

### Other expenses

A parent may seek a contribution from the other parent for expenses associated with the birth of the child, or for funeral expenses if the child dies (maximum €2,000 under each heading). This can be done through the local district court.

### How maintenance affects Social Welfare Payments

If a parent is receiving One-Parent Family Payment (OFP) s/he will be required to seek maintenance from the other parent and OFP will be reduced by about half the amount of maintenance being paid. If you are paying rent and not getting Rent Supplement, up to €95.23 of your maintenance will be ignored in calculating your OFP. If you are getting Rent Supplement the first €95.23 of maintenance is fully taken into account for Rent Supplement purposes and any maintenance over this amount is assessed differently. See **Treoir's Information Pack for parents who are not married to each other.**

### Maintenance and income tax

Maintenance payments are not taxed.

### If the parent who is, or should be, paying maintenance lives abroad

If the other parent lives in the UK the resident parent can apply for maintenance to the local district court in Ireland. The court clerk will take you through the process.

If the parent lives in any of the 60 countries who have signed up to the **UN Convention on the Recovery Abroad of Maintenance Payments**, the USA or in a EU Member State contact the Central Authority for Maintenance Recovery and they will assist with applying for, enforcing or seeking an increase in a maintenance order.

**Central Authority for Maintenance Recovery:**  
LoCall 1890 555 509 / Tel: 01 - 4790290 / 0287.

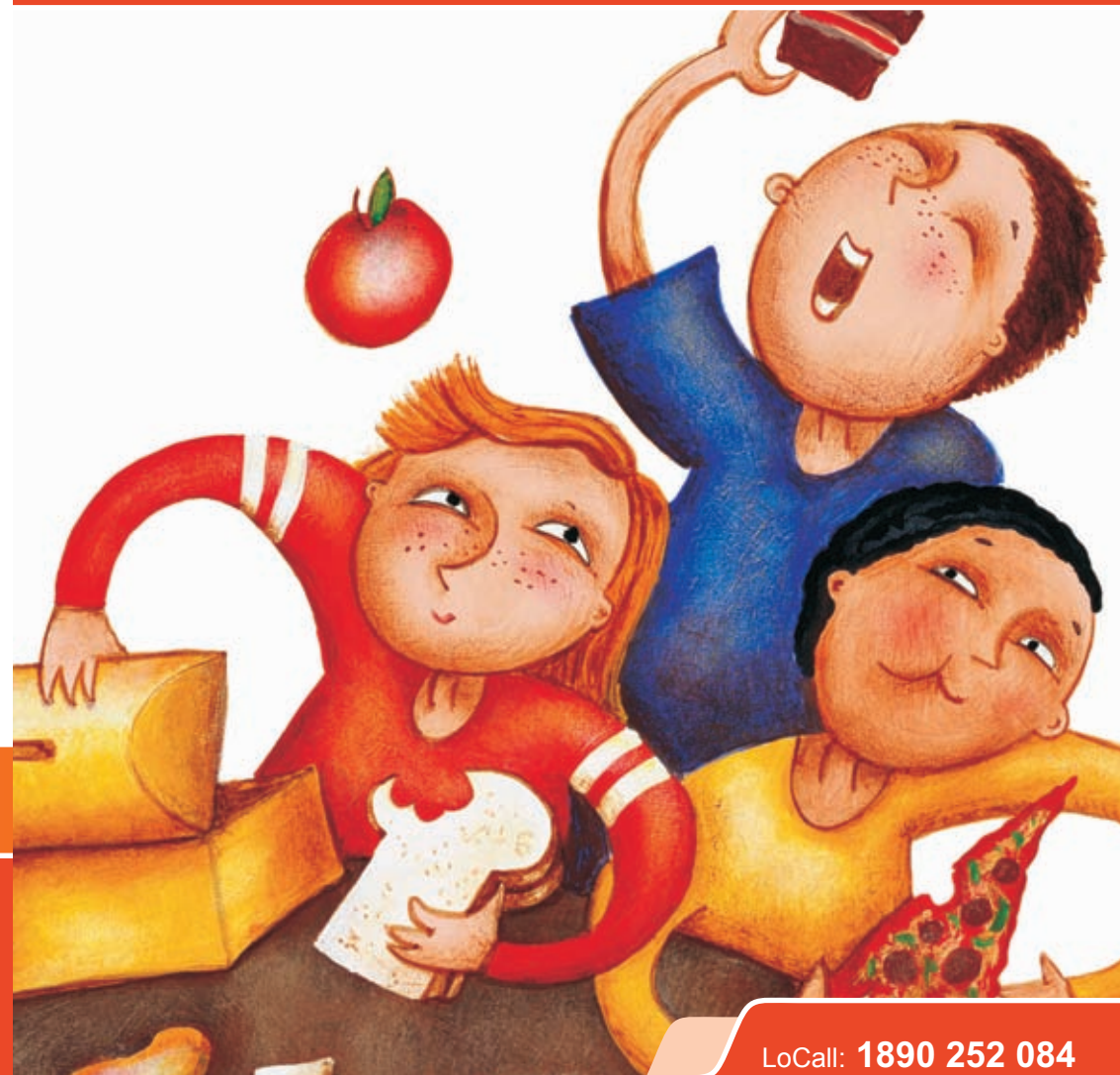
The process of seeking maintenance from abroad is likely to be a lengthy one. It is necessary to have an address for the parent who lives abroad. Generally there is no cost involved.

