

Family Court Bill
General Scheme (September 2020)

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Part 1
Preliminary and General

Head 1 – Short title and commencement

Provide that:

- (1) This Act may be cited as the Family Court Act 2020.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose, and different days may be so appointed for different purposes or provisions.

Head 2 – Interpretation

Provide that:

In this Act, except where the context otherwise requires—

“cause” means any action, suit or original proceeding between a claimant and a respondent;

“civil partner” has the meaning given to it in section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

“claimant” means a person seeking a remedy in family law proceedings and any reference in an enactment to a “plaintiff” shall, for the purposes of this Act be taken to be a reference to a claimant;

“cohabitant” has the meaning given to it in section 172 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

“family law proceedings”, in relation to a court, means proceedings before a court of competent jurisdiction under the following enactments—

- (a) Guardianship of Infants Act 1964,
- (b) Family Home Protection Act 1976,
- (c) Family Law (Maintenance of Spouses and Children) Act 1976,
- (d) Family Law Act 1981,
- (e) Status of Children Act 1987,
- (f) Judicial Separation and Family Law Reform Act 1989,
- (g) Child Abduction and Enforcement of Custody Orders Act 1991,
- (h) Child Care Act 1991,
- (i) Maintenance Act 1994,
- (j) Family Law Act 1995,
- (k) Family Law (Divorce) Act 1996,
- (l) Protection of Children (Hague Convention) Act 2000,
- (m) Civil Registration Act 2004 (other than section 56),
- (n) Adoption Act 2010,
- (o) Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010,
- (p) Children and Family Relationships Act 2015,
- (q) Gender Recognition Act 2015,
- (r) Domestic Violence Act 2018,

or between spouses, civil partners or cohabitants under section 31 of the Land and Conveyancing Law Reform Act 2009 where the fact that they are married to each other, or are civil partners or cohabitants is of relevance to the proceedings;

“matter” means any proceedings not in a cause;

“Minister” means the Minister for Justice;

“operative date” means the date on which this Act comes into operation;

“place” includes part of a place, a building or part of a building;

“plaintiff” includes applicant and petitioner;

“proceedings” includes both causes and matters;

“respondent” means a person against whom a remedy is sought by a claimant in family law proceedings and any reference in an enactment to a “defendant” shall for the purposes of this Act be taken to be a reference to a respondent;

Head 3 – Repeals and amendments

Provide that:

(1) The enactments specified in Schedule 1 are repealed to the extent specified in the second column thereof.

(2) The enactments specified in Schedule 2 are amended to the extent specified in the third column thereof.

Head 4 – Expenses

Provide that:

Expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Part 2

Establishment of Family Court

Head 5 – Guiding principles

Provide that:

(1) Subject to subheads (4) and (5), any court when dealing with family law proceedings shall have regard to the principles set out in subhead (3).

(2) Rules of court for family law proceedings shall give effect, as far as practicable, to the principles set out in subhead (3).

(3) The principles referred to in subheads (1) and (2) are—

(a) encouraging and facilitating as far as possible the resolution of issues in dispute by means of alternative resolution methods, such as mediation, unless resolution by such means would not be appropriate due to the nature of the proceedings,

(b) promoting and engaging in active case management practices, including time limits and maximum word counts for submissions,

(c) conducting proceedings in a manner which—

(i) is as far as possible user-friendly for the parties,

(ii) identifies the issues in dispute,

(iii) minimises as far as possible conflict between the parties,

(iv) is just, expeditious and likely to minimise costs of those proceedings,

(d) in any family law proceedings in which a child is involved or likely to be affected by the outcome—

(i) ensuring that the best interests of each such child are a primary consideration in those proceedings,

(ii) in respect of any such child who is capable of forming his or her own views, ensuring as far as practicable that the views of the child are ascertained and given due weight having regard to the age and maturity of the child.

(4) Where provision is made in any enactment referred to in the definition of “family law proceedings” for the best interests of the child to be a consideration in proceedings under that enactment, that provision shall apply instead of the principle set out in subhead (3)(d)(i).

(5) Where provision is made in any enactment referred to in the definition of “family law proceedings” for ascertaining the views of the child, that provision shall apply instead of the principle set out in subhead (3)(d)(ii).

