



STATUTORY INSTRUMENTS.

S.I. No. 125 of 1999.

DISTRICT COURT (CUSTODY AND
GUARDIANSHIP OF CHILDREN) RULES, 1999.

(Pn. 7219)

S.I. No. 125 of 1999.

DISTRICT COURT (CUSTODY AND
GUARDIANSHIP OF CHILDREN) RULES, 1999.

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act, 1924, section 72 of the Courts of Justice Act, 1936, section 17 of the Interpretation Act, 1937 [as applied by section 48 of the Courts (Supplemental Provisions) Act, 1961] and section 34 of the Courts (Supplemental Provisions) Act, 1961, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the following Rules of Court:—

1. These Rules may be cited as the District Court (Custody and Guardianship of Children) Rules, 1999.

2. These Rules shall come into operation on the 21st day of May 1999, and shall be read together with all other District Court Rules for the time being in force.

3. Order 58 of the District Court Rules, 1997 (S.I. No. 93 of 1997) is hereby amended

(a) by the deletion of the definition of “infant” in Rule 1 thereof;

(b) by the insertion of the following definitions:

“the Act of 1997” means the Children Act, 1997 (No. 40 of 1997);

“child” means a person who has not attained full age.

(c) by the substitution for rule 4(1)(a) of the following:

“4. (1) (a) An application to the Court under section 6A (as inserted by section 12 of the Act of 1987 and as substituted by section 6 of the Act of 1997) of the Act, by the father of a child whose father and mother have not married each other and have not made declaration under section 2 (4) of the Act (as substituted by section 4 of the Act of

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 28th May, 1999.

1997), or where the father was a guardian of the child by virtue of a declaration under the said section 2 (4) but was removed from office under section 8 (4) of the Act, for an order appointing him to be a guardian of the child shall be preceded by the completion by the applicant of a notice in the Form 58.1 Schedule C. Such notice shall be served upon the mother and upon any other guardian of the child. The order of the Court granting such application shall be in the Form 58.2 Schedule C.”;

(d) by the deletion of rules 4(1)(b),(c) and (d);

(e) by the substitution in rule 4(2) of “58.3” for “58.4”; “58.4” for “58.5”; “58.5” for “58.6”; and “58.6” for “58.7”;

(f) by the substitution in rule 4(3) of “58.8” for “58.6” and “58.8” for “58.9”;

(g) by the substitution in rule 4(4) of “58.9” for “58.10” and “58.10” for “58.9”;

(h) by the substitution for rule 4(5)(i) of the following

“(5)(i) An application to remove from office a guardian appointed by will or deed or order of the Court, or holding office by virtue of the circumstances set out in section 2(4) of the Act (inserted by the Act of 1997) and to appoint another guardian in his or her place under section 8(4) and section 8(5) of the Act shall be preceded by the issue and service of a notice in the Form 58.11 Schedule C upon each guardian of the child. The order of the Court thereon shall be in the Form 58.13 Schedule C.”;

(i) by the substitution in rule 4(5)(ii) of “58.12” for “58.13” and “58.14” for “58.15”;

(j) by the substitution for rule 5 of the following

“5. (1) An application to the Court under section 11B (2) [inserted by the Act of 1997] of the Act by a person who is a relative of a child, or has acted *in loco parentis* to a child and to whom section 11 of

the Act does not apply, for leave to make an application under section 11B (1) [inserted by the Act of 1997] of the Act shall be preceded by the issue and service of a notice in the Form 58.15 Schedule C upon each guardian of the child. The order of the Court thereon shall be in the Form 58.16 Schedule C.

(2) Where the Court's direction is sought under section 11(1) of the Act or section 11(4) [inserted by section 13 of the Act of 1997] of the Act, the application therefor shall be preceded by the issue and service of a notice in the Form 58.17 Schedule C upon each of the other guardians or each of the guardians of the child, as the case may be. The order of the Court thereon shall be in the Form 58.18 Schedule C.

(3) An application to the Court under section 11B of the Act for an order giving a relative of a child or a person who has acted *in loco parentis* to a child access to the child shall be preceded by the issue and service of a notice in the Form 58.19 Schedule C upon each of the guardians of the child. The order of the Court thereon shall be in the Form 58.20 Schedule C.”;

(k) by the substitution in rule 6 of “58.21 for “58.18” and “58.22” for “58.19”;

(l) by the substitution in rule 7 of “58.23 for “58.20”; “58.24” for “58.21”; “58.25” for “58.22”; “58.26” for “58.23” and “58.27” for “58.24”;

(m) by the substitution for rule 8 of the following

“8. Where complaint is made to a Judge alleging an offence of failure or refusal, under section 5 of the Courts (No. 2) Act, 1986, to comply with the requirements of a direction given in an order under section 7 of the Act, section 11 of the Act, or section 11B (inserted by the Act of 1997) of the Act, the summons which may be issued and served upon the person against whom the offence is alleged shall be in the Form 58.28 or 58.29 Schedule C, as appropriate. The relevant provisions of Order 15 of these Rules shall apply in such case.”;

(n) by the substitution for rule 9 of the following

“9. (1) A notice or court order required by this Order to be served shall be accompanied in the case of a notice of proceedings under section 6A (inserted by the Act of 1997) of the Act, section 11 of the Act or section 11B (inserted by the Act of 1997) of the Act in which a solicitor is acting for the applicant, by a certificate signed by the solicitor indicating, if it be the case, that the solicitor has complied with subsection (2) of section 20 of the Act of 1964 (as inserted by section 11 of the Act of 1997) in relation to the matter, and may be served upon the person to whom it is directed in accordance with the provisions of Order 10 of these Rules at least fourteen days or, in the case of proceedings certified as urgent under rule 2(2) hereof, at least two days, before the date of the sitting of the Court to which it is returnable.

