



Informing Unmarried Parents

Information Pack for unmarried parents

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To keep up-to-date with relevant budget and legal changes, visit our website www.treoir.ie, follow us on Facebook or phone Treoir's Information Service at 01-6700 120

The information in this Pack is not to be considered medical or legal advice. Specific medical or legal advice should be obtained from a registered health or legal professional.

While every effort has been made to ensure that the information is accurate, no responsibility can be accepted by Treoir for any error or omission. The Pack is a guide only.

ALL INFORMATION WAS CORRECT AT TIME OF GOING TO PRINT, JULY 2016.

Contents

Contents will be finalised once all new content has been added

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- Treoir is a membership organisation which promotes the rights and welfare of unmarried parents and their children in Ireland.
- Treoir provides a specialist, national, free, confidential information service to:
 - unmarried parents - mothers and fathers
 - living together
 - living apart
 - opposite and same-sex
 - grandparents and other relatives
 - professionals working with unmarried parents
- Treoir has many publications which are listed on page 31.
- Treoir provides outreach information workshops on request to groups of unmarried parents and those working with them on legal issues, social welfare, parenting etc.
- Treoir is responsible for the management of the national co-ordination of the Teen Parents Support Programme (TPSP).
- Treoir is a non-governmental organisation funded by the Health Service Executive, the HSE Sexual Health & Crisis Pregnancy Programme, Citizens Information Board and other grants.

Guardianship

for more information see: www.treoir.ie/information-guardianship.php

What is guardianship?

Guardianship means having the right and responsibility to be involved in making major decisions about the upbringing of a child, for example

- Where the child lives
- Passport applications
- Consent to taking the child out of the country
- Where the child goes to school
- ... and other matters affecting the welfare of the child
- Consent to medical treatment
- Religion of the child
- Consent to adoption

Who is automatically a guardian?

The mother. A father does not have automatic guardianship rights even if his name is on his child's birth certificate.

How does the father get guardianship rights?

- By signing a Statutory Declaration (S.I. No 5 of 1998) with the mother, if she consents. Download this form from the 'guardianship' section of Treoir's website, www.treoir.ie.
- A father who is living with the mother continuously for a year, 3 months of which are after the birth of the child, will automatically be the guardian of his child. The cohabitation period can only be calculated going forward from the commencement date of the Children and Family Relationships Act 2015. This means that guardianship will only be acquired automatically where the parents live together for at least 12 months after the 18th of January 2016.
- By marrying the mother.
- By applying to the local District Court to be appointed a guardian.

Who else can become a guardian?

Since the commencement of the relevant legislation contained in the Children and Family Relationships Act 2015, on the 18th January 2016, it is possible for a person other than a parent to apply to court to be appointed as guardian of a child.

An application can be made by

- a person who is married to or is in a civil partnership with, or has been for over 3 years a cohabitant of, a parent of the child and has shared the responsibility of the day-to-day care of the child for at least 2 years
- a person who has provided for the day-to-day care of the child for a continuous period of 12 months or more and where the child has no parent or guardian who is willing or able to exercise guardianship rights and responsibilities in respect of the child. TUSLA, the Child and Family Agency, will be notified of such an application.

Temporary Guardianship

A qualifying guardian* may nominate a person (nomination form available to download from 'guardianship' section at www.treoir.ie) to act as a guardian if he/she is unable, through serious illness or injury, to exercise his/her guardianship rights.

*A qualifying guardian, in relation to a child, means a person who is a guardian of that child and who:

- is the parent of the child and has custody of him/her, or
- not being the parent of the child has custody of him or her to the exclusion of any living parent of the child.

Testamentary Guardianship - Make a will

All parents who are guardians, but especially parents who are sole guardians should make a will appointing guardians of their children to act on their behalf in the event of their death.

A father does not automatically have guardianship rights if his name is on the birth certificate.





Custody and Access

for more information see: www.treoir.ie/information-access-and-custody.php

Custody

Custody is having the responsibility for the day-to-day care of a child.

Who has custody?

- Where parents are not married to each other:
 - A mother has sole custody of her child
 - A father can informally agree with the mother to share custody of their child
or
 - A father can go to the local District Court to apply for sole or joint custody

In certain circumstances, relatives and other persons can apply to the court for custody or joint custody of a child. For detailed information see 'Access and Custody' at www.treoir.ie.

Access

Access is the right of a child and a parent and/or guardian who do not live together to spend time together. This right can also be granted to relatives and others.

Who has access?

- Where one parent has full custody that parent can informally agree to the other parent having access to their child
or
- the other parent can go to the local District Court to apply for access

Any person who is related to a child (for example grandparent, step-parent, aunt, uncle) or who has acted as a parent to the child (in loco parentis) and certain other persons can apply to the local District Court for access to a child.

Mediation

If you are having difficulty reaching agreement about times/places of access or any parenting issues you could try mediation. See page xx.

Enforcement Orders

Where there is a court order in place for either access or custody and the access or custody is either unreasonably denied or not taken up, a parent/guardian of the child may apply to the court for an enforcement order. Before making an enforcement order the court will consider the views of the child where possible given his/her age and understanding.

The enforcement order may provide for one or more of the following:

- that a parent and/or guardian be granted additional access to the child
- that a parent and/or guardian be reimbursed for any expenses they may have had as a result of the refusal to either take up or allow the access
- that either or both parties do one or more of the following: receive information about the availability of mediation, attend a parenting programme, attend family counselling.

Many people represent themselves in the District Court.

Contact

Find your local Law Centre
LoCall 1890 615 200
066 947 1000
www.legalaidboard.ie

District Court Family Law Office
Dublin
01 888 6000

Find your local District Court office at
www.courts.ie

Free Legal Advice Centres (FLAC)
LoCall 1890 350 250 /
01 874 5690
www.flac.ie

Cohabitation



for more information see: www.treoir.ie/target-co-habiting.php

Who are cohabitants?

Cohabitants are two opposite or same-sex adults who are:

- Living together in an intimate and committed relationship
- Not married to each other
- Not in a civil partnership (this procedure, which only applied to same-sex couples, is no longer available)

If you are a 'qualified cohabitant' and your relationship ends, either through separation or death, you may be able to apply to the court for rights under the 'redress scheme'. You do not have to be a qualified cohabitant to seek maintenance for a child (see page xx).

Who is a qualified cohabitant?

You are a qualified cohabitant if you:

- have been cohabiting for at least 5 years or for 2 years if you have had a child together and you must be able to show that you are financially dependent on your ex-partner.

