



STATUTORY INSTRUMENTS.

S.I. No. 221 of 2025

DISTRICT COURT (MAINTENANCE) RULES 2025

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DISTRICT COURT (MAINTENANCE) RULES 2025

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

Dated this 25th day of April 2025.

Paul Kelly Chairperson

Alan Mitchell

Joyce Good Hammond

Ann McGarry

Eoin Martin

Ciara McMahon

James Finn

Eoin Manning

I concur in the making of the following rules of court.

Dated this 28th day of May 2025.

JIM O'CALLAGHAN
Minister for Justice

S.I. No. 221 of 2025

DISTRICT COURT (MAINTENANCE) RULES 2025

1. (1) These Rules, which shall come into operation on the 3rd day of June, 2025, may be cited as the District Court (Maintenance) Rules 2025.

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

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2025.

2. Proceedings in the District Court under the Family Law (Maintenance of Spouses and Children) Act 1976 or the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, which were commenced but not determined before the date on which these Rules enter into force, shall be continued and determined as if these Rules had not entered into force.

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

- (i) by the substitution for Order 54 and Order 54A of the Orders set out in Schedule 1, and
- (ii) by the substitution for rules 6 to 8 inclusive of Order 57 of the following rules:

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

6. An application under section 9A(3) of the Act of 1976 (as inserted by the Act of 2011) or under section 52A(3) of the Act of 2010 (as inserted by section 146 of the Children and Family Relationships Act 2015) for the issue of a summons may be made by the completion by the maintenance creditor of an application form in the Form 57.3, Schedule C, which must be submitted to the Clerk. Upon receipt of the completed application form, the Clerk will issue a summons.

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

7. The summons addressed to the maintenance debtor must be in the Form 57.3A, Schedule C.

Service of summonses, application forms and orders

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

(2) Order 51A, rules 8(5), 8(7), and 8(8) shall apply to the service and lodgment of proof of service of a summons mentioned in rule 7 and application form mentioned in rule 6. A statutory declaration as to service by or on behalf of the maintenance creditor of the summons and application form must be lodged with the Clerk at least two days before the date of the hearing.

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

4. (1) The forms in Schedule 2 shall be substituted for the forms bearing the like numbers respectively in Schedule C to the District Court Rules 1997 (S.I. No. 93 of 1997).

(2) The form numbered 57.3A in Schedule 2 shall be added to the forms in Schedule C to the District Court Rules 1997 (S.I. No. 93 of 1997) immediately following Form 57.3 (as substituted by these Rules).

(3) The forms numbered 54.3, 54.4, 54.11, 54.14, and 54.21 shall be deleted from Schedule C to the District Court Rules 1997 (S.I. No. 93 of 1997).

Schedule 1

“ORDER 54: MAINTENANCE OF SPOUSES, CIVIL PARTNERS AND CHILDREN

Definitions.

1. In this Order—

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

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

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

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

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

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

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

Venue.

2. (1) Subject to the provisions of Order 41B, proceedings under the Act of 1976 or under the Act of 2010 may be brought, heard or determined at any sitting of the Court for the court area where either party to the proceedings ordinarily resides or carries on any profession, business, or occupation.

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

Hearing to be otherwise than in public.

3. Proceedings under the Act of 1976 or the Act of 2010 shall be heard otherwise than in public.

Applications for maintenance orders.

4. (1) An application for a maintenance order under:

- (a) section 5(1)(a) of the Act of 1976,
- (b) section 5(1)(b) of the Act of 1976,
- (c) section 5A(1) of the Act of 1976 (inserted by section 18 of the Act of 1987),

- (d) section 5A(2) of the Act of 1976 (inserted by section 18 of the Act of 1987),
- (e) section 5B(2) of the Act of 1976 (inserted by section 73 of the Act of 2015),
- (f) section 5C(2) of the Act of 1976 (inserted by section 73 of the Act of 2015),
- (g) section 45(1) of the Act of 2010 by a civil partner for a maintenance order,
- (h) section 175 of the Act of 2010 by a qualified cohabitant,
- (i) by a spouse or parent under section 21A(1) of the Act of 1976 (inserted by section 21 of the Act of 1987), for a lump sum order in respect of the expenses incidental to the birth or funeral of a dependent child, or
- (j) by a civil partner under section 67A(1) of the Act of 2010 (inserted by section 147 of the Children and Family Relationships Act 2015) for a lump sum order in respect of the expenses incidental to the birth or funeral of a dependent child,

must be preceded by the completion by the applicant of an application form in the Form 54.1, Schedule C, which must be submitted to the Clerk. Upon receipt of the completed application form, the Clerk will issue a maintenance summons in the Form 54.2, Schedule C. The maintenance summons and a copy of the application form must be served on the respondent by the applicant.