(2) Save where service has been effected by the Clerk, the original of every such notice or order served shall, accompanied, in appropriate cases, by a copy of the certificate described in rule 9 (1) hereof, together with a statutory declaration as to service thereof, be lodged with the Clerk at least two days before the date of the said sitting.”;

(o) by the substitution in rule 4(2), rule 4(5)(ii), rule 6, rule 7 and rule 11 of “child” for “infant” where “infant” occurs therein.

And the said Order 58, as so amended, together with the Forms thereunder, appears in Schedule 1 hereto.

Schedule 1

Order 58

Custody and Guardianship of Children

1. In this Order—

Definitions.

“the Act” means the Guardianship of Infants Act, 1964, (No. 7 of 1964);

“the Act of 1987” means the Status of Children Act, 1987 (No. 26 of 1987);

“the Act of 1997” means the Children Act, 1997 (No. 40 of 1997);

“child” means a person who has not attained full age.

Venue.

2. (1) Proceedings under the Act may be brought, heard or determined at any sitting of the Court for the court area where any party to the proceedings resides or carries on any profession, business or occupation.

(2) Where, however the Clerk, having consulted the Judge for the time being assigned to the district within which such area is situated, certifies on a notice of application or a summons that the proceedings are urgent, the said notice or summons may, subject to the provisions of rule 9 of this Order, be issued for, and the proceedings may be heard and determined at any sitting of the Court in that district.

Hearing to be otherwise than in public

3. Proceedings under the Act shall be heard otherwise than in public and only the officers of the Court, the parties and their legal representatives, witnesses (subject to the provisions of Order 8, rule 2 of these Rules) and such other persons as the Judge in his or her discretion shall allow, shall be permitted to be present at the hearing.

Guardianship applications and Court orders.

4. (1) (a) An application to the Court under section 6A (as inserted by the Act of 1987 and as substituted by section 6 of the Act of 1997) of the Act, by the father of a child whose father and mother have not married each other and have not made a declaration under section 2 (4) of the Act (as substituted by section 4 of the act of 1997), or where the father was a guardian of the child by virtue of a declaration under the said section 2 (4) but was removed from office under section 8 (4) of the Act, for an order appointing him to be a guardian of the child shall be preceded by the completion by the applicant of a notice in the Form 58.1 Schedule C. Such notice shall be served upon the mother and upon any other guardian of the child. The order of the Court granting such application shall be in the Form 58.2 Schedule C.

(2) An application under section 7(4) of the Act shall be preceded by the issue and service of a notice in the Form 58.3 Schedule C upon the surviving parent and upon any

other guardian of the child. The order of the Court on hearing the application shall be in the Form 58.4, 58.5 or 58.6 Schedule C, as appropriate.

(3) An application to appoint a guardian or guardians under section 8(1) of the Act shall be made *ex parte* in the first instance subject to the prior lodgment with the Clerk of a notice in the Form 58.7 Schedule C. The order of the Court thereon shall be in the Form 58.8 Schedule C.

(3) An application to appoint a guardian or guardians under section 8(2) of the Act shall be made *ex parte* if made by the surviving parent, subject to the prior lodgment with the Clerk of a notice in the Form 58.9, Schedule C, and in any other case it shall be preceded by the issue and service of a notice in the Form 58.9 Schedule C upon that parent. The order of the Court thereon shall be in the Form 58.10 Schedule C.

(5) (i) An application to remove from office a guardian appointed by will or deed or order of the Court, or holding office by virtue of the circumstances set out in section 2(4) of the Act (inserted by the Act of 1997) and to appoint another guardian in his or her place under section 8(4) and section 8(5) of the Act shall be preceded by the issue and service of a notice in the Form 58.11 Schedule C upon each guardian of the child. The order of the Court thereon shall be in the Form 58.13 Schedule C.

(ii) An application to appoint a guardian in place of a deceased guardian, under section 8(5) of the Act, may be made *ex parte* where the child has no guardian or where the applicant is the only guardian, subject to the prior lodgment with the Clerk of a notice in the Form 58.12 Schedule C, and in any other case it shall be preceded by the issue and service of the said notice upon each guardian of the child. The order of the Court thereon shall be in the Form 58.14 Schedule C.

5. (1) An application to the Court under section 11B (2) [inserted by the of the Act 1997] of the Act by a person who is a relative of a child, or has acted *in loco parentis* to a child and to whom section 11 of the Act does not apply, for leave to make an application under section 11B (1) [inserted by the Act of 1997] of the Act shall be preceded by the issue and service of a notice in the Form 58.15 Schedule C upon each guardian of the child. The order of the Court thereon shall be in the Form 58.16 Schedule C.

Application
seeking Court's
direction.

(2) Where the Court's direction is sought under section 11(1) of the Act or section 11(4) [inserted by section 13 of the Act of 1987] of the Act, the application therefor shall be preceded by the issue and service of a notice in the Form 58.17 Schedule C upon each of the other guardians or each of the guardians of the child, as the case may be. The order of the Court thereon shall be in the Form 58.18 Schedule C.

(3) An application to the Court under section 11B of the Act for an order giving a relative of a child or a person who has acted *in loco parentis* to a child access to the child shall be preceded by the issue and service of a notice in the Form 58.19 Schedule C upon each of the guardians of the child. The order of the Court thereon shall be in the Form 58.20 Schedule C.

Application to
vary/discharge.