NOTE

- You cannot be a qualified cohabitant if either of you is married to someone else and have not been living apart from your spouse for at least 4 of the previous 5 years.

What can I apply for under the redress scheme?

If you are a qualified cohabitant you can apply to the court for certain orders, including a Compensatory Maintenance Order and/or an order in relation to property.

NOTE

- You should apply within 2 years of your relationship ending.
- Generally you must have been living in Ireland for the year before your relationship ends in order to make an application.
- Should your partner die you can claim from his/her estate without having to show financial dependence.

Cohabitants' Agreements

Cohabitants can make a cohabitants' agreement dealing with their finances. It is also possible to make a legal agreement to opt out of the redress scheme.

Other things cohabitants should know:

Fathers

An unmarried father does not have any automatic legal rights to his child even if his name is on his child's birth cert. However, if after the 18th January 2016, a father cohabits with the mother of his child for a period of 12 months including 3 months following the birth of his child he will automatically become the guardian of his child. For more information, see page XX.

Property

Cohabitants are not treated in the same way as married people in relation to any property they may own or share.

Where a house is being bought jointly it is advisable to sign a co-ownership agreement. Check with a solicitor whether it is best for you to have a Joint Tenancy or Tenancy in Common in relation to the house.

Inheritance

Cohabitants do not have automatic inheritance rights from each other.

- Cohabiting partners pay Capital Acquisitions Tax (CAT) at 33% on gifts/inheritance over €15,075.
- You can receive a gift or inheritance of a home without paying CAT under certain conditions. See 'Cohabiting Parents' at www.treoir.ie

Income Tax

Cohabitants cannot claim income tax relief in respect of each other.

Social Welfare

Cohabiting families are treated in the same way as married families for social welfare purposes. Both incomes will be taken into account when assessing means.

Domestic Violence

A cohabitant can apply for a safety order, a barring order or an interim barring order and/or a protection order. See page xx.

Children of cohabiting parents

All children have the same succession and maintenance rights whether their parents are married or not.

Maintenance

for more information see: www.treoir.ie/information-maintenance.php



There is no set amount of maintenance. It depends on the income of the parent / cohabitant

Maintenance for the child

Both parents have a duty to financially maintain their dependent children up to the age of 18, or up to age 23 if the child is in full-time education.

A cohabitant of a person who is a parent, or a cohabitant of a person who has the day-to-day care (in loco parentis), of a child may have to financially maintain the child, where he/she is not the parent but is a guardian. If a non-parent is ordered to pay maintenance the order will remain in place up until the child is 18 years of age (unless the court orders otherwise).

Arranging Maintenance

- Informal agreements may be made regarding maintenance.
- It can be difficult to agree on a figure. Write down the actual cost of rearing your child.
- Try and be reasonable about what each of you can contribute from your income, social welfare payments etc.
- If you cannot agree on a figure you could try mediation. See page xx.
- If this doesn't work, you can apply to court for a maintenance order.
- There is no set amount of maintenance. It depends on the income of the parents.
- €150 is the most the District Court can order for each child per week. There is no maximum amount in the Circuit Court.
- Either parent can go back to court and ask to have the amount increased or decreased as circumstances change. This is called a **Variation Order**.
- If the other parent doesn't pay then you can ask the court to ask his/her employer to deduct the amount of maintenance from his/ her wages. This is called an **Attachment of Earnings Order**. The employer then sends the amount to the court. The court will arrange payment with you. An Attachment of Earnings Order can be requested at the first court hearing for maintenance.

Maintenance for qualified cohabitants:

If at the end of your relationship you are a 'qualified cohabitant' and can show financial dependence on your partner you may apply to the court for maintenance under the redress scheme. See page xx.

What if the parent who is, or should be, paying maintenance lives abroad?

A person who wishes to apply for, vary or enforce, maintenance from a person who lives outside of Ireland may seek the assistance of The Irish Central Authority for Maintenance Recovery, provided that the country where the other parent lives is signed up to the UN Convention, or is party to the EC Council Regulation 2009 (see links at www.treoir.ie). This includes all EU countries and the USA.
Tel: 01-4790200 / E-mail: mainrecov@justice.ie.

See page xx for details on how maintenance affects your One-Parent Family Payment and Rent Supplement.

For more information see 'maintenance' at www.treoir.ie.

Establishing paternity / testing

for more information see: www.treoir.ie/information-paternity.php

Where parents are not married to each other and a man's name is on a child's birth certificate then he is presumed to be the father of that child (this does not give the father any legal rights to his child).

It may be necessary, for legal reasons or 'peace of mind', to have a paternity test done where paternity is disputed. If a parent/alleged parent refuses to undergo paternity testing, it may be necessary to go to court. The court may order that paternity testing be carried out as part of a court procedure, for example access, maintenance and/or guardianship. It is also possible to apply to the Circuit Court for a Declaration of Parentage.

Testing Procedure

Testing is carried out using either blood samples or mouth swabs (inside of mouth) taken from the mother, child and alleged father. Samples are taken by the testing service or it may be possible for the testing service to send a kit to your GP who will then take samples. It is important to note that not all GPs provide this service. Results should be available within 2 - 3 weeks.

Note: Where the father refuses to be named on his child's birth certificate, test results alone are not sufficient evidence to put his name on the birth certificate. However a court order for maintenance, access, guardianship or a declaration of parentage can be used as evidence of paternity to put the father's name on the birth certificate.

For contact details of some of the paternity testing services see www.treoir.ie.

When using a company for DNA testing make sure it has been approved by an appropriate authority.



See 'Establishing Paternity' at www.treoir.ie
Tel: 01 6700 120 LoCall: 1890 252 084

Registration of Births

for more information see: www.treoir.ie/information-registration.php

Important things to remember:

- 1 If at all possible it is important for your baby to have the names of both his/her parents on the birth certificate.
- 2 Having the father's name on the birth certificate does not give the father any legal rights to his child. See 'Guardianship' on page xx.
- 3 A child has a right to be financially maintained by both parents and to inherit from them. This applies whether or not the names of both parents are on the birth certificate.
- 4 Where the father's name is on the birth certificate, this does not prevent the mother from getting One-Parent Family Payment.

Your baby should be registered within 3 months of the birth. Register at your local registrar's office. See www.civilregistrationservice.ie to find your local office.

