

There is no legal requirement to employ a solicitor or barrister to file for divorce. Either spouse may draft and file the proceedings - though that is not advisable unless there is absolute agreement between the parties about every issue to be decided by the Court. The judge will be anxious to ensure that both parties are fully aware of their rights and duties. **Whenever there is likely to be a conflict on any matter (such as children, property, maintenance or succession rights), an experienced family law solicitor should be consulted.**

Anyone applying for a divorce in the Republic of Ireland must submit certain documents to the Court. Details of the documents and of other technical matters are set out in full in Statutory Instrument number 84 of 1997, which is available from Government Publications, Sun Alliance House, Molesworth Street, Dublin 2. (The headings and addresses on these sample documents will vary, depending on the area where the Applicant or Respondent live.)

In the case of a Circuit Court action, the Applicant (or his/her solicitor) must file

- an application (known as a Family Law Civil Bill),
  - a sworn statement of means,
  - a sworn statement relating to the welfare of any children and
  - a document certifying that the Applicant has been advised of the alternatives to divorce.
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Record No. \_\_\_\_\_

**AN CHUIRT TEAGHLAIGH CHUARDA  
(THE CIRCUIT FAMILY COURT)**

**LOCAL CIRCUIT**

**YOUR COUNTY**

**IN THE MATTER OF THE FAMILY LAW (DIVORCE) ACT 1996**

**Between/**

**Patrick Murphy**

**Applicant**

**-and-**

**Mary Murphy**

**Respondent**

**FAMILY LAW CIVIL BILL**

**INDORSEMENT OF CLAIM**

**YOU ARE HEREBY REQUIRED** within ten days after the service of this Civil Bill upon you, to enter, or cause to be entered with the County Registrar, at the Circuit Court family office at (address) an Appearance to answer the claim of (name and address of Applicant), the Applicant as endorsed hereon.

**AND TAKE NOTICE** that unless you do enter an Appearance, you will be held to have admitted the said claim and the Applicant may proceed therein and judgment given against you in your absence without further notice.

**AND FURTHER TAKE NOTICE** that if you intend to defend the proceedings on any grounds, you must not only enter an Appearance as aforesaid, but also, within ten days after entry of the Appearance, deliver a statement in writing showing the nature and grounds of your Defence. The Appearance and Defence may be entered by posting them to the Registrar's office and by giving copies to the Applicant and his Solicitor by post.

Dated the \_\_\_ day of \_\_\_\_\_ 200\_

To: Respondent's solicitor

Signed: \_\_\_\_\_  
Solicitor for the Applicant

- (i) The Applicant and Respondent were married on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_ at (name and address of church).
- (ii) The Applicant and Respondent have been living apart for ?? years, since (date). During that time the Applicant lived at (full list of addresses). The Respondent lived at (addresses, if known).
- (iii) Details of any previous matrimonial proceedings and of any separation agreement.
- (iv) There are ? children of the marriage (list names, dates of birth) *or* There are no children of the marriage.
- (v) Details of present and past family homes.
- (vi) Description of any land or premises referred to in the Civil Bill, and whether it is registered or unregistered land.
- (vii) Basis of jurisdiction (domicile, residence or place of work of the Applicant or Respondent and rateable value of any property - s. 38(2) and (3) 1996 Act).
- (viii) Occupations of both parties.
- (ix) At the date of institution of these proceedings, the Applicant and Respondent had lived apart from one another for at least four of the preceding five years. There is no reasonable prospect of a reconciliation between the Applicant and Respondent. Proper provision, having regard to the circumstances, has been made for the Applicant and Respondent.

**AND THE APPLICANT CLAIMS:**

(Here provide a numbered list of the individual reliefs sought, by reference to sections of Act)

**AND FURTHER TAKE NOTICE** that, in any cases where financial relief is sought by either party, you must file with the Defence herein, or in any event within 20 days after the service of this Civil Bill upon you, at the aforementioned Circuit Court Office an Affidavit of Means (and, where appropriate, an Affidavit of Welfare) in the manner prescribed by the Rules of this Court, and serve a copy of same as provided by the Rules of this Court on the Applicant or his Solicitor at the address provided below.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_

Signed: \_\_\_\_\_  
Solicitor for the Applicant

To: The Registrar,  
Circuit Family Court

and/

To: Respondent's solicitor

**TAKE NOTICE** that it is in your interest to have legal advice in regard to these proceedings. If you cannot afford a private solicitor, you may be entitled to legal aid provided by the State at a minimum cost to you. Details of this legal aid service are available at the Legal Aid Board, St Stephen's Green House, Dublin 2 (telephone 01-661 5811), where you can obtain the addresses and telephone numbers of the Legal Aid Centres in your area.

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**Between/**

**Patrick Murphy**

**Applicant**

**-and-**

**Mary Murphy**

**Respondent**

**AFFIDAVIT OF MEANS**

I, (name and occupation), of (address), aged 18 years and upwards, MAKE OATH and say as follows:

1. I am the Applicant/Respondent in the above entitled proceedings and I make this Affidavit from facts within my own knowledge, save where otherwise appears and, whereso appearing, I believe the same to be true.
2. I have set out in the First Schedule hereto all the assets to which I am legally or beneficially entitled and the manner in which such property is held.
3. I have set out in the Second Schedule hereto all income which I receive and the sources of such income.
4. I have set out in the Third Schedule hereto all my debts and/or liabilities and the persons to whom such debts and liabilities are due.