6. An application under section 12 of the Act for an order varying or discharging a previous order shall be preceded by the issue and service of a notice in the Form 58.21 Schedule C upon each of the other guardians or each of the guardians of the child as the case may be. The order of the Court thereon shall be in the Form 58.22 Schedule C.

Application for
production of
child.

7. An application under Part III of the Act for an order for the production of a child shall be preceded by the issue and service of a notice in the Form 58.23 Schedule C upon the person having custody of the child. The order of the Court thereon shall be in the Form 58.24 Schedule C which shall be served upon the said person. The order of the Court under Part III of the Act shall be in the Form 58.25, 58.26 or 58.27 Schedule C, as appropriate.

Custody/right of
access - non
compliance with
direction.

8. Where complaint is made to a Judge alleging an offence of failure or refusal under section 5 of the Courts (No. 2) Act, 1986, to comply with the requirements of a direction given in an order under section 7 of the Act, section 11 of the Act, or section 11B (inserted by the Act of 1997) of the Act, the summons which may be issued and served upon the person against whom the offence is alleged shall be in the Form 58.28 or 58.29 Schedule C, as appropriate. The relevant provisions of Order 15 of these Rules shall apply in such case.

Service and
lodgment of
documents.

9. (1) A notice or court order required by this Order to be served shall be accompanied in the case of a notice of proceedings under section 6A of (inserted by the Act of 1997) of the Act, section 11 of the Act or section 11B

(inserted by the Act of 1997) of the Act, in which a solicitor is acting for the applicant, by a certificate signed by the solicitor indicating, if it be the case, that the solicitor has complied with subsection (2) of section 20 of the Act of 1964 (as inserted by section 11 of the Act of 1997) in relation to the matter, and may be served upon the person to whom it is directed in accordance with the provisions of Order 10 of these Rules at least fourteen days or, in the case of proceedings certified as urgent under rule 2(2) hereof, at least two days, before the date of the sitting of the Court to which it is returnable.

(2) Save where service has been affected by the Clerk, the original of every such notice or order served shall, accompanied, in appropriate cases, by a copy of the certificate described in rule 9(1) hereof, together with a statutory declaration as to service thereof, be lodged with the Clerk at least two days before the date of the said sitting.

10. Where the Court makes an order under the Act, the Clerk shall give, or send by ordinary post, a copy of such order to each person in whose favour or against whom the order was made.

Clerk to supply
copies of orders.

11. The age of a child may be proved by producing a certified extract from the Register of Births showing the date of the child's birth.

12. In any proceedings under the Act the Court may direct the service of notice upon any person not already served.

Court may direct
service.

13. Notwithstanding the provisions of Order 25,r.(4) and Order 101 of these Rules and that an appellant has entered into a recognizance for appeal, an appeal from an order made under this Act shall stay the operation of the order only if, and to such extent and upon such terms (if any), as the Court shall determine.

Effect of appeal
from orders.

SCHEDULE C
0.58,r.4(1)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.1

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 6A

NOTICE OF APPLICATION BY A FATHER TO BE APPOINTED A
GUARDIAN

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

TAKE NOTICE that the above-named applicant of in
the court (area and) district aforesaid, being the father of
born on born on residing at
.....(a) child(ren),

*[whose father and mother have not married each other and have not
made a declaration under section 2(4) of the Act]

*[whose father was a guardian of the child by virtue of a declaration
under section 2(4) of the Act but was removed from office under
section 8(4) of the Act]

will apply at the sitting of the District Court to be held at on the
..... day of19....., ata.m./p.m. for an order under section
6A of the Act appointing him to be a guardian of the said child(ren).

Dated this day of 19

Signed
Applicant/Solicitor for the Applicant

To The District Court Clerk,
District Court Office,
at
(and)

*(To
of
To
of

*Delete inapplicable words

SCHEDULE C
0.58,r.4(1)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.2

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 6A

ORDER APPOINTING FATHER TO BE A GUARDIAN

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant, of in the court (area and) district aforesaid, he being the father of born on to (mother) and born on to (mother) residing at(a) child(ren),

*[whose father and mother have not married each other and have not made a declaration under section 2(4) of the Act]

*[whose father was a guardian of the child by virtue of a declaration under section 2(4) of the Act but was removed from office under section 8(4) of the Act]

for an order under section 6A of the Act appointing him to be a guardian of the said child(ren);

THE COURT being satisfied that notice of application herein has been duly served upon each guardian of the child(ren) and having heard the evidence of the applicant *(and of the mother) *(and of the other guardian of the child(ren);) and being satisfied that the welfare of the child(ren) requires the making of this Order;
HEREBY APPOINTS the above-named applicant to be a guardian of the said child(ren) pursuant to section 6A of the Act.

Dated this day of 19

Signed
Judge of the District Court

*Delete inapplicable words

SCHEDULE C
0.58,r.4(2)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.3

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 7(4)

NOTICE OF APPLICATION BY TESTAMENTARY GUARDIAN
FOR ORDER

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

WHEREAS the above-named applicant of in the
court (area and) district aforesaid, is the testamentary guardian of
..... born on born on
..... (a) child(ren) residing at

*[and whereas the respondent, the surviving parent of the child(ren) objects
to the applicant acting jointly with him/her as guardian of the child(ren)]

*[and whereas the applicant considers that the respondent, the surviving
parent of the child(ren), is unfit to have the custody of the child(ren)]

TAKE NOTICE that the applicant will apply at the sitting of the District
Court to be held at on the day of19.....,
ata.m./p.m.

for an order

*(that the applicant shall act as guardian of the child(ren) jointly with the
respondent)

*(that the applicant shall act as guardian of the child(ren) to the exclusion,
so far as the Court thinks proper, of the respondent)

*(that the respondent shall pay towards the maintenance of the child(ren)
such weekly or other periodical sum as the Court considers reasonable).

