

## **District Court Maintenance Applications in the Dublin area Self help guide**

**This note and the accompanying documents are intended to assist persons who have decided to make a District Court family law application themselves without the assistance of a solicitor.**

### **Step 1 –Starting the Proceedings**

Most family law court cases in Dublin that involve maintenance (and that do not also involve a judicial separation or a divorce) are heard in Dolphin House, East Essex Street, Dublin 2. You may already have started a maintenance application and be aware of the date on which your application will be heard. If this is not the case you can attend the District Court office on the ground floor and they will start the case for you.

### **Step 2 – Preparing for the Hearing**

The Court decides upon what order for maintenance to make, if any, on the basis of your income and expenditure and the income and expenditure of your spouse / ex partner. The maximum amount per week the Judge can award is €500 for spouse and €150 for each child. In practice, for people earning average wages the amounts generally awarded are considerably less.

The Court will require both you and the other party to submit what is generally known as a “Statement of Means”. This is a document setting out your financial circumstances. A draft Statement of Means is attached.

In advance of the hearing you should complete the Applicant’s Statement of Means form attached. Having a calculator will help you. To make it easier for the court to calculate a weekly maintenance amount you should insert weekly figures. Here are some guidelines for calculating weekly amounts.

Fortnightly pay/bills divide by two  
For monthly bills/income divide by 4.33  
For bi-monthly bills/income divide by 8.66  
For bills that come in every three months divide by 12.99  
For annual bills divide by 52.

You will also need to bring with you to court some documents you may need to hand into Court for the purpose of proving your financial situation. (e.g. recent payslips, P60’s, social welfare slips, rent book, bank and loan statements, gas, electricity and other bills) If you can, you should make copies as you may be required to provide them to your spouse / ex partner.

The Court needs to get a clear picture of your financial situation including any outstanding loans and arrears. Your object should be to present the information clearly. You should not hand up a large amount of unsorted payslips and bills for the Court to sift through. They should be organised neatly and in date order.

Your spouse / ex partner should also provide to the court a Statement of Means and the same vouching documentation.

If you are on any kind of speaking terms with your spouse / ex partner and you know what is his/her financial situation we suggest that you try and reach agreement before the court hearing.

### **Step 3 – The Hearing**

Maintenance hearings are heard in private. When you arrive at the courthouse you should locate the correct court room. Usually the Judge will read out the list of cases for the day at the start of the day with everyone present. He is likely to call your case by initials or by reference to the number which you will find on the court application. When your case is called you should tell the judge that you are present and whether you are going ahead with your case. After the list is read through, the Judge then deals with the cases in private. The District Court Clerk comes out of the courtroom and calls out the initials of the cases. Sometimes a public address system is used.

If you have reached agreement when the case is called, both you and your spouse / ex partner enter the courtroom and tell the Judge what you have agreed. The Judge will consider the matter and may then make an order on the basis of what you have agreed.

If you have not agreed then generally you start by telling the Judge that you are looking for a maintenance order. The case will then proceed as directed by the Judge. You will have to hand in your statement of means and your spouse / ex partner will have to do likewise. Both of you may have to give sworn oral evidence.

If you fail to attend the court on the hearing date when your case is called it will be struck out (removed permanently).

If for some reason you cannot attend court you should let your spouse / ex partner know in advance and you should also contact the District Court Office to let them know. Your case may be postponed to another date if you do this.

If your spouse / partner does not attend, the Judge will decide whether he or she is satisfied that your spouse / ex partner has been properly served with the proceedings. If the Judge is so satisfied, the case can go ahead and the Judge can make an order. The Judge may also postpone the case and ask the District Court Clerk to formally notify your spouse / ex partner of the new date.

Finally, remember when at the hearing to treat the Court and your spouse / ex partner with respect and avoid using bad language or behaving in a rude or threatening manner. It will not help your case if you behave like this.

#### **Step 4 – Method of Payment.**

If a Maintenance Order is made it will state the date of the first payment. It may require that the payments be made through the office of the District Court Clerk. The advantage of having the payments made in this way is that if your spouse / ex partner fails to pay then you can contact the District Court Clerk and request him or her to take the enforcement proceedings on your behalf. Generally no action will be taken unless at least two to three weeks of arrears have built up.

If the payments are to be made through the District Court Clerk you should never accept direct payments from your spouse / ex partner unless it is clear that they are in addition to the maintenance payments (e.g. Christmas or back to school amounts). If you routinely accept direct payments the District Court Clerk may refuse to issue enforcement proceedings as he/she will not be able to calculate the arrears amount.

It may well be that the Maintenance Order will not require that the payments be made through the office of the District Court Clerk and instead will be made directly to you. You should be ready to tell the Judge how you want those payments to be made. If you want the payments made to a bank account, you should have the bank account details ready to give to the Judge.

#### **Step 9 - Appeal**

If you or your spouse / ex partner is not happy with the District Court decision, then you need to be aware that an appeal to the Circuit Court can be made within 14 days of the decision. If you want to appeal you should contact the District Court office and they should be in a position to assist you in serving and filing your appeal.

## Statement of means

<b>Personal / Family Expenditure</b>	<b>Weekly Costs</b>
<b>DOMESTIC</b>	
Mortgage or Rent	€
Gas	€
Electricity	€
Telephone	€
Shopping (food etc.)	€
Home Insurance	€
Contents Insurance	€
TV Video Hire	€
TV Licence	€
Children's Clothes (shoes etc.)	€
School Expense	€
Other loans, credit cards	€

<b>Personal Expense</b>	<b>Weekly Costs</b>
Life Insurance	€
Pension Contributions	€
Regular savings	€
Season ticket transport	€
Subscriptions	€
Clothing	€
Health Costs (Dentist etc.)	€

<b>Personal / Family Expenditure</b>	<b>Weekly Costs</b>
<b>CAR EXPENSES</b>	
Tax	€
Insurance	€
Servicing Repairs	€
Petrol	€

<b>LEISURE</b>	<b>Weekly Costs</b>
Holidays	€
Entertainment (cinema, sport etc.)	€
Major events (birthdays, etc.)	€

<b>OTHERS</b>	<b>Weekly Costs</b>
Total Weekly Outgoings (A)	€
Net Weekly Income (B)	€
Amount Left Over each week ( B minus A)	€