### Maintenance, marriage and adoption

If one parent marries someone who is not the other parent of the child, then both biological parents still have the responsibility to maintain their child. If the child is adopted then only the adoptive parents are required to maintain the child.

# Maintenance of Children

whose parents are not married to each other





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whose parents are not married to each other

Both parents have a responsibility to share in providing financially for their child - either through a voluntary maintenance agreement or through court proceedings. **Paying maintenance does not in itself give a parent any access or guardianship rights.** It may be useful to record the payment of maintenance in case this record needs to be shown at a later date.

## Up to what age of the child is maintenance payable?

Parents are responsible for maintaining their dependent children up to the child's 18th birthday or up to 23 if the child is in full time education, or would be if maintenance was being paid. If the child has a mental or physical disability to such an extent that it is not reasonably possible for the child to maintain her/himself fully then there is no upper age limit for seeking maintenance for her/his support.

## How can maintenance be arranged?

Parents can make informal arrangements regarding maintenance and this can work well where parents are reasonable and fair. Parents can write these arrangements down and have them made a rule of court (see below). An agreement can include, or consist only of, a property transfer or a lump sum payment but it does not rule out the possibility of applying for a maintenance order through the courts at a future date.

It can be difficult to assess how much maintenance should be paid. It might be useful to write down the actual expenses of the child. Treoir has an Expenses Sheet which may help you with this. If parents are having difficulty agreeing maintenance they can try mediation or collaborative law.

## Mediation

Mediation is where a third party helps parents reach an agreement. It encourages parents to co-operate with each other in working out arrangements concerning their children. Any written agreement made can be made a rule of court (see below).

**The Family Mediation Service:** 01-6344320, [www.fsa.ie](http://www.fsa.ie)

**Mediators Institute of Ireland:** 01-2847121, [www.themii.ie](http://www.themii.ie)

## Collaborative Law

Collaborative law is where parents work with specially trained lawyers, receive legal advice and guidance, and together with the lawyers, discuss and resolve issues through face-to-face meetings. All decisions are made by the parents. Any written agreement made can be made a rule of court (see below).

**Association of Collaborative Practitioners:** [www.acp.ie](http://www.acp.ie)

**Legal Aid Board:** LoCall 1890 615 200, [www.legalaid.ie](http://www.legalaid.ie)

## What is a Rule of Court?

Where parents enter into an agreement in writing for maintenance either parent may make an application to court for an order to make the agreement a rule of court. The court may make an order if it is satisfied that the agreement is fair and reasonable and adequately protects the interests of the child. The agreement then has the same standing as a court order. If a rule of court is broken it has the same penalties as if it was a court order.



## Maintenance through the courts

Either parent may apply to the court for a maintenance order against the other parent for a dependent child. It is necessary to have an address for the other parent. When the court is satisfied with regard to parentage, it may order the parent to pay a regular amount based on income and expenses of the parent. The maximum that the district court can order from either parent is €150 per week for each child. There is no limit in the circuit/high courts. The maximum lump sum the district court can award is €4,000.

Where an application for maintenance is dismissed because of the financial circumstances of either/both parents, it is possible to request the judge to make an order for a nominal sum (even €5 per week). In this way if financial circumstances change in the future, it would be more simple and less expensive to apply for a variation order (see below) than to re-apply for maintenance. It also means that there is a court order naming the man as father which could be important for birth registration or other purposes. Maintenance is payable from the date the parent applies for the court order.

Family law court hearings, including maintenance, are not open to the general public. Only those directly involved are allowed in. Many parents represent themselves in the district court. Get a copy of *Taking the Stand* - a guide for unmarried parents resolving disputes regarding care of their children - from **Treoir: LoCall 1890 252 084, [treoir.ie/publications.html](http://treoir.ie/publications.html)**.

Some parents may qualify for legal aid. Contact the **Legal Aid Board: LoCall 1890 615 200, [www.legalaid.ie](http://www.legalaid.ie)**. You could also contact **Free Legal Advice Centres (FLAC)** who offer information and guidance in legal matters. **LoCall 1890 350 250, [www.flac.ie](http://www.flac.ie)**.

## Appeals

If you wish to appeal the decision of the court you can do so within 14 days or apply for extension of time to appeal.

## What if the parent doesn't pay?

If you are worried that the other parent will not pay the maintenance it is possible to get an **Attachment of Earnings Order**. This means that the maintenance payments are deducted by the employer at source. If the parent is self-employed you can apply for an **Enforcement Summons**.

A parent can apply for an **Attachment of Earnings Order** at the start of the court hearing if s/he is worried that the parent will not pay the maintenance from the start or can apply later if the parent does not pay the maintenance.

## Having the amount varied

Where a maintenance order has been made either parent can go back to court at any time to have the amount of maintenance increased or decreased should circumstances change. This is called a **Variation Order**.

## Arrears

If a parent falls behind with payments where there is a maintenance order in place then it is possible to apply to the court for arrears after two weeks. Six months arrears is the most that can be claimed through a summons at any one time.

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