Surnames

Parents can choose

- Mother's surname.
- Father's surname (but only if the father's name is going on the birth certificate and he agrees).
- Both parents' surnames - a double-barrelled surname - hyphenated and in any order (but again, only if the father's name is going on the birth certificate and he agrees).

How can the father's name be registered

- Both parents can register the birth together.
- Either parent can bring a form signed by the father and correctly witnessed. This form (Statutory Declaration) can be obtained from your local registrar's office.
- Either parent can show a copy of a court order naming the father, e.g. access, maintenance or guardianship. You do not need the consent of the other parent but he/she will be informed. The consent of both parents is required to change the child's surname.

Re-Registration

- If the child has been registered in the mother's name only, it is possible to re-register the birth at any time to have the father's details added. See above.

The Civil Registration Amendment Act 2014 will make it compulsory to register the father's name on his child's birth certificate (there will be exceptions) and will change much of the of the information in this section. To keep up-to-date with these changes, visit www.treoir.ie, follow us on Facebook or phone Treoir's information service at 01 670 0120.

Think before you register!

Changing a child's surname

It is possible to change a child's surname on his/her birth cert by:

- **Marriage.** Where the parents marry each other following the birth of their child and they both agree to the change.
- **Re-registration.** The birth is being re-registered to add the father's details and both parents agree to the change.

You can change a child's surname in the following ways (but this will not change the birth cert):

- **Deed Poll.** The Deed Poll is an official document that shows a person has changed his/her name. The Deed Poll can be used with the birth certificate as proof of change.
- **Common Usage.** A new name is 'commonly used'. It is possible to use this name on a passport if you can show two forms of formal proof that you are using this name.

If you are/were married to a man who is NOT the father of your baby and you want to put the birth father's name on the birth certificate.

In order to proceed you must have a sworn statement from the father swearing he is the father and have either:

- a sworn statement from your husband saying he is not the father
or
- a deed of separation and a sworn statement from you saying you were living apart from your husband for more than 10 months before the birth of your child
or
- an Irish divorce dated or stating that you were living apart from your husband at least 10 months before your child was born. To make sure a foreign divorce is valid check this out with the General Register Office.
or
- any court order which names the father as father, e.g. guardianship, access, maintenance.

Passport applications

for more information see: www.treoir.ie/information-passports.php

Consent to passport applications

Where the mother is a sole guardian, only the mother is required to sign the Passport Application Form. This applies even if the father's name is on the child's birth certificate. The mother will have to sign an affidavit form (AFF1) in the presence of a Commissioner for Oaths (Solicitor) stating that she is the sole guardian. The affidavit form can be downloaded from the 'passports' section at www.treoir.ie.

Alternatively, if the father's name is on the child's birth certificate, both parents can sign the passport application even though the father is not a joint guardian of the child.

Where a child has 2 guardians the signature of each guardian is required on the Passport Application Form (APS 1E). If a child has more than 2 guardians, the signatures of no more than two guardians are required on the Passport Application Form.

If a guardian refuses to sign the Passport Application Form then the parent/guardian seeking the passport may apply to the local District Court to request that the other guardian's consent be dispensed with.

Passport application forms are available from the Passport Office, garda stations, most post offices, many Citizen Information Centres and libraries.

- Where one or both parents is an Irish citizen or entitled to be an Irish citizen the long form birth certificate or passport of the Irish parent will be required.
- Where neither parent is an Irish citizen there are different requirements depending on the nationality and/or on where the parents live.

For more information about 'Passports for Children'

See www.dfai.ie/irish-embassy/great-britain/passports-for-children





If you marry after your baby is born

for more information see: www.treoir.ie/information-step-parent-adoption.php

Legal Implications

If the parents marry each other after the birth, the father, who is **not** already a guardian, becomes a joint guardian of his child (see 'Guardianship' pg XX). It is possible to re-register the birth to change the surname of your child where both parents agree. See pages xx.

If you marry someone who is **not** the father:

- Your husband has no legal rights to your child. However, it is possible for him to apply for guardianship rights. See page xx.
- You can make a will naming your husband as guardian of your child. This is called Testamentary Guardianship. See page xx.
- It is possible for you and your husband to apply to adopt your child. This is called step-parent adoption (See 'Step Parent Adoption' at www.treoir.ie). This means that you and your husband become the adoptive parents of your child.
For further details contact TUSLA, the Child and Family Agency (see: www.tusla.ie).
- Adoption is a serious step as it ends all links between your child and her/his biological father and family. You need to think about it carefully.
- A birth father must be consulted about the adoption of his child and if he is a guardian his consent is required.

Shared parenting where parents are living apart

for more information see: www.treoir.ie/target-shared-parenting.php

Parents are very special to their children.

It is important for children that, where possible, both parents are involved in the parenting.

Children need to know that they have two parents and who their parents are, so that they will have a good sense of their own identity.

Talk to your children about the other parent

- Be honest and truthful with your child about issues such as:
 - why you are not living with the other parent
 - who the biological father is, if you have a new partner
- Start telling your child early about the family situation and build on this information as you go along.
- Be positive about the other parent - s/he must have some good points!
- If you can't be positive be neutral.
- Let your child know s/he can ask questions about the other parent.

Tell relatives and staff at the crèche/school about your situation and what your child knows. It is important that you are all dealing with the same facts.

Positive pointers for shared parenting

- Parenting is a job for life and for children there is no such thing as an ex-parent.
- Children recognise the importance of a continuing relationship or link with both parents, no matter how distant or how little the contact.
- Remember that it is not adding people to children's lives but taking important people away that is hard for children to accept.
- Listen well to children - it is important for them to know that they are being listened to.
- Children find it difficult to cope with conflict between their parents.
- Most important of all, be positive about your children. They are unique and important human beings. Children's confidence and self esteem blossom when they hear good things about themselves and about the people who are close to them.

It is important that your child feels loved by both parents and can feel free to love both of you as parents.

Children recognise the importance of a continuing relationship or link with both parents, no matter how distant or how little the contact.



Mediation



Mediation allows parents to be in charge of their own decisions.

If you are having difficulty in agreeing parenting issues you might think about mediation. Mediation is where a third party, a mediator, attempts to help parents reach agreement and to work out arrangements concerning their children.

- Mediation helps parents to be in charge of their own decisions.
- Both parents must be willing to discuss things and to allow for a bit of give and take.
- Mediation promotes good communication and co-operation between parents.
- Parents are helped to remain as partners in parenting.
- An agreement made through mediation can be made a rule of court. This means that it is made legally binding in the same way as a court order.
- It is usually better if parents can reach their own decisions instead of a court making decisions for them.