Dated this day of 19

Signed

Applicant/Solicitor for the Applicant

To The District Court Clerk,

District Court Office,

at

(and)

*(To

of

To

of

*Delete inapplicable words

SCHEDULE C
0.58,r.4(2)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.4

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 7(5)

ORDER OF REFUSAL

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant, of in the court (area and) district aforesaid, a testamentary guardian of born on born on
(a) child(ren) residing at
for an order under section 7 of the Act, the respondent, of.....
..... being the surviving parent of the child(ren)

THE COURT being satisfied that notice of the application was duly served, and that the welfare of the child(ren) requires the making of this order;

HEREBY REFUSES to make the order sought and orders that the respondent shall remain sole guardian of the child(ren),

*(AND DIRECTS as follows:—

)

Dated this day of 19

Signed
Judge of the District Court

WARNING

Where this order contains a direction regarding the custody of a child or the right of access to a child, any person who fails or refuses to give up the child or to allow access to the child as required shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment not exceeding twelve months, or to both such fine and imprisonment.

*Delete inapplicable words

SCHEDULE C
0.58,r.4(2)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.5

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 7(5)

ORDER THAT TESTAMENTARY GUARDIAN SHALL
ACT AS GUARDIAN JOINTLY WITH PARENT

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant, of in the court (area and) district aforesaid, a testamentary guardian of born on born on
(a) child(ren) residing at
for an order under section 7 of the Act, the respondent, of.....
..... being the surviving parent of the child(ren)

THE COURT being satisfied that notice of the application was duly served, and that the welfare of the child(ren) requires the making of this order; HEREBY ORDERS that the applicant shall act as guardian of the child(ren) jointly with the respondent;

*(AND DIRECTS as follows:—

)

Dated this day of 19

Signed
Judge of the District Court

WARNING

Where this order contains a direction regarding the custody of a child or the right of access to a child, any person who fails or refuses to give up the child or to allow access to the child as required shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment not exceeding twelve months, or to both such fine and imprisonment.

*Delete inapplicable words

SCHEDULE C
0.58,r.4(2)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.6

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 7(5)

ORDER THAT TESTAMENTARY GUARDIAN SHALL
ACT AS GUARDIAN TO EXCLUSION OF PARENT

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant, of in the court (area and) district aforesaid, a testamentary guardian of born on born on
(a) child(ren) residing at
for an order under section 7 of the Act,

THE COURT being satisfied that notice of the application was duly served upon the respondent, the surviving parent of the child(ren), and that the welfare of the child(ren) requires the making of this order;

HEREBY ORDERS that the applicant shall act as guardian of the child(ren) to the exclusion of the respondent *(so far as—

*(regarding custody and access)—

THAT

(regarding maintenance)

that the said do pay to the said the weekly sum of £..... towards the maintenance of (each of) the said child(ren) namely born on born onuntil such child(ren) shall attain the age of 18 years, and thereafter if, when the child(ren) has/have attained that age, he/she

(i) is or will be, or if any order were made under this Act providing for payment of maintenance for the benefit of the child, would be receiving full-time education or instruction at a university, college, school or other educational establishment, and who has not attained the age of 23 years; or

(ii) has a mental or physical disability to such extent that it is not reasonably possible for him or her to maintain himself or herself fully; making in all the total weekly sum of £.....,
(regarding costs)

THAT the respondent do pay to the applicant the sum of £..... being the costs of these proceedings.

*AND FURTHER ORDERS as follows;—

Dated this day of 19.....

Signed
Judge of the District Court

WARNING

Where this order contains a direction regarding the custody of a child or the right of access to a child, any person who FAILS OR REFUSES to give up the child or to allow access to the child as required SHALL BE GUILTY OF AN OFFENCE and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment not exceeding TWELVE MONTHS, or to both such fine and imprisonment.

*Delete inapplicable words

SCHEDULE C
0.58,r.4(3)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.7

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 8(1)

NOTICE OF APPLICATION TO APPOINT GUARDIAN(S)

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant(s)

TAKE NOTICE the above-named applicant(s) of in
the court (area and) district aforesaid, will apply at the sitting of the District
Court to be held at on the day of 19....., at
.....a.m./p.m for an order appointing him/her/them to be guardian(s) under
section 8(1) of the Act of born on
..... born on
(a) child(ren) residing at
the said child(ren) having no guardian.

Dated this day of 19

Signed

Applicant(s)/Solicitor for the Applicant(s)

To The District Court Clerk,
District Court Office,

at.....

*Delete inapplicable words

SCHEDULE C
0.58,r.4(3)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.8

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 8(1)

ORDER APPOINTING GUARDIAN(S)

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant(s)

UPON APPLICATION made to this Court on this date by the above
named applicant(s) of in the court (area and) district
aforesaid, for an order under section 8(1) of the Act in respect of

..... born on

..... born on

(a) child(ren) residing at
the said child(ren) having no guardian.

THE COURT being satisfied that the child(ren) has/have no guardian, and
that the welfare of the child(ren) requires the making of this order,

HEREBY APPOINTS of
..... of
to be guardian(s) of the child(ren).