(2) The order of the Court granting such application for periodic maintenance may be in the Form 54.5, 54.6, 54.7, 54.8, Schedule C, as appropriate, with the necessary modifications where the order is made under the 2010 Act.

(3) A lump sum order under Section 21A(1) of the Act of 1976 or, as the case may be, section 67A(1) of the Act of 2010, may be in the Form 54.15, Schedule C, with the necessary modifications where the order is made under the 2010 Act.

(4) Where, under the powers conferred by section 42 of the Act of 1995 or, as the case may be, under the powers conferred by section 51 of the Act of 2010, an order is made in the District Court providing for the making of a lump sum payment or lump sum payments, the order of the Court may be in the Form 54.24, 54.25, 54.26, or 54.27, Schedule C, as the case may be, with the necessary modifications where the order is made under the 2010 Act.

Application to discharge or vary maintenance order.

5. (1) An application:

- (a) by a maintenance debtor for the discharge of a maintenance order under section 6(1)(a) of the Act of 1976, or
- (b) by either party to the proceedings under section 6(1)(b) of the Act of 1976 to discharge or vary a maintenance order made by the District Court, or

- (c) by a maintenance debtor for the discharge of part of a maintenance order under section 6(3) of the Act of 1976, or
- (d) by the maintenance creditor, the maintenance debtor, or the Clerk on whose application the order was made, for an order discharging or varying an attachment of earnings order under section 17(1) of the Act of 1976, or
- (e) by either party to the proceedings under section 46 of the Act of 2010 to discharge, vary, or terminate a maintenance order made by the District Court, or
- (f) by either party to the proceedings under section 173(6) of the Act of 2010 to vary or discharge an order, or to suspend or revive a provision of an order made under section 175 of the Act of 2010, or
- (g) by the maintenance creditor, the maintenance debtor, or the Clerk on whose application the order was made, for an order discharging or varying an attachment of earnings order under section 183(1) of the Act of 2010,

must be preceded by the completion by the applicant of an application form in the Form 54.9, Schedule C, which must be submitted to the Clerk. Upon receipt of the completed application form, the Clerk shall issue a maintenance summons in the Form 54.2, Schedule C. The maintenance summons and a copy of the application form must be served on the maintenance debtor and on any other person who would be affected by the making of the order sought by the maintenance creditor.

(2) The order of the Court on the application may be in the Form 54.10 or 54.12, Schedule C, with the necessary modifications where the order is made under the 2010 Act.

Interim order.

6. An interim order made by the Court under:

- (a) section 7 of the Act of 1976, or
- (b) section 47 of the Act of 2010,

may be in the Form 54.13, Schedule C, with any necessary adaptations.

Clerk to send copy of order.

7. (1) Where the Court makes a maintenance order, an order varying, discharging, or discharging part of such order, an interim order, or a lump sum order in respect of the birth or funeral expenses of a dependent child, the Clerk shall give to, or send by registered prepaid post to the maintenance debtor or to the respondent party (as the case may be), a copy of the order so made.

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

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

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

Application for direction that payments be made to Clerk.

8. An application under section 9(1)(b) of the Act of 1976 or, as the case may be, section 50(1)(b) of the Act of 2010, for a direction that payments under a maintenance order, a variation order, or an interim order be made to the Clerk may be made *ex parte*. Notice of such application in the Form 54.16, Schedule C, signed by the maintenance creditor or by his or her solicitor, must be lodged with the Clerk at least 48 hours prior to the date of the intended application. The order of the Court granting the application may be in the Form 54.17, Schedule C, with any necessary adaptations.

Payments to the Clerk.

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

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

Application to discharge direction.