Family Mediation Centres (17)
01 874 7446, www.legalaid.ie

Mediators Institute of Ireland
01 609 9190, www.themii.ie

Collaborative Law

Collaborative law is another way of sorting out family disputes. Parents work with specially trained solicitors. They receive legal advice and guidance, and together with their solicitors, discuss and try to sort out issues through face-to-face meetings. If you think you might qualify for Legal Aid contact your local law centre, LoCall: 1890 615 200 / 066 947 1000, or see: www.legalaidboard.ie. Alternatively contact the Association of Collaborative Practitioners on 01 230 2157, info@acp.ie, www.acp.ie.

Crisis pregnancy counselling services

The HSE Sexual Health & Crisis Pregnancy Programme provides funding to crisis pregnancy counselling services around the country and promotes them through the Positive Options information campaign. These services offer state funded crisis pregnancy counselling which is free, non-judgemental and trustworthy.

Pregnancy counselling provides an opportunity for you to explore your feelings about your pregnancy and to discuss the choices open to you in confidence* and privacy.

In a counselling session the counsellor will help you to find the answers to your questions and help you explore your feelings around the pregnancy. All the services listed on www.positiveoptions.ie provide information on parenting and adoption including information on social welfare entitlements, accommodation, legal rights and support services. If requested, all services listed will discuss abortion during a counselling session. If requested, all services except CURA and Anew will give contact details for abortion clinics in a pregnancy counselling session. All the services listed also provide free, non-judgemental help and support to men.

Many doctors provide services for women with unplanned pregnancies. If you need support and help, you could contact a GP or doctor in your area.

For a list of free, non-judgemental, trustworthy crisis pregnancy counselling services visit www.positiveoptions.ie or freetext **LIST** to **50444** or see below.

All the services listed also offer post-abortion counselling to both women and men. For a list of free medical and counselling services for women who have had an abortion visit www.abortioaftercare.ie or freetext **AFTERCARE** to **50444**.

*In certain circumstances where there is a concern for a person's safety, counsellors may have to break confidentiality, for example, if someone is at risk or in danger.

Unplanned Pregnancy? Talking to a counsellor can help.

Anew Support Services

Freephone: 1800 281 281
E-mail: hello@anew.ie
www.anew.ie

Cura

LoCall: 1850 622 626
E-mail: curacares@cura.ie
www.cura.ie

Ballinasloe Crisis Pregnancy Support Service

LoCall: 1850 200 600
Tel: 090 964 8190
E-mail: ballinasloecps@hse.ie

Femplus Clinic

Dublin 15
Tel: 01 821 0999
E-mail: info@femplus.ie
www.femplus.ie

Bray Women's Health Centre

Tel: 0818 227 034
www.braywomenshealthcentre.ie

Here2Help - Crisis Pregnancy Service

Dublin 14
LoCall: 1850 67 33 33
E-mail: info@here2help.ie
www.here2help.ie



Irish Family Planning Association (IFPA)

LoCall: 1850 49 50 51

E-mail: post@ifpa.ie

www.ifpa.ie/pregnancy-counselling

The Tralee Women's Resource Centre

Tel: 066 712 0622

www.twrc.ie

South West Counselling Centre, Killarney

Tel: 064 663 6416 / 064 663 6100

info@southwestcounselling.ie

www.southwestcounselling.ie

Mayo Crisis Pregnancy Support Service

LoCall: 1890 200 022

E-mail: mayopsc@hse.ie

Midlands Crisis Pregnancy Counselling Service

LoCall: 1800 200 857

E-mail: crisispregnancy.counselling@hse.ie

One Family

LoCall: 1890 66 22 12

Tel: 01 662 9212

E-mail: info@onefamily.ie

www.onefamily.ie

Sexual Health Centre, Cork

Tel: 021 427 6676 or 021 427 5837

E-mail: info@sexualhealthcentre.com

www.sexualhealthcentre.com

The Well Woman Centre

Liffey Street, Tel: 01 872 8051

Ballsbridge, Tel: 01 660 9860

Coolock, Tel: 01 848 4511

E-mail: info@wellwomancentre.ie

www.wellwomancentre.ie

West Cork Crisis Pregnancy Counselling Service

Freephone: 1800 252 359

E-mail: wccss@eircom.net

Youth Health Service, Cork

Tel: 076 108 4150

E-mail: YHS@hse.ie



Money during pregnancy

If you are not working:

- Make direct contact with your local Social Welfare Office and check what you may be entitled to, for example, Jobseeker's Allowance, Jobseeker's Benefit.
- Bring your birth certificate with you.

Apply to your local health centre* as you may be entitled to:

- Supplementary Welfare Allowance
- Medical Card / G.P. Visit Card
- Rent Supplement
- Help towards the cost of necessary items
- You may also be entitled to Health and Safety Benefit Leave if there is a risk for you in your work while you are pregnant or breastfeeding and your employer cannot remove the risk or give you alternative risk-free duties.

*find your local Health Centre at www.welfare.ie

If you are working:

- You may qualify for Maternity Benefit if you have paid enough Social Insurance Contributions (check with the Maternity Benefit Section). See below.
- You should apply for Maternity Benefit at least 6 weeks before you intend to go on Maternity Leave.

How much Maternity Benefit will I get?

If you qualify for Maternity Benefit you will get €230 per week. Some employers will continue to pay an employee in full while on Maternity Leave. Check with your employer.

Maternity Benefit will be taxed. However you will not pay PRSI or Universal Social Charge.

You can get Maternity Benefit for the 26 weeks of Maternity Leave.

If you are already receiving One-Parent Family Payment you may still be entitled to half rate Maternity Benefit if you satisfy the contribution conditions.



Medical care Maternity / Paternity / Parental leave

Medical care

Ante-natal (before birth) care and post-natal (after birth) care in the public health services are generally free to all women ordinarily resident in Ireland. Non medical card holders may have to pay some charges.

Ante/Post Natal Leave

- You are entitled to take paid time off to attend ante-natal appointments.
- You are entitled to take paid time off to attend one set of ante-natal classes for one pregnancy only.
- You are entitled to take paid time off for medical visits related to the pregnancy for 14 weeks after the birth.
- Fathers are entitled to paid time off to attend two ante-natal classes as a once off, i.e. for one pregnancy only.

Maternity leave

- You are entitled to Maternity Leave no matter how recently you have started work or how many hours you work per week.
- You are entitled to 26 weeks Maternity Leave.
- You can also take an additional 16 weeks Maternity Leave, but you won't get Maternity Benefit for these extra 16 weeks. See page xx.

