



Ballymun Community Law Centre

Family Law Advice and Information Service

April 2020

During the Covid-19 restrictions Ballymun Community Law Centre will continue to provide its Family Law Advice and Information Service by telephone. If you ring the Law Centre we will take your details and our solicitor will call you back. In addition, you can contact the Law Centre with regard to our mediation services.

If we can be of assistance contact: 01 8625805 or info@bclc.ie

In this difficult time it is important to be aware that many support services continue to operate and in particular emergency services should be contacted where necessary.

Domestic Violence

An Garda Síochána should be contacted where there is a threat or incident of domestic violence.

Court orders for urgent domestic violence redress, such as Protection and Barring Orders in the District Court can be obtained. This can be done by contacting your local District Court office, the Legal Aid Board or a private solicitor.

There are also a number of relevant support agencies that can be contacted including:

- Safe Ireland for a list of domestic abuse centres nationwide and other useful information. <https://www.safeireland.ie/get-help/where-to-find-help/>
- Women's Aid: 1800 341 900 (24hr freephone helpline) www.womensaid.ie
- Men's Aid Helpline: 01 554 3811 www.mensaid.ie

Children

Access

On 27 March 2020 the President of the District Court issued a statement in relation to family law court orders and the current difficult circumstances. Judge Daly wrote that the health concerns of parents, their children and the extended family need to be considered when making arrangements. Recognising that the best outcome for children is for parents to contact each

other to set out their concerns and suggest ideas for practical solutions that can be put in place, the President stated:

As parents, if you agree that the arrangements set out in a court order should be temporarily varied you are free to do so. Make a note of this agreement by way of email or text message. Where a child, by agreement, does not get to spend their usual time with their parent, the court will expect that contact is established and maintained regularly. Using video technologies such as Skype, Zoom, What's App or Face-Time might help, and if that is not possible telephone conversations should be arranged. These current restrictions mean that the detail of every access order may not be full implementable, but as parents you should make every effort to allow your child to continue access in a safe, alternative way.

The full text of the President's statement can be accessed at:

<https://beta.courts.ie/news/president-district-court-family-law-statement>

Child Protection

If there is a child protection issue contact Tusla or An Garda Síochána. If you require legal advice or information in this area you can contact the Legal Aid Board.

Maintenance

The Covid-19 situation has meant that many people have had a change in employment status, be it reduced income or being made unemployed. The following is a summary of the practical steps suggested by the Legal Aid Board should these circumstances arise. It is important to note that these suggestions are not legal advice.

- You should take action as soon as possible if your financial circumstances change and your ability to make maintenance payments is affected.
- If you cannot pay the maintenance due, per an agreement or a court order, you should contact the receiving party as soon as possible and outline the reasons why.
- Try to make contact before the payment is due, if at all possible.
- You should suggest an amount to the payment receiver and try to reach an agreement. If agreement cannot be reached, you should pay what you believe is the appropriate amount in the circumstances.
- Timely communication is key as well as both sides acknowledging the circumstances the other may find themselves in because of the current crisis.

It may be the case that the party in receipt of maintenance is the party that find themselves in difficulty because of a change in circumstances. The broad same guidance applies. You should both seek to agree a change of payment in the circumstances. Please see Legal Aid Board at: <https://www.legalaidboard.ie/en/about-the-board/coronavirus-covid-19/maintenance-during-the-covid-19-crisis.html>

Matters not defined as 'urgent' and access to the Courts

Generally, applications for breach of access or maintenance orders are not considered urgent at this time particularly as many people will need to make alternative interim arrangements due to a change in circumstances as a result of Covid 19. However, according to the Practice Direction of the President of the District Court of 16th March, 2020 a case which does not come into the defined urgent category can be treated as urgent if a good case can be made. In these circumstances an email should be sent to your court office setting out the reasons why the case should be considered urgent. The other side should also be emailed to let them know you have made the application to Court. The other side must be given a chance to set out their position. The Court will reply by email, notifying the parties of its decision.

The contact details for court offices can be found at: <https://beta.courts.ie/content/find-us>

Mediation helpline and information services

Ballymun Community Law Centre: 01 862 5805

Legal Aid Board Legal & Mediation helpline. Lines open Monday to Friday 10.00am to 12.30pm and from 2.00pm to 4.00pm.: lo-call 1890 615 200 or 01 646 9600

Or request a call back email your contact details under the email heading - "Helpline Call Back" to info@legalaidboard.ie and we will get back to you as soon as possible

For further information on Legal Aid and information on how to apply for Legal aid please see: <https://www.legalaidboard.ie/en/our-services/legal-aid-services/> . Applications can be made online.

14/04/2020