10. An application under section 9(3) of the Act of 1976 or, as the case may be, section 50(3) of the Act of 2010, by a maintenance debtor to have a direction under section 9(1) of the Act of 1976 or, as the case may be, section 50(1) of the Act of 2010, discharged must be preceded by the issue and service upon the maintenance creditor of a summons in the Form 54.19, Schedule C. The order of the Court granting the application may be in the Form 54.20, Schedule C, with any necessary adaptations.

Recovery of arrears.

11. (1) Where payments (whether to be made to the maintenance creditor or to a Clerk) under a maintenance order, a variation order, or an interim order are in arrears, the maintenance creditor may apply to the Clerk to issue a summons

for service by the maintenance creditor under section 9A of the Act of 1976 (or, as the case may be, section 52A of the Act of 2010) in accordance with Order 57.

(2) Where payments to the Clerk under a maintenance order, a variation order, or an interim order are in arrears, and such Clerk receives a request in writing from the maintenance creditor to take such steps as he or she considers reasonable to recover such arrears, such Clerk may:

- (a) make application under section 10 of the Act of 1976 (or, as the case may be, section 53 of the Act of 2010) for an attachment of earnings order in accordance with the provisions of Order 56, or
- (b) make application under section 8 of the Enforcement of Court Orders Act 1940 in accordance with the provisions of Order 57, or
- (c) make application under section 9A of the Act of 1976 (or, as the case may be, section 52A of the Act of 2010), in accordance with the provisions of Order 57, in which case, the request in writing may be in the Form 57.3, Schedule C.

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

Service of summonses.

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

(2) Save where service has been effected by the Clerk, a statutory declaration as to service of the summons (and any other document concerned) must be lodged with the Clerk at least two days before the said date of hearing.

Rules to apply to orders for maintenance pending suit etc.

13. Where the Clerk receives a copy—

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

- (c) of an order for maintenance pending suit, of a periodical payments order, or of a secured periodical payments order made under the Act of 2010,

from the Registrar of the Court which made that order, and payments under the order are directed to be made to the District Court Clerk (as provided for in section 20 of the Act of 1995 and in section 28 of the Act of 1996 (or, as the case may be, section 50, or section 50 as applied by section 134 of the Act of 2010)), such Clerk shall register particulars of the order and shall proceed in relation thereto as if it were a maintenance order made at a sitting of the District Court for the district court area to which that Clerk is assigned.

Orders to secure payments.

14. (1) Where the Court has made an order providing for periodical payments by way of support or maintenance by a maintenance debtor to a maintenance creditor, an application may be made to the Court on a date subsequent to the date on which such order is made pursuant to the provisions of section 41 of the Act of 1995 or, as the case may be, section 52 of the Act of 2010, by any person having an interest in the proceedings to secure the said payments to the maintenance creditor.

(2) Such application must be preceded by the issue and service of a notice in the Form 54.22, Schedule C. The order of the Court granting such application may be in the Form 54.23, Schedule C.

Stay on certain orders the subject of appeal.

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

- (i) section 11(2)(b) of the Guardianship of Infants Act 1964 (No. 7 of 1964),
- (ii) section 5, 5A, or 7 of the Act of 1976, or
- (iii) section 45 or 47 of the Act of 2010

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

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

Report under section 47 of the Act of 1976.

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

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

**“ORDER 54A: OTHER PROCEEDINGS UNDER THE CIVIL
PARTNERSHIP AND CERTAIN RIGHTS AND OBLIGATIONS OF
COHABITANTS ACT 2010**

Definitions.

1. In this Order—

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

Venue.

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

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

Hearing to be otherwise than in public.

3. Proceedings under the Act shall be heard otherwise than in public.

Shared Home Protection

Application under section 34(1) of the Act.

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

Summons under section 34(3) of the Act.

5. Where complaint is made by a civil partner to a Judge under section 34(3) of the Act that the other civil partner has contravened the provisions of section 34(2) of the Act, the summons which may be issued and served upon the other civil partner shall be in the Form 60.5, Schedule C, with the necessary modifications. The relevant provisions of Order 15 shall apply in such case.

Application under section 34(4) of the Act.

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

Summons under section 39 of the Act.

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

Joinder of parties.

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

Declaring a conveyance void.