Paternity leave / Benefit

- It is expected that 2 weeks of paternity leave will be introduced for births from September 2016.* This leave can be taken any time within 26 weeks of the birth. Paternity benefit will be paid at a rate of €230 per week, the same as maternity benefit, and will be based on the same PRSI contribution requirements.

*Search paternity leave on Treoir's website - www.treoir.ie

Parental Leave

- Each parent is entitled to 18 weeks unpaid parental leave for each child. The leave must be taken before the child is 8 years old. The leave may be 'broken up' with the agreement of your employer.

For more information on benefits see: www.welfare.ie

For more information on leave see: www.workplacelrelations.ie



Money if you are **not** working outside the home following the birth of your baby

One-Parent Family Payment (OFP)

You are entitled to One-Parent Family Payment (OFP) if you:

- Have at least one child below the relevant age limit. From 2nd July 2015 the age limit is 7 years of age.
- Have the main care of your child
- Are not cohabiting
- Satisfy the means test - See page xx
- Satisfy the Habitual Residence Condition - See page xx

Your entitlement to OFP is not affected:

- By having the father's name on the birth certificate
- If you are living at home with your family
- If you are still at school or college

The current maximum rate of OFP per week for a parent plus one child is €217.80. For each additional child you get €29.80 per week.

Things you should know about maintenance payments:

- You will be asked by the Department of Social Protection to try and get maintenance from the father of your child after your payment has been granted even if the father's name is not on the birth certificate.
- If you get maintenance from the other parent then your OFP will be reduced by about half of the amount of maintenance you get.
- If the maintenance is paid directly to the Department you will not get the benefit of it.
- Rent or mortgage interest payments may be allowed against maintenance up to a maximum of €95.23 per week.
- If you are getting Rent or Mortgage Interest Supplement*
 - The first €95.23 of maintenance will be fully assessed for Rent Supplement purposes.
 - Any maintenance over €95.23 is assessed differently.

* Since 2014 no new applications are being accepted for Mortgage Interest Supplement. The scheme will be wound down for existing claimants over a 4 year period.

For more information on Rent Supplement see: www.welfare.ie



If you get maintenance from the other parent your OFP will be reduced by about half of the amount of maintenance you get.

Other Entitlements

Child Benefit - €140 per month for each child under 16 years of age or under 18 if the child is in full-time education.

The Early Childhood Care and Education Scheme (ECCE)

This is a free pre-school year for all children between the ages of 3 years and 2 months and 4 years and 7 months on the 1st September of the year they will be starting pre-school. Your child will usually attend free pre-school for 3 hours a day, 5 days a week, over 38 weeks. From September 2016 the ECCE programme will be extended to children aged between 3 years and 5 years six months or until they start primary school. The number of weeks available on the scheme has increased; parents will be able to enroll their children in pre-school at three different points during the year, September, January and April.

You may also qualify for:

- Medical Card / G.P. Visit Card
- Rent Supplement (see page xx)
- Back to School Clothing and Footwear Allowance
- Exceptional Needs Payment

Appeals - If you think you have been wrongly refused a payment or you are unhappy about a decision about your entitlements you can appeal the decision, within 21 days, to the Social Welfare Appeals Office.

All payments are subject to the Habitual Residence Condition. See page xx.

Money if you are working outside the home following the birth of your baby

One-Parent Family Payment (OFP)

You are entitled to One-Parent Family Payment (OFP) if you:

- Have at least one child below the relevant age limit. From 2nd July 2015 the age limit is 7 years of age.
- Have the main care of your child
- Are not cohabiting
- Satisfy the means test - See below
- Satisfy the Habitual Residence Condition - See page xx

The current maximum rate of OFP per week for a parent plus one child is €217.80. For every additional child you get €29.80 each per week.

Means Test: What counts as means?

Income

The first €90 of weekly earnings is completely disregarded - so it won't affect your OFP. Half of the remainder of your weekly earnings up to €425 is counted as means. If you earn more than €425 a week then you won't qualify for OFP.

Maintenance

Half of any maintenance you receive will be disregarded and the rest is counted as means. See page xx for details.

See page xx for how maintenance affects your Rent or Mortgage Interest Supplement.

Savings

The first €20,000 is disregarded and the rest is assessed.

Additional Supports

- You will get **Child Benefit** no matter what you are earning. See page xx.
- **Back to Work Family Dividend** (€29.80) may be available for those coming off OFP. Contact your local Intreo office - see below.
- The Early Childhood Care and Education Scheme (ECCE). See page xx.
- You can keep your Medical Card / G.P. Visit Card for 3 years if you have been getting OFP for at least 12 months before taking up work no matter how much you earn.

Family Income Supplement (FIS)

FIS is a tax-free weekly payment. You may qualify for FIS if you are working at least 19 hours a week on low wages. For a family with one child, wages after tax, OFP and maintenance must be less than €511 per week. The rate is higher if there are more children.



Rent Supplement

Rent Supplement will only be provided if the accommodation is suitable for your needs and the rent is below the rent limit set for your area. You must have been renting for six out of the last twelve months, or have been in accommodation for homeless persons for six out of the last twelve months or have been assessed by a local authority as being eligible for and in need of housing in the last 12 months. You must also satisfy the habitual residence condition and a means test. To apply contact your local Health Centre.

If you are not working

You may qualify for Rent Supplement if you are receiving a Social Welfare payment and living in private rented accommodation (see above). You will have to make a minimum contribution of €30 per week towards the rent. The minimum contribution for a cohabiting couple is €40 per week.

If you are working

If you take up part-time work (up to 30 hours a week) any 'additional household income' (AHI), that is any income you receive over and above the full rate of Supplementary Welfare (€215.80 for an adult with one dependant child), will be assessed as follows:

The first €75 of AHI is ignored and 25% of anything over €75 is ignored.

In general if you are working full-time (30 hours or over per week) you are not entitled to Rent Supplement. However, if you get full-time work and you have been accepted as being in need of accommodation under the Rental Accommodation Scheme (RAS) by your local authority, you may be able to keep your Rent Supplement (provided you have been unemployed or not in full-time employment for at least 12 months before you start work). The above assessment will apply.

Appealing a decision

If you are not satisfied with a decision made in relation to Rent Supplement, you should first find out why the decision was made. If you are still unhappy you can make an appeal.