*AND DIRECTS as follows:—

Dated this day of 19

Signed
Judge of the District Court

*Delete inapplicable words

SCHEDULE C
0.58,r.4(4)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.9

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 8(2)

NOTICE OF APPLICATION TO APPOINT GUARDIAN(S)

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant(s)

..... *Respondent

WHEREAS born on
born on is/are (a) child(ren) residing at
....., *[and no guardian has been appointed by the now
deceased parent of the said child(ren)]
*[and the guardian appointed by the now deceased parent of the said
child(ren) *(has died)*(refuses to act)],

TAKE NOTICE that the above-named applicant of.....
in the court (area and) district aforesaid, will apply at the sitting of the
District Court to be held at on the day of19....., at
.....a.m./p.m. for an order under section 8(2) of the Act appointing
guardian(s) to act jointly with the *(applicant) *[(respondent, of
..... who is the surviving parent of the child(ren)].

Dated this day of 19

Signed
Applicant/Solicitor for the Applicant

To The District Court Clerk,
District Court Office,
at
(and)

*(To
of
.....).

*Delete inapplicable words

SCHEDULE C
0.58,r.4(4)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.10

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 8(2)

ORDER APPOINTING GUARDIAN(S)

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant(s)

..... *Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant of in the court (area and) district aforesaid, for an order under section 8(2) of the Act in respect of

..... born on

..... born on

(a) child(ren) residing at

*[and notice of the application having been served upon the respondent, the surviving parent of the child(ren)],

*[the applicant being the surviving parent of the child(ren)], the said child(ren) having no guardian,

THE COURT being satisfied that

*[no guardian of the child(ren) has been appointed by the now deceased parent]

*[the guardian appointed by the now deceased parent *(has died)

*(refuses to act)]

and that the welfare of the child(ren) requires the making of this order,

HEREBY APPOINTS of

..... of

to act jointly with the surviving parent as guardian(s) of the child(ren).

*(AND DIRECTS as follows:—

Dated this day of 19

Signed

Judge of the District Court

*Delete inapplicable words

SCHEDULE C
0.58A,r.4(5)(i)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.11

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 8(4) and 8(5)

NOTICE OF APPLICATION TO REMOVE FROM OFFICE A
GUARDIAN (AND TO APPOINT ANOTHER)

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

TAKE NOTICE that the above-named applicant of
..... in the court (area and) district aforesaid, WILL
APPLY at the sitting of the District Court to be held aton the
day of19....., ata.m./p.m. FOR AN ORDER under section
8(4) of the Act removing from office the respondent, of
*in court (area and) district aforesaid, guardian (appointed by *will/*deed/
*order of the Court dated theday of19.....)
*(holding office by virtue of the circumstances set out in section 2(4) of the
Act) of
..... born on
..... born on
child(ren) residing at*[and for an order
under section 8(5) of the above-mentioned Act appointing
..... of
to be guardian in his/her place]

Dated this day of 19

Signed
Applicant/Solicitor for the Applicant
To

of

To

of

*Delete inapplicable words

SCHEDULE C
0.58,r.4(5)(ii)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.12

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 8(5)

NOTICE OF APPLICATION TO APPOINT GUARDIAN
IN PLACE OF A DECEASED GUARDIAN

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... *Respondent(s)

WHEREAS by order of the Court dated the day of19.....,
made under sections 8(4) and 8(5) of the Act, a guardian of

..... born on

..... born on

child(ren) residing atwas

removed from office and of

was appointed in his/her place,

AND WHEREAS the said last-named guardiandied
on the day of19.....,

TAKE NOTICE that the above-named applicant of in
the court (area and) district aforesaid, will apply at the sitting of the District
Court to be held at on the day of 19....., at
.....a.m./p.m. or an order under section 8(5) of the above-mentioned Act
appointing *(the applicant)

*[..... of

*in court (area and) district aforesaid] to be guardian of the said child(ren)
in place of the deceased guardian.

Dated thisday of 19.....

Signed

Applicant/Solicitor for Applicant

(To

of

).

*Delete inapplicable words.

SCHEDULE C
0.58,r.4(5)(i)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.13

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 8(4) and (5)

ORDER REMOVING FROM OFFICE A GUARDIAN *(AND
APPOINTING ANOTHER)

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

UPON APPLICATION made to the Court on this date by the above-named applicant of in the court (area and) district aforesaid, for order(s) under section(s) 8(4) (*and 8(5)) of the Act in respect of the above-named respondent, of *in court (area and) district aforesaid, guardian (appointed by *will/*deed/*order of the Court dated the day of 19)

*[holding office by virtue of the circumstances set out in section 2(4) of the Act] of

..... born on

..... born on

child(ren) residing at

THE COURT being satisfied that notice of the application has been duly served, and that the welfare of the child(ren) requires the making of this order,

HEREBY ORDERS that the respondent be removed from office as guardian of the child(ren),

*(AND APPOINTS of as guardian in his/her place).

*(AND DIRECTS as follows:—

)

Dated this day of 19

Signed

Judge of the District Court

*Delete inapplicable words.

SCHEDULE C
0.58,r.4(5)(i)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.14

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 8(5)

ORDER APPOINTING GUARDIAN IN PLACE OF A DECEASED
GUARDIAN

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... *Respondent(s)

WHEREAS by order of the Court datedday of 19, made
under sections 8(4) and 8(5) of the Act, a guardian of.....
..... born on
..... born on
child(ren) residing atwas removed from office
and

of was appointed in his/her place,
AND WHEREAS the guardian so appointed diedon the day
of19.....,

NOW UPON APPLICATION made to this Court on this date by the
above-named applicant of *[in the court (area and)
district aforesaid], for an order under section 8(5) of the Act appointing a
guardian in place of the deceased guardian,

THE COURT being satisfied

*(that notice of the application was duly served and) that the welfare of the
child(ren) requires the making of this order,

HEREBY APPOINTS *(the applicant) *[..... of

.....
*in court (area and) district aforesaid], under section 8(5) of the Act to be
a guardian of the said child(ren) in place of the deceased guardian.