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

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

Lis Pendens.

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

Order dispensing with consent or giving consent.

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

(2) Where it is alleged that the civil partner whose consent is required under section 28 of the Act is incapable of consenting, the original certificate in writing by a consultant psychiatrist, within the meaning of the Mental Health Act 2001, shall be annexed to the notice of application lodged with the Clerk. The Court may accept affidavit evidence of the certification, subject to the right of any party contesting the certification to cross-examine.

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

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

Protection of Shared Home.

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

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

Conduct leading to loss of Shared Home.

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

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

Application under section 194.

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

Schedule 2

No. 54.1

Schedule C, O.54, r.4(1)

Application for Maintenance

Family Law (Maintenance of Spouses and Children) Act 1976, as amended.
Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010,
as amended.

District Court

Office Completion Only

Case Number:

District Court Area:

District No.:

Section A – Party Details

Applicant Details

First name:

Last name:

Date of birth:

Address:

.....
.....
.....
.....
.....

Email Address (Optional):

Contact Number (Optional):

Applicant Solicitor Details (Leave blank if not applicable)

.....
.....
.....
.....
.....

Respondent Details

First name:

Last name:

Address

.....

.....

.....

.....

.....

Section B – Maintenance Order Details

1. Applicant and Respondent are Unmarried Parents

Select all relevant orders you wish to apply for below.

| | | |
|--------------------------|---|--------------------------------|
| <input type="checkbox"/> | Maintenance for dependent children | Section 5A (1) of the 1976 Act |
| <input type="checkbox"/> | Lump sum order in respect of birth expenses for a child | Section 21A of the 1976 Act |
| <input type="checkbox"/> | Lump sum order in respect of funeral expenses for a child | Section 21A of the 1976 Act |

2. Applicant and Respondent are Married

Select all relevant orders you wish to apply for below.

| | | |
|--------------------------|---|-----------------------------------|
| <input type="checkbox"/> | Maintenance for the applicant | Section 5 (1) (a) of the 1976 Act |
| <input type="checkbox"/> | Maintenance for dependent children | Section 5 (1) (a) of the 1976 Act |
| <input type="checkbox"/> | Lump sum order in respect of birth expenses for a child | Section 21A of the 1976 Act |
| <input type="checkbox"/> | Lump sum order in respect of funeral expenses for a child | Section 21A of the 1976 Act |

3. Applicant and Respondent are Cohabitants

Select all relevant orders you wish to apply for below.

| | | |
|--------------------------|--|-----------------------------|
| <input type="checkbox"/> | Maintenance for the applicant as a qualified cohabitant | Section 175 of the 2010 Act |
| <input type="checkbox"/> | Maintenance for a dependent child under the age of 18 as a cohabitant who is a parent of the child, or acting in the place of a parent, from the other cohabitant who is not a parent but is a guardian of the child | Section 5B of the 1976 Act |

4. Applicant and Respondent are Civil Partners

Select all relevant orders you wish to apply for below.

| | | |
|--------------------------|---|------------------------------------|
| <input type="checkbox"/> | Maintenance for the applicant | Section 45 (1) (a) of the 2010 Act |
| <input type="checkbox"/> | Maintenance for dependent children | Section 45 (1) (a) of the 2010 Act |
| <input type="checkbox"/> | Lump sum order in respect of birth expenses for a child | Section 67A of the 2010 Act |
| <input type="checkbox"/> | Lump sum order in respect of funeral expenses for a child | Section 67A of the 2010 Act |

5. Other (where subsections 1 to 4 don't apply)

What are you applying for a maintenance order under?

| | |
|--------------------------|--|
| <input type="checkbox"/> | The Family Law (Maintenance of Spouses and Children) Act 1976 |
| <input type="checkbox"/> | The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 |

What section of the act are you applying under?

Section:

Please provide more details about the application you wish to make:

Section C – Dependent Child Details (if applicable)

Child Details (Leave blank if not applicable)

First name:

Last Name:

Applicant Relationship to Child:

Respondent Relationship to Child:

Date of Birth:

If this child is over 18 years old, please select the relevant option below that applies:

☐

The dependent child is under 23 years old and is in full time education, or would be in full time education if maintenance were being paid

☐

The dependent child has a mental or physical disability to such an extent that it is not reasonably possible for them to maintain themselves fully

Section D – Other Application Details

Have other family law applications previously been made to this court or any other court about this child or relationship?