For more information on Rent Supplement see: www.welfare.ie

Income tax / Universal Social Charge

You are entitled to:

- Your own Personal Tax Credit of €1,650
- Single Person Child Carer Credit of €1,650*
- A PAYE Tax Credit of €1,650

*This tax credit is only available if you are not cohabiting or living with a civil partner/spouse. The tax credit is payable only to the main carer of the child. If the main carer is not working it may be possible to give this credit to the other carer/parent. See www.revenue.ie.

It is possible to have tax credits back-dated (four years maximum) if they have not been claimed.

You will be taxed at the rate of 20% for the first €37,800 you earn and the rest at 40%.

Maternity benefit is taxable.

One Parent Family Payment is taxable. Family Income Supplement is not taxable.

Universal Social Charge (USC)

You will pay a Universal Social Charge on your gross income (income before tax). Income of €13,000 or less is exempt from USC. If your income exceeds this limit you will pay the relevant rate of USC on all your income.

Standard rates of USC IN 2016

- 1% all income up to €12,012
- 3% income between €12,013 and €18,668
- 5.5% income between €18,668 and €70,044
- 8% income above €70,044

Social Welfare payments are exempt from the Universal Social Charge.

If you have a full Medical Card and earn more than €12,012 per year, you will pay 1.5% on income up to €12,012 and 3% on any income over €12,012.



Revenue Commissioners' LoCall numbers

Border, Midlands,
West Region
1890 33 34 25

Dublin Region
1890 33 34 25

Southwest Region
1890 22 24 25

East and Southeast
Region
1890 44 44 25



Opportunities in education and training

If you are staying in school

- You can still get One-Parent Family Payment (OFP).
- You must satisfy the conditions for OFP. See page xx.
- Check with your school early in your pregnancy to see if you could benefit from the **Home Tuition Scheme** while you are pregnant. Under this scheme home tuition may be provided to students who may be absent from school due to pregnancy.

See www.education.ie/en/Parents/Services

If you have already left school

and want to go back to finish secondary school, or attend a community, comprehensive or vocational school then you can switch from OFP to the **Back to Education Allowance (BTEA)** if you have been on OFP for 3 months or more. In the case of third level courses, you may only transfer to the BTEA if you have been in receipt of OFP for at least 9 months. BTEA will allow you to keep your Medical Card / G.P. Visit Card and Rent Supplement. To qualify for BTEA you must be either over 18 and two years out of education or over 21.

New BTEA applicants in 2015/2016

If you were getting a One-Parent Family Payment, Jobseeker's Transitional Payment or a Jobseekers Payment you must re-establish your entitlement to a primary payment to continue to be entitled to BTEA for the second or subsequent years of study.

See www.welfare.ie to download application form or contact your local Intreo office.

If you are over 21 and getting OFP for 6 months then you could apply for a **Vocational Training Opportunities Scheme (VTOS)**. There are no fees, books are free and you may get a small travel allowance and a free childcare place. There are many courses on offer and you could do your Junior or Leaving Certificate.

See www.qualifax.ie

There might be a Youthreach near you. You can get basic and specific skills training, practical work experience and some general education.

See www.youthreach.ie

Contact your Local Employment Service office for details of training courses or community employment schemes.

See www.localemploymentservices.ie

See www.solas.ie for details of training courses.

Habitual Residence Condition

Habitual Residence is a condition you must satisfy in order to qualify for certain social welfare payments.

These payments include:

- Jobseeker's Allowance
- One-Parent Family Payment
- Child Benefit
- Supplementary Welfare Allowance (other than once-off Exceptional and Urgent Needs Payments)

Habitual Residence means you have proven close links to Ireland or other parts of the Common Travel Area*. The most important factors for providing this link are:

- Length and continuity of residence in Ireland or elsewhere
- The length and purpose of any absence from Ireland
- Nature and pattern of employment
- Main centre of interest
- Future intentions

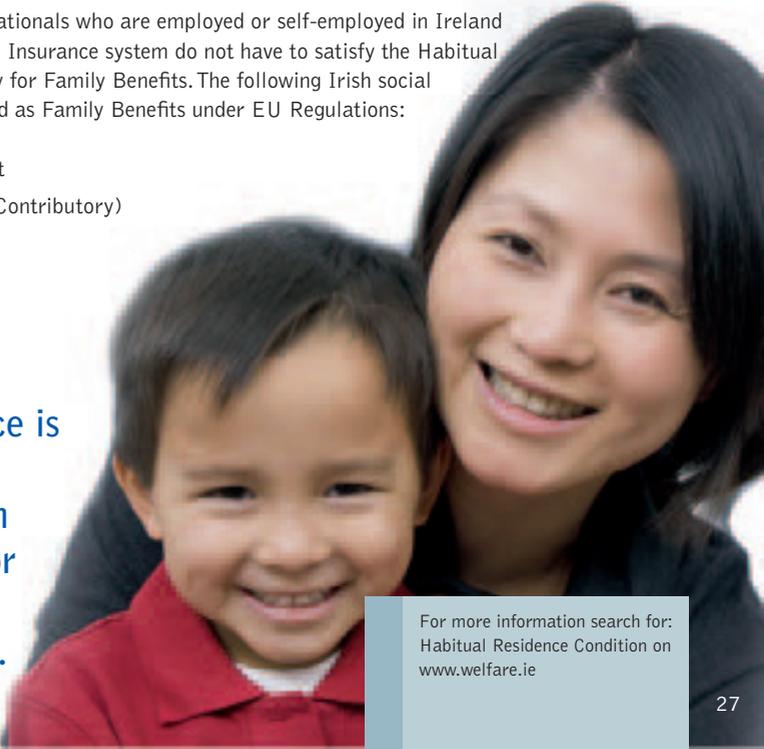
*The Common Travel Area is Ireland, Great Britain, the Channel Islands and the Isle of Man.

EU Regulations and Habitual Residence

EU/EEA citizens and Swiss nationals who are employed or self-employed in Ireland and subject to the Irish Social Insurance system do not have to satisfy the Habitual Residence Condition to qualify for Family Benefits. The following Irish social welfare payments are regarded as Family Benefits under EU Regulations:

- One-Parent Family Payment
- Guardian's Payment (Non-Contributory)
- Family Income Supplement
- Child Benefit
- Early Childhood Care and Education Scheme (ECCE)

Habitual Residence is a condition which you must satisfy in order to qualify for certain social welfare payments.



