

# **FAMILY LAW IN THE DUBLIN DISTRICT COURT**

**Leaflet No. 17**



## **LEGAL AID BOARD**

**0818 615200  
info@legalaidboard.ie  
www.legalaidboard.ie**

## **LEAFLET No. 17 - FAMILY LAW IN THE DUBLIN DISTRICT COURT**

### **Where are District Court family law matters heard in Dublin?**

District Court family law matters in Dublin are heard in Dolphin House, a court building located in East Essex Street in the Temple Bar area of Dublin.

### **What sort of cases are heard in Dolphin House?**

Judges in Dolphin House regularly hear cases to do with:

- Domestic violence remedies such as barring orders and protection /safety orders
- Maintenance - this is financial support for a child. They also sometimes hear applications for financial support for a spouse, but this is more normally dealt with as part of a legal separation or divorce.
- Guardianship - a legal relationship of responsibility between certain adults and children (usually parents and their children)
- Access - involves contact between a child and the parent that they do not live with. Certain other adults, such as grandparents, may also be able to apply for access.
- Custody - this describes the parent who has the primary responsibility for looking after the child
- Applications for the direction of the court regarding a child - can be an application in respect of any matter relating to a child including custody and access but can also include dispensing with the consent of a parent to obtain a passport for a child.

You can get more information on these topics in **Leaflet No. 5 - Maintenance, Leaflet No. 6 - Domestic Violence, and Leaflet No. 7, Children and Family Law.**

Sometimes other court business is scheduled for Dolphin House, but the above types of cases are the main types cases heard there on a regular basis.

### **What should I do before I apply for legal aid?**

Before you start legal proceedings, you might want to consider whether your dispute with the other person might be resolved without going to court. You could consider mediation as an alternative. Mediation involves both people sitting around a table with an independent mediator in order to reach an agreement. There is a mediation office on the fourth floor in Dolphin House where you can get further information.

Family mediation from the Legal Aid Board is free of charge.

If you have not started proceedings, and just want legal advice on a family law problem, you can apply to one of our law centres in Dublin. There are law centres a short walk from Dolphin House at Jervis Street and North Brunswick Street.

To apply for legal aid at Dolphin House, you must already have started family law proceedings, or another person must be taking a family law case against you, and the case will be heard in the District Court. If you want to start proceedings, you need to go to the Family Law Office on the ground floor and they will help you start the proceedings. If another person is taking proceedings against you they will have served you with the document starting the proceedings, which is normally called a "Summons" or "Notice of Application" in these types of cases.

### **How do I apply for legal aid for a case in Dolphin House?**

You can apply for legal aid on-line at **[www.legalaidboard.ie](http://www.legalaidboard.ie)**. Alternatively, you can fill in an application form and send it to the Legal Aid Board, Dolphin House, East Essex Street, Dublin 2. The application form is available on our website. You can also call into our office on the third floor in Dolphin House and apply there in person. You will need to bring in or scan/copy and send in the court papers and proof of your income. You should also bring or send in photo ID and proof of address but if the matter is urgent we will not hold up your application and you can provide this to us at a later time. In some cases we might ask you for other documents backing the details on your application form. Please do not send original documents in the post - copies are acceptable.

You can get more information on applying for civil legal aid in **Leaflet No 10 - How to Complete Your Application for Legal Services Form.**

### **What will happen when I apply?**

We will process your application and decide if you can get civil legal aid. Your income and capital (assets) must be below certain levels, in order to get legal aid. You can find out more details of the requirement in **Leaflet No 12 - Financial Eligibility and Contributions.**

If you applied in person, and we can process your application, we will tell you immediately whether or not you can get legal aid. Otherwise we will write

to you and inform you of our decision.

### **What happens if I am granted legal aid?**

If you can get legal aid, we will offer you a legal aid certificate. If your case is to do with an application for a barring order (including an interim or emergency barring order), safety order or protection order you will not need to pay a contribution towards your legal aid. If you are the applicant in a Maintenance Enforcement case you will be required to pay a reduced contribution fee. The minimum reduced contribution fee is €30 and this can rise depending on your income. If your case involves Barring, Safety or Protection Orders and other proceedings e.g, Access or Custody, you will also pay the reduced fee. For all other proceedings you will be required to pay a contribution of at least €130 towards your legal aid. You can pay this contribution by cash, postal order, or credit/debit card.

If paying the contribution will cause you undue hardship you can apply for a waiver in writing to the Dolphin House office. A waiver means you might not have to pay some or all of the contribution. You should give full details of your circumstances. We will consider your application. If we decide that paying the contribution would cause you undue hardship, some or all of your contribution may be waived.