☐

Yes

☐

No

☐

I Don't Know

If yes, please provide the following information:

Case Number (if known):

☐

What were the previous applications in relation to?

☐

In which town or city were the applications made?

☐

When were the applications made?

.....

.....

.....

.....

Signature

Signed by:

☐

Applicant

☐

Applicant’s Legal Practitioner

Signature

.....

Date (DD/MM/YYYY):

.....

No. 54.2

Schedule C, O.54, r.4(1)

Maintenance Summons

Family Law (Maintenance of Spouse and Children) Act 1976, as amended.
Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010,
as amended.

District Court

You are hereby required to attend a sitting of the District Court in relation to a Maintenance application. This application will be heard by a judge of the District Court at the place and time specified below. You should read all pages of this summons and the attached application form carefully.

Case Number:

District Court Area:.....

District No.:

Party Details

Applicant name:

Applicant address:

Applicant solicitor details.....

*Dependent 1:

*Dependent

Respondent Name:

Respondent Address:

Hearing Details

This application will be heard by a judge at:

on: at :.....

Both the applicant and respondent, or their legal representative, must attend this court hearing at the time and date specified above. If you, or a legal representative on your behalf, fail to attend this hearing, an order may be made in your absence.

Application Details

The applicant has made an application for the following Orders:

.....

.....

.....

Signature

District Court Clerk/Judge of the District Court:

.....

Date:

No. 54.9

Schedule C, O.54, r.5(1)

Application to Vary or Discharge a Maintenance Order

Family Law (Maintenance of Spouses and Children) Act 1976, as amended.
Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010,
as amended.

District Court

Office Completion Only

Case Number:

District Court Area:

District No.:

Section A – Party Details

Applicant Details

First name:

Last name:

Date of birth:

Address

.....
.....
.....
.....

Email Address (Optional):

Contact Number (Optional):

Applicant Solicitor Details (Leave blank if not applicable)

.....
.....
.....
.....

Respondent Details

First name:

Last name:

Address

.....

.....

.....

.....

Section B – Maintenance Application Details

6. Application to vary a maintenance order:

Select the relevant order you wish to apply for below:

| | | |
|--------------------------|--|------------------------------------|
| <input type="checkbox"/> | Application to vary a maintenance order | Section 6 of the 1976 Act |
| <input type="checkbox"/> | Application to vary a maintenance order (civil partnerships and cohabitants) | Section 46 and 173 of the 2010 Act |
| <input type="checkbox"/> | Application to vary an attachment of earnings order | Section 17(1) of the 1976 Act |
| <input type="checkbox"/> | Application to vary an attachment of earnings order (civil partnerships and cohabitants) | Section 183 of the 2010 Act |

Provide details of how and why you want the maintenance order to be varied:

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7. Application to discharge a maintenance order:

Select the relevant order you wish to apply for below:

| | | |
|--------------------------|---|------------------------------------|
| <input type="checkbox"/> | Application to discharge a maintenance order | Section 6 of the 1976 Act |
| <input type="checkbox"/> | Application to discharge a maintenance order (civil partnerships and cohabitants) | Section 46 and 173 of the 2010 Act |
| <input type="checkbox"/> | Application to discharge an attachment of earnings order | Section 17(1) of the 1976 Act |

| | | |
|--|---|-----------------------------|
| | Application to discharge an attachment of earnings order (civil partnerships and cohabitants) | Section 183 of the 2010 Act |
|--|---|-----------------------------|

Provide details of why you want the order, or part of the order, to be discharged:

Section C – Details of Current Maintenance Order

Case Number:

Please specify which jurisdiction the order was made in

| | |
|--------------------------|----------------|
| <input type="checkbox"/> | District Court |
| <input type="checkbox"/> | Circuit Court |

Please specify where the order was made:

Court Venue:

Date the Court Order was made (DD/MM/YYYY):

Name of Party Ordered to Pay Maintenance

First Name:

Last Name:

Name of Party to Receive Maintenance

First Name:

Last Name:

Maintenance Payment Details

Amount of Maintenance ordered €

Frequency of maintenance payments:

| | |
|--------------------------|-------------|
| <input type="checkbox"/> | Weekly |
| <input type="checkbox"/> | Fortnightly |
| <input type="checkbox"/> | Monthly |
| <input type="checkbox"/> | Yearly |
| <input type="checkbox"/> | Other |

If other please specify:

Signature

Signed by:

| | |
|--------------------------|--------------------------------|
| <input type="checkbox"/> | Applicant |
| <input type="checkbox"/> | Applicant's Legal Practitioner |

Signature

.....