For more information search for:
Habitual Residence Condition on
www.welfare.ie



Child abduction

for more information see: www.treoir.ie/information/abduction.php



It is an offence for any person including a parent or guardian to take or send a child under 16 years out of the State

- (a) in defiance of a court order, or
- (b) without the consent of each person who is a guardian, or
- (c) without the consent of a person to whom custody of the child has been granted by a court ... unless the court grants permission.

The consent of a parent who is not a guardian is not required. However, if that parent has applied to court for guardianship, and a summons has been served, the child cannot be taken out of the country unless the court grants permission.

In a situation where a child is removed within Ireland contact your local Gardaí. In general, these situations will be dealt with in your local District Court as part of custody/access proceedings.

For further information contact your local Garda station and/or the Central Authority for Child Abduction in the Department of Justice and Equality.

It is an offence for a parent or guardian to take a child under 16 years out of the State without the consent of the other parent / guardian or in defiance of a court order.

Domestic violence

for more information see: www.treoir.ie/information-domestic-violence.php

Domestic violence can be physical, sexual or mental abuse. It can happen to anyone at any time. If you are being abused remember, you are not alone, it's not your fault and help is available. All of the orders listed below are available to both opposite and same-sex cohabitants.

Barring Order

- You can apply for a barring order if your partner is being violent towards you and if you have been living together for 6 months in total during the past 9 months. (This requirement is different for married couples).
- A barring order requires the violent person to leave the family home, unless that person owns the family home in full or has greater rights than you to the home.
- A barring order can last up to 3 years and can be renewed.
- You may also apply for an interim barring order where there are reasonable grounds for believing that you are at an immediate risk of significant harm and the granting of a protection order would not offer sufficient protection (see below).

Safety Order

- You can apply for a safety order no matter how long you have been living together. A parent can apply for a safety order against the other parent of the child even if they have never lived together.
- A safety order prohibits the violent person from further acts of violence or threats of violence. It does not oblige that person to leave the family home.
- A safety order can last up to 5 years and can be renewed.

Protection Order

- You can apply for a protection order while you are waiting for the court to decide on your application for either a safety or barring order.
- A protection order prohibits the violent person from further acts of violence or threats of violence. It does not require the violent person to leave the home.
- This is a temporary order but will have immediate effect.

If you get any of the above court orders and the violent person breaks it, then the Gardaí can arrest and charge that person.

To apply for an order you must go to your local District Court office (see Courts Service below). Incidents of domestic violence can be reported at your local Garda Station.

Contact

Local Garda Station
www.garda.ie

Courts Service 01 888 6000
www.courts.ie

National Women's Aid Helpline
Freephone: 1800 341 900

Could you be in an abusive relationship? See www.2in2u.ie

Cosc - The National Office for the Prevention of Domestic Sexual and Gender based Violence
01 476 8680, www.cosc.ie

Amen
Support for male victims of domestic violence 046 902 3718
www.amen.ie

For a list of support services around the country see: www.safeireland.ie



Harassment

for more information see: www.treoir.ie/information-harassment.php

It is an offence to harass a person

Harassment

It is an offence to harass a person, by any means including by use of the telephone. Harassment may take the form of persistently and unreasonably following, watching, pestering or communicating with another person to the extent that it causes that person to be alarmed or distressed.

Report all incidents of harassment to your local Garda Station.

If the Gardaí consider that the behaviour complained of amounts to a criminal offence, they may take an action to prosecute through the local District Court.

Depending on the conviction, the court may order any of the following in respect of the offending person:

- Not to communicate in any way with the victim for a specified period
- Not to approach within a certain distance of the victim's home or place of work
- To pay a fine of up to (approx) €2,000 or imprisonment for up to 12 months, or both
- To pay a fine or imprisonment for up to 7 years, or both

Useful contacts



The Adoption Authority of Ireland

01 230 9300
www.aai.gov.ie

Aislinn, Dublin (M)*

Aftercare service for young people leaving care
01 285 5161
linda.duggan@hse.ie

Barnardos National Office (M)*

01 453 0355 Callsave: 1850 222 300
Email: info@barnardos.ie
www.barnardos.ie

Bessborough Centre Cork (M)*

Pre and post natal accommodation and support
021 435 7730
Email: info@bessborough.ie
www.bessborough.ie

Carr's Child and Family Services (M)*

Accommodation for pregnant and single mothers
01 497 1519
Email: info@carrschildandfamilyservices.ie
www.carrschildandfamilyservices.ie

Citizens Information Phone Service

076 107 4000
LoCall: 1890 77 71 21
Email: information@citizensinformation.ie

Clarecare, Clare (M)*

Support services for people in Clare
065 682 8178
Email: info@clarecare.ie
www.clarecare.ie

Cúnamh, Dublin 2

Pregnancy counselling and adoption
01 677 9664
Email: info@cunamh.com
www.cunamh.com

Department of Social Protection

Information Section: 01 704 3000
www.welfare.ie

Doras Bui, Dublin 17 (M)*

A parents alone resource centre
01 848 4811
Email: info@dorasbui.ie
www.dorasbui.ie

Family Advocacy Service, Limerick

Support for families with children in care
061 314 111

Family Life Centre, Boyle

071 966 3000
Email: info@familylifecentre.ie
www.familylifecentre.ie

FamiliBase, Dublin 10 (M)*

Service for children and young people
01 654 6800
Email: info@familibase.ie
www.facebook.com/FamiliBase

Family Mediation Service

01 874 7446
See www.legalaidboard.ie to find your local mediation service

Focus Ireland (Housing)

Dublin	01 881 5900
Cork	021 427 3646
Kilkenny	056 779 4565
Limerick	061 405 300
Sligo	071 914 9974
Waterford	051 879 807

www.focusireland.ie

Free Legal Advice Centre (FLAC)

LoCall: 1890 350 250 / 01 874 5690
www.flac.ie

Foróige, Dublin 6 (M)*

National youth organisation
01 630 1560
Email: info@foroige.ie
www.foroige.ie

HSE Sexual Health & Crisis Pregnancy Programme

01 814 6292
Email: info@crisispregnancy.ie
www.crisispregnancy.ie

HSE National Information Line Callsave:

1850 241 850 / 041 685 0300
www.hse.ie

Immigrant Council of Ireland, Dublin 2

01 674 0200
www.immigrantcouncil.ie

Irish Association for Counselling and Psycho-therapy (IACP)

01 230 3536
Email: iacp@iacp.ie
www.iacp.ie

Legal Aid Board

LoCall: 1890 615 200 / 066 947 1000
Email: info@legalaidboard.ie
www.legalaidboard.ie