Once your contribution (if any) is paid, we will give you two copies of your legal aid certificate and a list of private solicitors who do civil legal aid work in. You should sign both copies of the legal aid certificate. You need to return one copy to the office and bring one copy to a solicitor on the list.

### **Can I go to any solicitor on the list?**

Yes, as long as they are not representing the person you are taking/defending proceedings against and they are willing to accept you as a client.

### **What if my case is in another District Court venue?**

If your case is in another District Court venue (for example Swords, Balbriggan, Naas or Trim), you can still apply for legal aid at Dolphin House as long as the court case has already started. In most other District Court venues you may need to draw up and serve the required court papers yourself as the court office may not do this for you. If you need the assistance of a solicitor to draw up the court papers you should apply to a law centre first.

If your case is outside Dublin it is better to apply to the law centre in the county where the case will be heard, as long as they are not representing the person who is taking the case against you. But you can still apply at Dolphin House and if you are granted legal aid we will give you the list of private solicitors who do civil legal aid work in the county where the case is being heard.

**My case has already been heard and I want to appeal/it is being appealed by the other person. What do I do?**

If you want to appeal, the solicitor who represented you with the District Court proceedings will advise you how to do so. Appeals of cases that were heard in Dolphin House or other District Court venues in Dublin are usually heard by the Circuit Family Court in Phoenix House which is located directly beside Smithfield Luas stop. (This is not the same building as Smithfield Courthouse which is also nearby). The normal time limit for appealing is 14 days from the District Court Order.

Once the Notice of Appeal has been lodged with the District Court Family Law Office (or you have been served with the Notice of Appeal) and the Circuit Court Family Law Office in Phoenix House has given you a hearing date, you can apply for legal aid at Dolphin House in connection with the appeal. The same rules apply for getting legal aid for appeals as with the original case, except that if you are the person who is making the appeal (called the “appellant”) you will have to supply a letter from your solicitor explaining why you are appealing the case. We will consider the letter when deciding whether or not to grant you legal aid for the appeal.

**Are there rules about how many times I can get legal aid in a particular period?**

No. But if you had legal aid to take proceedings for custody, access, guardianship, or maintenance and we referred you to a private solicitor, we will not refer you to another private solicitor to take proceedings for custody, access, guardianship, or maintenance again until a year has passed since we last referred you to the private solicitor.

That does not mean you cannot get legal aid for your case. But you will have to apply to a law centre (not at Dolphin House) and, if you are eligible to get legal aid, you will have to wait until you can see a solicitor who works for the Legal Aid Board.

This rule does not apply:

- If you are also taking proceedings for a domestic violence order
- If you already have a maintenance order that the other person is not keeping to, and you are taking proceedings to enforce that order, provided you have not already done so in the last twelve months
- If you are not the person who is taking the proceedings (i.e. you are named as the “Respondent” on the court papers)
- If you are appealing to the Circuit Court and you already had legal aid for the proceedings in the District Court.

### **Can I get legal aid for any case in Dolphin House?**

You cannot get legal aid if you are privately prosecuting the offence of failure or refusal to comply with a direction of the Court requiring a person to give access to or give up custody of an infant, contrary to section 5(2) of the Courts (No. 2) Act 1986. There is no legal aid scheme for the prosecution of criminal offences because criminal offences are mostly prosecuted by the State. Cases of this type are normally heard in the family courts in Dolphin House rather than in the criminal courts in Parkgate Street, so that they can be before the same judge who made the original order. However, a criminal conviction will still result if the defendant is found guilty.

A conviction for this offence might lead to the defendant going to prison or being fined but it cannot force them to give up the child to you or allow you access. If you have not yet started the prosecution, you might consider civil alternatives. There is a civil remedy called an “enforcement order” that is also available. We can grant legal aid to take proceedings for an enforcement order. You can find out more about this in our **Leaflet No. 7 - Children and Family Law**.

If you are being prosecuted (ie you are named as the “Defendant” on the summons) for the offence above, you might be able to get legal aid under the criminal legal aid scheme, but you will need to apply to the judge and not to us.

**The Child and Family Agency (Tusla) want to take my child into care. Is this type of case heard in Dolphin House? If not, where do I apply for legal aid?**

In Dublin, this type of case is normally heard in Chancery Street Courthouse (next to Bridewell Garda Station and directly beside Four Courts Luas stop). We also have an office there at which you can apply for legal aid.

Sometimes applications for emergency care orders may be heard in Dolphin House, particularly during court vacations.

**The above is provided for information purposes only. It does not purport to be either a statement of the law or legal advice.**

**Head Office:** Legal Aid Board, Quay Street, Cahirciveen, Co. Kerry, V23 RD36.

**Phone:** (066) 947 1000

**NGN No:** 0818 615 200

**Website:** [www.legalaidboard.ie](http://www.legalaidboard.ie)