

What is the process for separation in Ireland?

Meet your Solicitor – tell your story, Solicitor assesses and sets out plan

Parties must have lived separate and apart for a period of 1 year

or

The court considers that a normal marital relationship has not existed between the parties for at least a year

Separation with agreement between parties

Timeline (approx values)

Week 1: Write to spouse and prepare Affidavit of means and welfare.

Week 3: Share information with Spouses Solicitors.

Week 4/5: Negotiate Terms of Agreement through mediation, collaborative law or negotiations between the parties Solicitors.

Week 6-10: Draw up Deed of Separation and both parties sign.

Four years from date of actual separation: Parties can now apply for a Divorce.

Write to Spouse

Prepare Affidavit of Means and welfare

Share documentation with Spouse Solicitors-Spouse to Provide Affidavit of Means

Negotiate settlement terms

Draw up Deed of Separation and both Spouses sign
— or —
have Terms of Settlement ruled by the Court (especially if pensions are involved)

Parties are now Separated

Decree of Judicial Separation made and sent out within 10 days

Separation with no agreement between parties

Timeline (approx values)

Week 1: Write to Spouse. Prepare Affidavit of means and Welfare. Instruct Barrister to prepare Civil Bill.

Week 3: Issue Civil Bill In Circuit Court
Once the Civil Bill has issued and is served on the spouse, the spouse has 10 days to file an Appearance.
A further period of 14 days is allowed for the spouse to file his/her defence.

Week 7: Spouse files Appearance and Defence/Counterclaim and Affidavits of Means and Welfare
Week 17: The case will be listed before the County Registrar for case management hearing within 70 days from the date of the defence.

Week 21: Second Case Progression Hearing takes place.

Week 35: Attend court for hearing date.

Week 36: Decree of Judicial Separation sent out within 10 days.

Write to Spouse or Solicitor

Prepare Affidavit of Means and Welfare

Instruct Barrister to prepare Civil Bill

Issue Civil Bill in Circuit court with marriage certificate

Serve on Spouse or Solicitor

Spouse or Solicitors file Appearance and defence

First case management before County Registrar-exchange financial information

Timetable for exchange of information

Encouraged to reach a settlement

First case management before County Registrar to narrow issues-Maintenance? Pensions? Access? Hearing date set

Terms of Consent signed by both parties and made a rule of Court

Attend Court on hearing date to have Decree of Judicial Separation made

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BEAUCHAMPS

What is the Process for Separation in Ireland?

Jargon Buster

Access

Access means the contact that a child has with the parent with whom the child does not live with. It normally allows the parent to have the child visit the parent's home for an agreed amount of time and at an agreed frequency. ie. Once a week, twice a month.

Affidavit of Welfare

An Affidavit of Welfare is a sworn legal document that must be completed if there is dependent children of the marriage (ie under 18 or 23 if in full time education). It requires the living arrangements, educational details and health requirements for the child to be set out on paper before the Court.

Collaborative Law

is a process which encourages the parties to resolve family law matters between themselves at face to face meetings with the help of collaborative lawyers. If an agreement is reached a written agreement is drawn up and the parties can use this agreement to base Divorce proceedings.

Maintenance

Maintenance is the financial support given by one party in support of the dependent other party, either a Spouse or child of the marriage.

Affidavit of Means

An Affidavit of Means is a sworn legal document that is necessary to be completed when commencing family law court proceeding and it sets out the Applicant's financial situation including details of income, expenses, liabilities (such as a mortgage), Assets (such as property or a car) and future entitlements such as a pension.

Appearance

An Appearance is a formal legal document that is filed by the Respondent in a case and simply confirms his intention to defend the case. If the Respondent has decided to engage a Solicitor, the details of the Solicitor will also be included on the Appearance.

Defence/Counterclaim

A formal legal document outlining the Respondent's defence to claim and is received in response to a Civil Bill

Motion

An application made to the Court to request for something to be done on the Applicant's behalf.

Settlement Terms

A legal agreement made between Spouses providing for financial matters in relation to each other and the dependent children together with other matters such as the division of joint property, access and custody of the dependent children and maintenance.

Civil Bill

A Civil Bill is a legal document that is prepared by the Applicant in a Family law case in order to commence proceedings. It sets out the details of the case and the grounds for granting the divorce ie the couple's marriage has broken down and that there is no prospect of reconciliation between the parties.

Decree of Judicial Separation

The Court Order granting the Judicial Separation and the terms that the it is granted on.

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