Limerick Social Services Council, (M)*

061 314 111
Email: info@lssc.ie
www.lssc.ie

Money Advice and Budgeting Services

LoCall: 1890 28 34 38 / 076 107 2000
www.@mabs.ie

One Family, Dublin 2

Voice, support, action, for all members of all one parent families
LoCall 1890 66 22 12 / 01 662 9212
Email: info@onefamily.ie
www.onefamily.ie

Parentline

Helpline for parents under stress
01 873 3500
LoCall 1890 92 72 77
Email: info@parentline.ie
www.parentline.ie

Rainbows, Dublin 12

Peer support groups on a national basis for children affected by bereavement, divorce and/or separation of someone close to them. Ages 7-18.
Rainbows National Office 01 473 4175
Email: ask@rainbowsireland.com
www.rainbowsireland.ie

Sligo Social Services Council Ltd. (M)*

071 914 5682
Email: info@sligosocialservices.ie
www.sligosocialservices.ie

Solas

Further Education and Training Authority
01 533 2500
Email: info@solas.ie
www.solas.ie

St. Brigid's Family & Community Centre Waterford

051 375 261
Email: stbrigidfcc@eircom.net
www.stbrigidfcc.ie

St. Anne's Day Nursery, Cork (M)*

021 432 3304
Email: stannedaynursery@yahoo.com

St. Catherine's Community Services Centre Carlow (M)*

059 913 8700
Email: info@catherines.ie
www.catherines.ie

Threshold (Housing)

Cork: 021 427 8848 Email: advicecork@threshold.ie
Dublin: 01 678 6096 Email: advice@threshold.ie
Galway: 091 563 080 Email: advicegalway@threshold.ie
www.threshold.ie

Treoir, Dublin 1

National Information Service for unmarried parents
LoCall: 1890 25 20 84
01 6700 120
Email: info@treoir.ie
www.treoir.ie

National Co-ordinator

Teen Parents Support Programme (TPSP)

14, Gandon House, Lr Mayor Street
IFSC, Dublin 1
01 670 0167
Email: tpsp@treoir.ie
www.tpsp.ie

The TPSP offers support to pregnant and parenting teenagers and is available in the following locations:

Carlow / Kilkenny / South Tipperary

059 913 8700 or 085 168 9215

Cork

021 422 2987 or 086 827 8774

Donegal

074 919 0141

Dublin

Ballyfermot, Bluebell & Inchicore

01 654 6800

Dublin 5, 13 & 17, and parts of Dublin 3 & 9

01 848 4811

Dublin 24, 12 and parts of Dublin 6

01 403 2081

Finglas

01 864 4040

Galway

091 544 960

Limerick

061 314 111

Louth

041 987 5294

North Wexford + Enniscorthy

053 923 6342

Other useful addresses are listed throughout the booklet.

For local information contact your local Citizens Information Centre, Health Service Executive or Youth Information Centre.

*(M) Member agency of Treoir

“Being there for them” - for grandparents of children whose parents are not married to each other. Funded by the HSE Sexual Health & Crisis Pregnancy Programme.

Cohabitants - legal rights and obligations for opposite and same-sex couples. Funded by the Family Support Agency.

E-Bulletin - regular information for unmarried parents and those involved with them.

Family Links Steps and Stages positive pointers for parents who are helping their children to understand their family situation. Funded by the Family Support Agency.

Information Pack - for unmarried parents. Funded by the HSE Sexual Health & Crisis Pregnancy Programme.

Young Parent Survival Guide - a great magazine for young mums and dads. Funded by the HSE Sexual Health & Crisis Pregnancy Programme

Treoir Information Leaflets

Guardianship	Birth registration
Access and custody	Passport applications
Rights of unmarried fathers	International Child Abduction
Cohabiting parents	Shared parenting
Maintenance	Explaining family relationships
Establishing paternity / DNA Testing	Step-parent adoption

Funded by the HSE Sexual Health & Crisis Pregnancy Programme.

Web based only publications

Reproductive Health Information for Migrant Women available in Arabic, Chinese, English, French, Polish, Romanian, and Russian. Available in a manual or CD format. Funded by the HSE Sexual Health & Crisis Pregnancy Programme.

Taking the Stand - a guide for unmarried parents resolving disputes regarding care of their children.

Legal information for unmarried migrant parents available in Arabic, Chinese, English, French, Polish, Romanian and Russian. Funded by the HSE Sexual Health & Crisis Pregnancy Programme.

All publications can be downloaded from www.treoir.ie or order from Treoir LoCall 1890 252 084, 01 670 0120 info@treoir.ie (free of charge)





Positive Options

For a list of free, non judgemental, trustworthy crisis pregnancy counselling services, visit www.positiveoptions.ie or freetext **LIST** to **50444**



Think Contraception

For information on contraception, sexual health, fertility and sexually transmitted infections as well as a sexual health quiz, visit www.thinkcontraception.ie

Busy Bodies Booklet

Information for 5th and 6th class students on the physical and emotional changes during puberty. To order a copy of the booklet freetext **BUSY** plus your name and address to **50444**.

The Facts DVD

A DVD to help educate 15-17 year olds about fertility, contraception, crisis pregnancy and sexually transmitted infections (STIs). To order a copy of the DVD, freetext **FACTS** plus your name and address to **50444**.

You can talk to me - DVD and Booklet

To help parents talk to their 11 - 15 year old children about relationships and sexual health. To order a DVD and booklet, freetext **PARENT** plus your name and address to **50444**.

'Advice for Mams & Dads'

A free supplement to assist parents in talking to their 15 - 17 year old teenagers about relationships and sexuality. To order a copy of the supplement, freetext **TALK** plus your name and address to **50444**.

To order any of the above resources visit www.healthpromotion.ie



Index will be finalised once all new content has been added





Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive



crisispregnancyprogramme

The HSE Sexual Health & Crisis Pregnancy Programme implements a strategy to address the issue of crisis pregnancy in Ireland. For more information, visit www.crisispregnancy.ie.

The opinions/views outlined in this document are not necessarily the opinions/views of the HSE Sexual Health & Crisis Pregnancy Programme.



treoir

The National Federation of Services for
Unmarried Parents and their Children

14 Gandon House,
Lower Mayor Street,
IFSC, Dublin 1.
01 6700 120 LoCall 1890 252 084
info@treoir.ie www.treoir.ie

Keep informed
follow us on

