

District Court - Schedule C - Forms in civil proceedings

S.I. No. 17 of 2016
No. 57.3

SCHEDULE C
O.57, r. 6

*FAMILY LAW (MAINTENANCE OF SPOUSES AND CHILDREN) ACT 1976, SECTION 9A

(as inserted by Civil Law (Miscellaneous Provisions) Act 2011, section 31)

*CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND OBLIGATIONS OF COHABITANTS ACT 2010, SECTION 52A (as inserted by Children and Family Relationships Act 2015, section 146)

SUMMONS FOR ATTENDANCE OF MAINTENANCE DEBTOR

District Court Area of

District No.

..... Maintenance Creditor

..... Maintenance Debtor

If you fail to attend in the District Court at the place and on the date given below at the time stated, the Judge may treat such failure to attend court as constituting contempt of court and the Judge may deal with the matter accordingly, including by directing that a warrant may be issued, without further warning, for you to be arrested and brought before the District Court.

The maintenance 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.

1. A maintenance order was made on the day of 20.... by the District Court sitting at for the District Court Area of District No., under which you, the above-named Maintenance Debtor were ordered to pay to the above-named Maintenance Creditor †(the weekly sum of € for her/his support) †(and) †(the weekly sum of € for the support of dependent children †(of the family)) †(together with the sum of € for costs and expenses), *the first such payment to be made before or on the day of 20.... and each subsequent payment to be made weekly thereafter;

*2. Proof has been given that the said maintenance order was duly served on you the Maintenance Debtor of

1 An application was made in writing by the Maintenance Creditor to the District Court Clerk for the above court area, on the day of 20..., for the issue of this summons in respect of the sums in arrear as set out below;

2 The Maintenance Creditor claims that you the Maintenance Debtor have not complied with the said maintenance order and that there is now in arrear in respect of same the sum of €, being the amount of weekly payments, which have become due and payable †(together with the sum of € for costs and expenses making in all the sum of €);

YOU ARE REQUIRED to attend at the sitting of the District Court to be held at on the day of 20.... at a.m./p.m. on the hearing of this summons.

At that hearing, having listened to the Maintenance Creditor and to you, the Court may:

(a) having heard evidence as to the financial circumstances of both you and of the Maintenance Creditor, treat the case as one asking the Court to vary the said maintenance order and if it does, it may change the amount of each payment, or the times at which payments are to be made or change a single payment to payment by such instalments at such times as the Judge thinks is reasonable in all the circumstances,

(b) adjourn the hearing to enable the outstanding payment to be made, or

(c) adjourn the hearing to enable an application to be made for an attachment of earnings order against you, or

(d) if satisfied that your failure to pay is not due to your inability to make the payment concerned by reason of a change in your financial circumstances since the above order was made or due to some other reason not attributable to any act or omission on your part, treat your failure to make the payment concerned as constituting contempt of court and deal with the matter accordingly, including by making an order for your imprisonment.

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

Signed
District Court Clerk

To of the above-named Maintenance Debtor

**Delete where inapplicable*

†Delete where inapplicable