Head 6 – Establishment of District Family Court

Provide that:

(1) On the operative date, the District Court shall have a division to be known as the District Family Court.

(2) The District Family Court shall be constituted of the following judges--

(a) a judge who shall be styled “Principal Judge of the District Family Court”, and

(b) such number of ordinary judges (each of whom shall be styled "Judge of the District Family Court") as may from time to time be fixed by Act of the Oireachtas.

(3) The Principal Judge of the District Family Court shall be appointed from amongst the District Judges by the President acting on the advice of the Government and shall take precedence over other judges of the District Family Court.

(4) A person shall not be assigned to be a judge of the District Family Court unless—

(a) he or she is a District Court judge, and

(b) he or she is, by reason of his or her training or experience and temperament, a suitable person to deal with matters of family law.

(5) Subject to subheads (6) and (7), every judge of the District Family Court shall hold that assignment for so long as he or she holds office as a District Court judge.

(6) With the prior agreement of the Principal Judge of the District Family Court and the President of the District Court, a judge of the District Family Court may leave that assignment in order to fill a vacancy as a District Court judge but not before completing a 3-year term of assignment.

(7) Where a judge of the District Family Court leaves that assignment but continues to hold office as a District Court judge, he or she shall, at the request of the Principal Judge of the District Family Court, complete the hearing of any case that has been partly heard by him or her.

(8) A judge of the District Family Court shall take such course or courses of training or education, or both, as may be required by the Judicial Studies Committee established by the Judicial Council.

(9) The Principal Judge of the District Family Court shall be *ex officio* an additional judge of the Circuit Family Court.

Head 7 – Creation and alteration of District Family Court districts

Provide that:

(1) The districts created under this head shall be the court districts for the purposes of the District Family Court.

(2) The Courts Service, after consultation with the Principal Judge of the District Family Court and the President of the District Court, may by order —

(a) divide the circuits referred to in Head 12 into convenient geographical areas (in this Act referred to as “District Family Court Districts”) for the purposes of the District Family Court, and

(b) attach to each such district a name by which it shall be known.

(3) The Courts Service, following consultation with the Principal Judge of the District Family Court and the President of the District Court, may by order—

(a) alter the composition of a District Family Court District by adding or removing areas;

(b) where appropriate, attach to the District Family Court District a name by which it shall be known in substitution for its existing name.

(4) An order under subhead (3) may make provision for the continuation and completion of any business transacted in a district to which the order relates which is initiated before the commencement of the order and is not completed before such commencement; for this purpose, business transacted shall be regarded as being initiated on the day on which the summons, notice of application or other originating document is issued.

Head 8 – Jurisdiction of District Family Court

Provide that:

(1) (a) Jurisdiction vested in the District Family Court is exercisable by a judge of the District Family Court for the time being assigned to the District Family Court district in which a party to the proceedings ordinarily resides or carries on any profession, business or occupation, or a district in which a child whose welfare is the subject of the proceedings has, or had, a connection, or a district in which a previous order in the same proceedings is made.

(b) Notwithstanding paragraph (a), where it would be in the best interests of the child or otherwise appropriate to do so in a specific case, jurisdiction may be exercised by a judge of another District Family Court district with which the child has a connection.

(2) Notwithstanding subhead (1), a judge of the District Family Court may make an order under this Act outside his or her district, or outside the court, where he or she is satisfied that the circumstances of the case require that such an order be made as a matter of urgency.

(3) A judge of the District Family Court may, on his or her own motion or on the application of any party to the proceedings, refer any question of law arising in proceedings before him or her to the Family High Court for determination and the determination of the Family High Court shall be final and conclusive.

(4) A decision of the District Family Court may be appealed to the Circuit Family Court within whose circuit that court is situated.

Head 9 – Sittings of District Family Court

Provide that:

(1) For the purposes of ensuring the prompt despatch of the business of the District Family Court in its districts, the Courts Service shall have and exercise the powers conferred on it by subhead (2).