Date (DD/MM/YYYY):

.....

No. 54.16

O.54, r.8

**Family Law (Maintenance of Spouses and Children) Act 1976, section
9(1)(b)**

**Civil Partnership and Certain Rights and Obligations of Cohabitants Act
2010, section 50(1)(b)**

**Notice of application to have payments made to District Court Clerk
District Court Area of District No.**

..... Maintenance Creditor

..... Maintenance Debtor

TAKE NOTICE that the above-named maintenance creditor *(residing)
*(carrying on profession, business, or occupation) at
*(and in court area and district aforesaid) will apply at the sitting of the District
Court at on the day of 20....., at ... m. for a
DIRECTION pursuant to

*section 9(1)(b) of the above Act of 1976

*section 50(1)(b) of the above Act of 2010

that payments under a *maintenance/*variation/*interim order made by the
District Court at on the day of 20....., shall be
made to the District Court Clerk.

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

Signed

Maintenance Creditor

*(Solicitor for Maintenance Creditor)

To the District Court Clerk

at

**Delete words inapplicable*

No. 54.19

O.54, r.10

**Family Law (Maintenance of Spouses and Children) Act 1976, section 9(3)
Civil Partnership and Certain Rights and Obligations of Cohabitants Act
2010, section 50(3)**

**Summons to discharge direction that payments under
*maintenance/*variation/*interim order be made to the District Court
Clerk**

District Court Area of

District No.

..... Maintenance Creditor

..... Maintenance Debtor

YOU ARE HEREBY REQUIRED to appear at the sitting of the District Court for court area and district aforesaid to be held at on the day of 20....., at a.m./p.m. upon the hearing of an application on behalf of the above named maintenance debtor, *(residing) *(carrying on profession, business, or occupation) at *(in court area and district aforesaid) that the direction given under

*section 9 of the above Act of 1976

*section 50 of the above Act of 2010

whereby payments under a *maintenance/*variation/*interim order made at the sitting of the District Court at on the day of 20....., are required to be made to the District Court Clerk at,

BE DISCHARGED.

Dated this day of 20.....

Signed

Judge of the District Court/District Court Clerk assigned to the said District Court area

To

of

the above-named maintenance creditor

**Delete words inapplicable*

Schedule C, O.54, r.14.

No. 54.22

Family Law (Maintenance of Spouses and Children) Act 1976

***Family Law Act 1995, section 41**

***Civil Partnership and Certain Rights and Obligations of Cohabitants Act
2010, section 52, section 175(1)(b)**

Application to secure maintenance payments

District Court Area of

***District No.**

In the matter of

..... Maintenance Creditor

..... Maintenance Debtor

And in the matter of an application by Applicant

WHEREAS by order of the Court dated the day of 20.....,
the above-named maintenance debtor, *(residing) *(carrying on profession,
business or occupation) at *(in the court *area and
district aforesaid) was ordered to pay to the above-named maintenance creditor,
*(residing) *(carrying on profession, business or occupation) at
*(in the court *area and district aforesaid) the sums set out therein,

TAKE NOTICE that application will be made by the applicant above named
who is *the maintenance creditor *a person having an interest in the proceedings
to the sitting of the District Court on the day of, 20....., for an order
securing the payments as aforesaid to the maintenance creditor to the satisfaction
of the Court.

Dated this day of 20.....

Signed

Judge of the District Court/District Court Clerk assigned to the said District
Court area

**Delete words inapplicable*

Schedule C, O.54, r.15.