5. My weekly outgoings amount to the sum of € \_\_\_\_ and the details of such outgoings have been set out in the Fourth Schedule hereto.

6. To the best of my knowledge, information and belief, all pension information known to me relevant to these proceedings is set out in the Fifth Schedule hereto. (Or give reasons why the information has not been obtained.)

(Details of each schedule are then set out in numbered paragraphs)

Sworn by the said (name) before me, a practising solicitor/Commissioner for Oaths, on (date), at \_\_\_\_\_ and I know the deponent.

Signed: \_\_\_\_\_ (name)

Filed this \_\_\_\_\_ day of \_\_\_\_\_ 200\_ by (name and address) solicitors for the Applicant.

To:

The Registrar,  
Circuit Family Court

And/

Solicitor for the Respondent

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**Between/**

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**Applicant**

**-and-**

**Mary Murphy**

**Respondent**

**AFFIDAVIT OF WELFARE**

I, (name) of (address), (occupation), aged 18 years and upwards, MAKE OATH and say as follows:

1. I say that I am the Applicant in the above proceedings and I make this Affidavit of Welfare from facts within my own knowledge, save where otherwise appears, and whereso appearing, I believe the same to be true.

2. I say and believe that the facts set out in the Schedule hereto are true.

**SCHEDULE**

**Part I - Details of children**

1. Details of the children born to (or adopted by) the Respondent and Applicant, with forenames, surnames and dates of birth.

2. Details of other children of the family, or children to whom either of the parties is in loco parentis.

## **Part II - Arrangements for children of the family**

### 3. Home Details

- (a) The address at which the children now live.
- (b) Details of the number of living rooms, bedrooms at the above address(es).
- (c) Is the house rented or owned? Name the tenant(s) or owner(s).
- (d) Is the rent or mortgage being paid regularly and by whom?
- (e) Give the names of all other person living with the children, full-time or part-time, and state their relationship to the children.
- (f) Will there be any changes to these arrangements? If so, give details.

#### **Part III - Education and training**

- (a) Give details of the school, college or place of training attended by each child.
- (b) Do the children have special educational needs? Is so, please specify.
- (c) Is the school, college or place of training fee-paying? If so, how much are the fees per term/year? Are fees being paid regularly and, if so, by whom?
- (d) Will there be any changes in these circumstances? If so, give details.

#### **Part IV - Childcare**

- (a) Which parent looks after the children from day to day? If responsibility is shared, give details.
- (b) Give details of work commitments of both parents.
- (c) Does someone look after the children when the parents are not there? If yes, give details.
- (d) Who looks after the children during school holidays?
- (e) Will there be any changes to these arrangements? If so, give details.

#### **Part V - Maintenance**

- (a) Does the Respondent pay towards the upkeep of the children? If so, give details. Specify any other sources of maintenance.
- (b) Is the maintenance referred to above paid under Court order? If so, give details.
- (c) Has maintenance been agreed for the children? If so, give details.
- (d) If not, will you be applying for a maintenance order from the Court?

#### **Part VI - Contact with the children**

- (a) Do the children see the Respondent? Give details.
- (b) Do the children stay overnight and/or have holiday visits with the Respondent? Give details.
- (c) Will there be any changes to these arrangements? If so, give details.

#### **Part VII - Health**

- (a) Are the children generally in good health? Give details of any serious disability or chronic illness suffered by any of the children.
- (b) Do any of the children have any special health needs? Give details of care needed and how it is to be provided.
- (c) Are the Applicant or Respondent generally in good health? If not, give details.

#### **Part VIII - Care and other Court proceedings**

- (a) Are any of the children in the care of a health board or under the supervision of a social worker or probation officer? If so, give details.
- (b) Have there been any Court proceedings involving any of the children? If so, give details. (All relevant Court orders should be annexed.)

Sworn by the said (name) before me, a practising solicitor/Commissioner for Oaths, on (date), at \_\_\_\_\_ and I know the deponent.

Signed: (name) \_\_\_\_\_

Filed this \_\_\_\_\_ day of \_\_\_\_\_ 200\_ by (name and address) solicitors for the Applicant.

To:

The Registrar,  
Circuit Family Court

And/

Solicitor for the Respondent

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**Respondent**

**CERTIFICATE PURSUANT TO SECTION 6 OF THE  
FAMILY LAW (DIVORCE) ACT 1996**

I, (name), the Solicitor acting for the above Applicant, do hereby certify as follows:

1. I have discussed with the Applicant the possibility of reconciliation with the Respondent and I have given the Applicant the names and addresses of persons qualified to help effect a reconciliation between spouses who have become estranged.
2. I have discussed with the Applicant the possibility of engaging in mediation to help effect a separation on an agreed basis (the spouses not being separated) or a divorce on a basis agreed between the Applicant and the Respondent, and I have given the Applicant the names and addresses of persons and organisations qualified to provide a mediation service for spouses who have become estranged.
3. I have discussed with the Applicant the possibility of effecting a separation by the negotiation and conclusion of a separation deed or written separation agreement with the Respondent.
4. I have ensured that the Applicant is aware of judicial separation as an alternative to divorce, no decree of judicial separation in relation to the Applicant and the Respondent being in force.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 200\_

Signed: \_\_\_\_\_  
Solicitor  
Address