*(AND DIRECTS as follows:—

).

Dated this day of 19

Signed

Judge of the District Court

*Delete inapplicable words.

SCHEDULE C
0.58,r.5(1)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.15

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 11B(2)

NOTICE OF APPLICATION FOR LEAVE TO MAKE
AN APPLICATION UNDER SECTION (11B)(1)

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

TAKE NOTICE that application will be made at the sitting of the District Court to be held aton the day of19....., ata.m./p.m. under section 11B(2) of the Act in respect of born on born on child(ren) residing at by the above-named applicant of in the court *(area and) district aforesaid

*[being a relative of the said child(ren)]

*[who has acted *in loco parentis* to the said child(ren)]

and to whom section 11 of the Act does not apply,

for an order giving leave to the applicant to make an application under section 11B(1) of the Act.

Dated this day of 19

Signed
Applicant/Solicitor for the Applicant

To
of
To
of

*Delete inapplicable words

SCHEDULE C
0.58,r.5(1)

AN CHUIRT DUICHE THE DISTRICT COURT

No. 58.16

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 11B(2)

ORDER GIVING LEAVE TO MAKE AN APPLICATION UNDER
SECTION 11B(1)

*Dublin Metropolitan District
*District Court Area of *District No.

..... Applicant
..... Respondent(s)

UPON APPLICATION made to this Court on this date under section
11B(2) of the Act in respect of born on
..... born on
..... child(ren) residing at
.....
by the above-named applicant of in the court *(area
and) district aforesaid,
*[being a relative of the said child(ren)]
*[who has acted *in loco parentis* to the said child(ren)]
and to whom section 11 of the Act does not apply, for an order giving leave
to the applicant to make an application under section 11B(1) of the Act,
THE COURT being satisfied that notice of the application was duly served
and, having regard to all the circumstances

HEREBY GRANTS leave to the applicant to make an application to the
Court under section 11B(1) of the Act.

Dated this day of 19

Signed
Judge of the District Court

*Delete inapplicable words

SCHEDULE C
0.58,r.4(5)(2)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.17

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997

NOTICE OF APPLICATION UNDER SECTION *11(1) *11(4) FOR
THE COURT'S DIRECTION

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent(s)

TAKE NOTICE that application will be made at the sitting of the District Court to be held aton the day of19.... ata.m./p.m.

*[under section 11(1) of the Act by the above-named applicant of in court (area and) district aforesaid, being a guardian of born on born on child(ren) residing at for the Court's direction on the following question affecting the welfare of the child(ren)] e.g. regarding custody, access, maintenance or any other matter)—

*[under section 11(4) of the Act (as substituted by section 13 of the Status of Children Act, 1987), by the above-named applicant of in court *(area and) district aforesaid, being the father of and not being a guardian of born on born on child(ren) residing at whose father and mother have not married each other, for the Court's direction regarding the custody of the child(ren) and the right of access thereto of the applicant or the child('s)(rens') mother].

Dated this day of 19

Signed
Applicant/Solicitor for the Applicant

To
of
To
of

*Delete inapplicable words

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 11

ORDER ON QUESTION AFFECTING WELFARE OF CHILD(REN)

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent(s)

UPON APPLICATION made to this Court on this date

*[under section 11(1) of the Act, by the above-named applicant of
..... in court *(area and) district aforesaid, being a
guardian of born on born
on child(ren) residing at
..... for the Court's direction on the following ques-
tion affecting the welfare of the child(ren)]—

*[under section 11(4) of the Act, by the above-named applicant of
..... in court *(area and) district aforesaid, being the
father of and not being a guardian of born on
..... born on child(ren)
residing at
whose father and mother have not married each other, for the Court's direc-
tion regarding the custody of the child(ren) and the right of access thereto
of the applicant or the child('s)(rens') mother].

THE COURT being satisfied that notice of the application was duly served,
and having heard the submissions made herein, and being satisfied that the
welfare of the child(ren) requires the making of this order,

HEREBY DIRECTS (*regarding custody and access — for example —*)

*that the custody care and control of the said child(ren) being given to
the *(applicant)
*(respondent) and that access to the said child(ren) by the *
(respondent) *(applicant) be allowed on every day between the
hours ofa.m./p.m., and a.m./p.m. the *(applicant) *
(respondent) to collect the child(ren) from and return
the child(ren) to and that access be allowed at such
further or other times as may be agreed

—Provided that the party to whom custody of the said child(ren) is
hereby given shall not remove the said child(ren) from the jurisdiction of
this Court without having first obtained the consent in writing of the

other party or the leave of this Court or of any other Court of competent jurisdiction.

(regarding maintenance — for example—)

*that the said do pay to the said the weekly sum of £..... towards the maintenance of (each of) the said child(ren), namely born on born on until such child shall attain the age of 18 years, and thereafter if, when the child has attained that age, he or she

(i) is or will be, or if any order were made under the Act providing for payment of maintenance for the benefit of the child, would be, receiving full-time education or instruction at a university, college, school or other establishment, and who has not attained the age of 23 years; or

(ii) has a mental or physical disability to such extent that it is not reasonably possible for him or her to maintain himself or herself fully;

making in all the total weekly sum of £ ,

(regarding any other question or matter)

*that

(regarding costs)

*that the above-named *(respondent) *(applicant do pay to the above-named *(applicant *(respondent) the sum of £ being the costs of these proceedings.