No. 54.28

***Family Law (Divorce) Act 1996, section 25**

***Civil Partnership and Certain Rights and Obligations of Cohabitants Act
2010, section 133**

Application for a stay on the operation of an order under

***section 11(2) (b) of the Guardianship of Infants Act 1964**

***section *5, *5a, *7 of the Family Law (Maintenance of Spouses and
Children) Act 1976**

***section *45 *47 of the Civil Partnership and Certain Rights and
Obligations of Cohabitants Act 2010**

District Court Area of

District No.

..... Applicant

..... Respondent

TAKE NOTICE that the *applicant *respondent will apply at the sitting of the District Court at on the day of 20....., for a stay on the operation of the order made under section of the Act, 20..... on the day of 20....., under the terms of

*section 25 of the Family Law (Divorce) Act, 1996

*section 133 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

Dated this day of, 20.....

Signed

*Solicitor for *Applicant *Respondent

To

of

* Applicant

* Respondent.

**Delete words inapplicable.*

No. 57.3

Schedule C, O.57, r.6.

Application to Recover Arrears of Maintenance

Family Law (Maintenance of Spouses and Children) Act 1976, Section 9A.
Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010,
Section 52A.

District Court

Office Completion Only

Case Number:

District Court Area:

District No.:

Section A – Party Details

Applicant Details

First name:

Last name:

Date of birth:

Address:

.....
.....
.....
.....

Email Address (Optional):

Contact Number (Optional):

Applicant Solicitor Details (Leave blank if not applicable)

.....
.....
.....
.....

Respondent Details

First name:

Last name:

Address

.....

Section B – Details of Current Maintenance Order

Case Number:

Please specify which jurisdiction the order was made in

| |
|--------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |

District Court

Circuit Court on appeal from the District Court

Please specify where the order was made:

Court Venue:

Date the Court Order was made (DD/MM/YYYY):

Name of Party Ordered to Pay Maintenance

First Name:

Last Name:

Name of Party to Receive Maintenance

First Name:

Last Name:

Maintenance Payment Details

Amount of Maintenance ordered €

Frequency of maintenance payments:

| |
|--------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |

Weekly

Fortnightly

Monthly

Yearly

Other

If other please specify.....

Date first maintenance payment was due (DD/MM/YYYY):

Section C – Details of Arrears of Maintenance

| Date Due (DD/MM/YYYY) | Amount Due | Amount Paid | Amount not paid (Amount due minus amount paid) |
|---|------------|-------------|--|
| | € | € | € |
| | € | € | € |
| | € | € | € |
| | € | € | € |
| | € | € | € |
| | € | € | € |
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| | € | € | € |
| | € | € | € |
| | € | € | € |
| | € | € | € |
| Other arrears or expenses (such as medical, educational or dental): Please provide details below | | | € |

Total Claim (Total Maintenance Arrears plus other arrears or expenses):
€.....

Signature

Signed by:

| |
|--|
| |
| |

Applicant
Applicant’s Legal Practitioner

Signature

.....

Date (DD/MM/YYYY):

.....

No. 57.3A

Schedule C, O.57, r.7.

Summons to Recover Maintenance Arrears

Family Law (Maintenance of Spouse and Children) Act 1976, as amended.
Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010,
as amended.

District Court

You are hereby required to attend a sitting of the District Court in relation to the recovery of maintenance arrears. This application will be heard by a judge of the District Court at the place and time specified below. You should read all pages of this summons and the attached application form carefully.

Case Number:

District Court Area:

District No:.....

Party Details

Applicant name:

Applicant address:

Applicant Solicitor Details.....

Respondent Name:

Respondent Address:

Hearing Details

This application will be heard by a judge at:

on: at:

Both the applicant and respondent, or their legal representative, must attend this court hearing at the time and date specified above.

If you, or a legal representative on your behalf, fail to attend this hearing, an order may be made in your absence, or a warrant for your arrest may be issued. Failure to make a payment in accordance with a maintenance order is a contempt of court and could result in the making of an order for imprisonment.

Signature

District Court Clerk/Judge of the District Court:

Date:

EXPLANATORY NOTE

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

These rules amend the District Court Rules by substituting Orders 54 and 54A and by amending Order 57 in relation to maintenance arrears applications. These rules also prescribe new application forms and summonses for use in maintenance applications, applications to vary or discharge maintenance orders, and maintenance arrears applications.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
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