to date. We hope it proves a useful resource for all those working directly and indirectly in the family law area. If you would like a copy of a particular edition of *Family Law Matters*, please contact the editorial team at *FamilyLawMatters@courts.ie* or telephone 01 888 6460/888 6457. Previous issues are also available on the Courts Service website *www.courts.ie*

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	Summer 2007	20	Midland Circuit Court
	Summer 2007	21	Eastern Circuit Court
	Summer 2007	29	Cork Circuit Court
	Summer 2007	30	Midland Circuit
	Spring 2007	18	Northern Circuit
	Spring 2007	18	Dublin District Court
	Spring 2007	20	Dublin District Court
	Spring 2007	30	Dublin Circuit Court
	Summer 2008	4	Donegal/District
	Spring 2008	20	Naas District Court
	Autumn 2007	40	South Eastern Circuit
	Autumn 2007	44	Dublin Circuit Court
After-Care Plan	Summer 2007	12	Dublin District Court
Assets	Summer 2008	13	Western Circuit
	Summer 2008	14	South Western Circuit
	Summer 2008	15	South Eastern Circuit
	Summer 2008	17	South Eastern Circuit
	Summer 2008	18	Northern Circuit
	Summer 2008	30	South Western Circuit
	Summer 2008	35	South Eastern Circuit
	Summer 2008	37	South Western Circuit
	Summer 2008	42	Wicklow Circuit
	Summer 2008	51	Northern Circuit
	Spring 2008	21	High Court Cork
	Spring 2008	30	Southern Circuit
	Spring 2008	31	Western Circuit
	Spring 2008	34	South Eastern Circuit
	Autumn 2007	40	Midlands Circuit Court
	Autumn 2007	42	South Eastern Circuit
	Autumn 2007	56	High Court

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	Summer 2008	24	High Court
	Summer 2008	31	Midland Circuit
	Summer 2008	49	Northern Circuit
	Summer 2008	50	Northern Circuit
	Spring 2008	5	Southern Circuit
	Spring 2008	26	Southern Circuit
	Spring 2008	28	Northern Circuit
	Autumn 2007	4	Northern District Court
	Autumn 2007	11	District Court Leinster
	Autumn 2007	12	South West District Court
	Autumn 2007	40	Midlands Circuit Court
	Summer 2007	29	Cork Circuit Court
	Spring 2007	5	High Court
	Spring 2007	20	Dublin District Court
	Spring 2007	30	Dublin Circuit Court
	Spring 2007	30	Cork Circuit Court
	Summer 2007	16	Dublin Circuit Court
Divorce	Summer 2008	19	South Eastern Circuit
	Summer 2008	37	South Western Circuit
	Summer 2008	40	Cork Circuit
	Summer 2008	42	Wicklow Circuit
	Summer 2008	49	Northern Circuit
	Spring 2008	24	Northern Circuit
	Spring 2008	25	South Eastern Circuit
	Spring 2008	29	Southern Circuit
	Spring 2008	33	South Eastern Circuit
	Spring 2008	34	South Eastern Circuit
	Spring 2008	35	South Eastern Circuit
	Autumn 2007	43	South Eastern Circuit
	Autumn 2007	44	Dublin Circuit Court
	Autumn 2007	44	Dublin Circuit Court
	Autumn 2007	53	South Western Circuit
	Summer 2007	21	Western Circuit
	Summer 2007	24	Northern Circuit
	Summer 2007	31	Dublin Circuit Court
	Summer 2007	33	Eastern Circuit
	Summer 2007	38	High Court
	Spring 2007	5	High Court

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	Spring 2007	5	High Court
	Spring 2007	7	Dublin Circuit Court
	Spring 2007	10	Cork Circuit Court
	Spring 2007	11	Midland Circuit Court
	Spring 2007	11	Midland Circuit Court
	Spring 2007	12	Midland Circuit Court
	Spring 2007	12	Midland Circuit Court
	Spring 2007	12	Midland Circuit Court
	Spring 2007	12	Midland Circuit Court
	Spring 2007	12	Midland Circuit Court
	Spring 2007	13	Midland Circuit Court
Financial Relief	Autumn 2007	53	South Western Circuit
Foster Care	Spring 2008	13	Midlands Circuit
Guardian	Spring 2008	5	Southern Circuit
	Summer 2008	22	Western/Ballinasloe
	Autumn 2007	6	Midlands District Court
	Autumn 2007	9	District Court
	Autumn 2007	10	District Court
	Spring 2008	20	Naas District Court
Judicial Separation	Summer 2008	11	Western Circuit
	Summer 2008	14	South Western Circuit
	Summer 2008	15	South Eastern Circuit
	Summer 2008	17	South Eastern Circuit
	Summer 2008	18	Northern Circuit
	Summer 2008	27	Northern Circuit
	Summer 2008	40	Cork Circuit
	Summer 2008	41	Wicklow Circuit
	Summer 2008	51	Northern Circuit
	Spring 2008	27	Northern Circuit
	Autumn 2007	37	Midlands Circuit Court
	Autumn 2007	41	South Eastern Circuit
	Summer 2007	27	Cork Circuit Court
	Summer 2007	30	Midland Circuit
	Summer 2007	32	Dublin Circuit Court
	Spring 2007	4	High Court
	Spring 2007	9	Dublin Circuit Court
	Spring 2007	29	Dublin Circuit Court
	Spring 2007	30	Cork Circuit Court

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Maintenance	Summer 2008	4	Donegal/District
	Summer 2008	8	Donegal/District
	Summer 2008	10	Northern District Court
	Summer 2008	20	Midlands
	Summer 2008	21	Midlands
	Summer 2008	21	Midlands
	Summer 2008	22	Western/Ballinasloe
	Summer 2008	23	Western/Ballinasloe
	Summer 2008	40	Cork Circuit
	Summer 2008	48	Dublin Circuit
	Summer 2008	49	Dublin Circuit
	Summer 2008	49	Dublin Circuit
	Spring 2008	11	Eastern Circuit
	Spring 2008	14	Eastern Circuit
	Spring 2008	18	
	Spring 2008	20	Naas District Court
	Spring 2008	22	Midlands Circuit
	Spring 2008	30	Southern Circuit
	Spring 2008	32	Southern Circuit
	Autumn 2007	7	Suburban District Court
	Autumn 2007	10	District Court
	Autumn 2007	14	Dublin District Court
	Autumn 2007	16	District Court
	Autumn 2007	17	Suburban District Court
	Autumn 2007	18	District Court
	Autumn 2007	18	Midland District Court
	Autumn 2007	19	Eastern District Court
	Autumn 2007	20	Northern District Court
	Autumn 2007	21	District Court
	Autumn 2007	40	Midlands Circuit Court
	Summer 2007	12	Western Circuit Court
	Summer 2007	15	Cork Circuit Court
	Summer 2007	29	Cork Circuit Court
	Spring 2007	5	High Court
	Spring 2007	14	Northern Circuit
	Spring 2007	19	Dublin District Court
	Spring 2007	20	Dublin District Court
	Spring 2007	30	Cork Circuit Court