Dated this day of 19

Signed
Judge of the District Court

WARNING

Where this order contains a direction regarding the custody of a child or the right of access to a child, any person who fails or refuses to give up the child or to allow access to the child as required shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment not exceeding twelve months, or to both such fine and imprisonment

*Delete inapplicable words

SCHEDULE C
0.58,r.4(5)(3)

AN CHUIRT DUICHE THE DISTRICT COURT

No. 58.19

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
NOTICE OF APPLICATION UNDER SECTION 11B FOR AN ORDER
GIVING ACCESS

*Dublin Metropolitan District
*District Court Area of
*District No.
..... Applicant
..... Respondent(s)

TAKE NOTICE that application will be made at the sitting of the District Court to be held aton the day of19..... ata.m./p.m. under section 11B of the Act in respect of born on born on child(ren) residing at by the above-named applicant of in the court *(area and) district aforesaid,
*[being a relative of the said child(ren)]
*[who has acted *in loco parentis* to the said child(ren)]
and to whom section 11 of the Act does not apply,

for an order giving the applicant access to the said child(ren).

Dated this day of 19

Signed
Applicant/Solicitor for the Applicant

To
of
To
of

*Delete inapplicable words

SCHEDULE C
0.58,r.4(5)(3)

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.20

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997

ORDER UNDER SECTION 11B GIVING ACCESS

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent(s)

UPON APPLICATION made to this Court on this date by the above
named applicant of in the court *(area and) district
aforesaid, under Section 11B of the Act in respect of
..... born on
..... born on
child(ren) residing at

THE COURT being satisfied that the applicant

*[is a relative of the said child(ren)]

*[has acted *in loco parentis* to the said child(ren)]

AND that section 11 of the Act does not apply to the applicant, and having
regard to all the circumstances,

HEREBY DIRECTS AS FOLLOWS:—

Dated this day of 19

Signed

Judge of the District Court

*Delete inapplicable words

SCHEDULE C
0.58,r.6

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.21

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 12

NOTICE OF APPLICATION TO VARY/DISCHARGE ORDER

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

TAKE NOTICE that the above-named applicant of in
court *(area and) district aforesaid, a *(guardian) *(the father of and not
being a guardian of
..... born on
..... born on
child(ren) residing at

WILL APPLY at the sitting of the District Court to be held at on
the day of19.... ata.m./p.m. for an order under section
12 of the Act

*(discharging the order of the Court herein dated theday of
..... 19....., entitled and made under
section of the Act).

*(varying the order of the Court herein dated theday of
19....., entitled and made under section
..... of the Act).

*(varying the order of the Court herein dated theday of
19....., entitled and made under section
..... of the Act, as follows—

).

Dated this day of 19

Signed
Applicant/Solicitor for the Applicant

To
of

*Delete inapplicable words

SCHEDULE C
0.58,r.6

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.22

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 12

*VARIATION ORDER/*ORDER DISCHARGING PREVIOUS
ORDER

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant of in the court *(area and) district aforesaid, *(a guardian) *(the father of and not being a guardian) of born on born on child(ren) residing at for an order under section 12 of the Act *varying/*discharging the order of the Court dated the day of 19 entitled and made under section of the Act,

THE COURT being satisfied that notice of the application was duly served, and that the welfare of the child(ren) requires the making of this order,

*(HEREBY DISCHARGES the said order).

*(HEREBY VARIES the said order as follows:—

).

Dated this day of 19

Signed
Judge of the District Court.

*Delete inapplicable words

SCHEDULE C
0.58,r.7

AN CHUIRT DUICHE THE DISTRICT COURT

No. 58.23

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 14

NOTICE OF APPLICATION FOR PRODUCTION OF CHILD(REN)
ORDER

*Dublin Metropolitan District
*District Court Area of *District No.

..... Applicant
..... Respondent

TAKE NOTICE that the above named applicant of
in the court *(area and) district aforesaid, a parent (within the meaning of
Part III of the Act) of
..... born on
..... born on
child(ren) residing at

WILL APPLY at the sitting of the District Court to be held aton
the day of19.... ata.m./p.m. for an order under Part
III of the above-mentioned Act that you produce to the Court the said
child(ren) and abide the further order of the Court herein.

Dated this day of 19

Signed
Applicant/Solicitor for the Applicant

To
of
Respondent

*Delete inapplicable words

SCHEDULE C
0.58,r.7

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.24

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 14

ORDER FOR PRODUCTION OF CHILD(REN)

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant of in the court *(area and) district aforesaid, a parent (within the meaning of Part III of the Act) of born on born on child(ren) residing at for an order under Part III of the Act for the production of the child(ren),

THE COURT being satisfied that notice of the application was duly served, and that the said child(ren) not now being before the Court, and being satisfied that the welfare of the child(ren) requires the making of this order,

HEREBY ORDERS the Respondent to produce the child(ren) to the Court aton the day of19..... and to abide the further order of the Court herein.

Dated this day of 19

Signed
Judge of the District Court

To
of
Respondent

*Delete inapplicable words

SCHEDULE C
0.58,r.7

AN CHUIRT DUICHE THE DISTRICT COURT

No. 58.25

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 14

ORDER THAT CHILD(REN) BE GIVEN UP TO PARENT

*Dublin Metropolitan District
*District Court Area of *District No.

..... Applicant
..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant of in the court *(area and) district aforesaid, a parent (within the meaning of Part III of the Act) of

..... born on
..... born on
child(ren) residing at
for an order under Part III of the Act for the production of the child(ren),

THE COURT being satisfied that notice of the application was duly served, that the applicant is a fit person to have the custody of the said child(ren), and that the welfare of the child(ren) *(now before the Court) requires the making of this order,

HEREBY ORDERS that the said child(ren) be given up to the applicant parent.

*(AND DIRECTS as follows:—
.....).

Dated this day of 19

Signed
Judge of the District Court

*Delete inapplicable words

SCHEDULE C
0.58,r.7

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.26

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 14

ORDER DECLINING TO ENFORCE RIGHT TO CUSTODY

*Dublin Metropolitan District

*District Court Area of

*District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant of in the court *(area and) district aforesaid, a parent (within the meaning of Part III of the Act) of born on born on child(ren) residing at for an order under Part III of the Act for the production of the child(ren),

THE COURT being satisfied that notice of the application was duly served, [*and being of opinion that the applicant has *abandoned/*deserted the child(ren)]

*[and being of opinion that the applicant has so conducted himself/herself that the Court should refuse to enforce his/her right to the custody of the child(ren)], and being satisfied that the welfare of the child(ren) (now before the Court) so requires,

HEREBY DECLINES to make the order sought

*(AND DIRECTS as follows:—

).

Dated this day of 19

Signed
Judge of the District Court

*Delete inapplicable words

SCHEDULE C
0.58,r.7

AN CHUIRT DUICHE THE DISTRICT COURT

No. 58.27

GUARDIANSHIP OF CHILDREN ACTS, 1964 TO 1997
section 15

ORDER THAT CHILD(REN) BE GIVEN UP TO A PARENT

*Dublin Metropolitan District
*District Court Area of

*District No.

..... Applicant

..... Respondent

UPON APPLICATION made to this Court on this date by the above-named applicant of in the court *(area and) district aforesaid, a parent (within the meaning of Part III of the Act) of

..... born on

..... born on

child(ren) residing at

for an order under Part III of the Act for the production of the child(ren),

having found that

*[the child(ren) is/are being brought up at the expense of another person, namely,].

*[assistance has been provided for the child(ren) by a health authority, namely under section 55 of the Health Act, 1953],

*[the child(ren) has/have been maintained in the care of Health Board under section 4 of the Child Care Act, 1991].

being satisfied that

notice of the application was duly served,
the applicant is a fit person to have the custody of the child(ren), and that the welfare of the child(ren) *(now before the Court) requires the making of this order,

HEREBY ORDERS that the applicant shall pay to that other person/health authority the sum of £ , being the whole/portion of the costs properly incurred by that person/health authority in bringing up/ provided assistance for the child(ren).

*(AND DIRECTS as follows:—

).

Dated this day of 19

Signed
Judge of the District Court

*Delete inapplicable words

SCHEDULE C
0.58,r.8

AN CHUIRT DUICHE

THE DISTRICT COURT

No. 58.28

COURTS (No. 2) ACT, 1986
section 5

SUMMONS

*Dublin Metropolitan District

*District Court Area of

*District No.

.....Complainant

..... Defendant

WHEREAS a complaint has been made to me that you, the above-named defendant, on the day of19.... at
*[in the court (area and) district aforesaid], having the actual custody of (a) child(ren)., namely and having been given or shown a copy of the order of the District Court made at a sitting of the Court held aton the day of19.... requiring you to give up the said child(ren) to the complainant of ata.m./p.m. on the day of19...., (or) having been present in court when the said order was made, and having been required by or on behalf of the said complainant to give up the child(ren) in accordance with the order.
DID FAIL OR REFUSE to comply with that requirement, contrary to section 5 of the Courts (No. 2) Act, 1986,

THIS IS TO COMMAND YOU to appear on the hearing of the said complaint at the sitting of the District Court for the court (area and) district aforesaid to be held aton the day of19.... ata.m./p.m. to answer to the said complaint.

Dated this day of 19

Signed
Judge of the District Court

TO
of
the above-named defendant

*Delete inapplicable words

SCHEDULE C
0.58,r.8

AN CHUIRT DUICHE THE DISTRICT COURT

No. 58.29

COURTS (No. 2) ACT, 1986
section 5

SUMMONS

*Dublin Metropolitan District
*District Court Area of *District No.

.....Complainant
..... Defendant

WHEREAS a complaint has been made to me that you, the above-named defendant, on the day of19.... at
*[in the court (area and) district aforesaid], having the actual custody of (a) child(ren)., namely and having been given or shown a copy of the order of the District Court made at a sitting of the Court held aton the day of19.... requiring you to allow the complainant of to have access to the said child(ren), as follows:—
.....
(or) having been present in court when the said order was made, and having been required by or on behalf of the said complainant to allow him/her to have such access.
DID FAIL OR REFUSE to comply with that requirement, contrary to section 5 of the Courts (No. 2) Act, 1986,

THIS IS TO COMMAND YOU to appear on the hearing of the said complaint at the sitting of the District Court for the court (area and) district aforesaid to be held aton the day of19.... ata.m./p.m. to answer to the said complaint.

Dated this day of 19

Signed
Judge of the District Court

TO
of
the above-named defendant

*Delete inapplicable words

GIVEN this 8th day of March, 1999.

John Garavan
Gillian M. Hussey
Uinsin Mac Gruaig
John P. Brophy
Sean McMullin
Olive Caulfield

I concur in the making of the foregoing Rules.

Dated this 13th day of May, 1999.

JOHN O'DONOGHUE,
Minister for Justice, Equality
and Law Reform

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Rules amend Order 58 of the 1997 District Court Rules to include the provisions of the Children Act 1997. The main amendments are to enable relatives of the child's parents or any person acting in loco parentis of the child to apply to the court for access to the child. The Rules also take into account the provisions of the Guardianship of Children (Statutory Declaration) Regulations 1998 which prescribe a form of declaration to allow the father of a non marital child to be guardian of the child with the consent of the mother.