(2) The Courts Service, after consultation with the Principal Judge of the District Family Court and the President of the District Court, may, by notice made in accordance with this head, specify—

(a) from time to time, in respect of any district, the places at which sittings within that district are to be held, and

(b) in respect of any district, the dates and times on which sittings shall commence at each place in the district at which sittings are to be held.

(3) The District Family Court shall sit to hear and determine family law proceedings in a different building or room from that in which sittings of any other court are held or on different days or at different times from those on, or at, which sittings of any such other court are held.

(4) The Courts Service may by order specify the form of, and particulars to be included in, a notice under subhead (2).

(5) A notice under subhead (2) shall be published on the website of the Courts Service and shall—

(a) have effect from the date of its publication or such other date as is specified in the notice, and

(b) remain in effect until the expiry of such period as is specified in the notice.

(6) In this head, unless the context otherwise requires, the word “sittings” means sittings of the District Family Court.

Head 10 – Proceedings in District Family Court

Provide that:

- (1) The District Family Court shall be a court of record.
- (2) (a) Subject to paragraph (b), an application to the District Family Court to commence family law proceedings shall state—
 - (i) the circumstances giving rise to the application,
 - (ii) whether or not mediation under the Mediation Act 2017 has been attempted,
 - (iii) if applicable, whether or not the solicitor acting for the applicant has complied with his or her obligations under sections 20 and 21 of the Guardianship of Infants Act 1964,
 - (iv) if applicable, whether or not the solicitor acting for the applicant has complied with his or her obligations under sections 5 and 6 of the Judicial Separation and Family Law Reform Act 1989, and
 - (v) if applicable, whether or not the solicitor acting for the applicant has complied with his or her obligations under sections 6 and 7 of the Family Law (Divorce) Act 1996.
- (b) Paragraph (a)(ii) shall not apply to the commencement of proceedings under the Child Care Acts 1991 to 2015 and the Domestic Violence Act 2018.
- (3) Upon his or her own motion or upon the request of a party to the proceedings, a judge of the District Family Court may at any stage during the proceedings, if he or she considers that mediation or another alternative dispute resolution process would assist in resolving some or all issues in dispute, suspend the proceedings to allow the parties to resolve issues by such means.
- (4) District Family Court proceedings shall, having regard to the proper and effective administration of justice and the need to follow orderly procedures, be as informal as is practicable.
- (5) Neither judges sitting in the District Family Court nor barristers nor solicitors appearing there shall wear wigs or gowns.

Head 11 – Establishment of Circuit Family Court

Provide that:

(1) On the operative date, the Circuit Court shall have a division to be known as the Circuit Family Court.

(2) The Circuit Family Court shall be constituted of the following judges--

(a) a judge who shall be styled “Principal Judge of the Circuit Family Court”, and

(b) such number of ordinary judges (each of whom shall be styled “Judge of the Circuit Family Court”) as may from time to time be fixed by Act of the Oireachtas.

(3) The Principal Judge of the Circuit Family Court shall be appointed from amongst the Circuit Judges by the President acting on the advice of the Government and shall take precedence over other judges of the Circuit Family Court.

(4) A person shall not be assigned to be a judge of the Circuit Family Court unless—

(a) he or she is a Circuit Court judge; and

(b) he or she is, by reason of his or her training or experience and his or her temperament, a suitable person to deal with matters of family law.

(5) Subject to subheads (6) and (7), every Judge of the Circuit Family Court shall hold that assignment for so long as he or she holds office as a Circuit Court Judge.

(6) With the prior agreement of the Principal Judge of the Circuit Family Court and the President of the Circuit Court, a judge of the Circuit Family Court may leave that assignment in order to fill a vacancy as a Circuit Court judge but not before completing a 3-year term of assignment.

(7) Where a judge of the Circuit Family Court leaves that assignment but continues to hold office as a Circuit Court judge, he or she shall, at the request of the Principal Judge of the Circuit Family Court, complete the hearing of any case that has been partly heard by him or her.

(8) A judge of the Circuit Family Court shall take such course or courses of training or education, or both, as may be required by the Judicial Studies Committee established by the Judicial Council.

(9) The Principal Judge of the Circuit Family Court shall be *ex officio* an additional judge of the Family High Court.

Head 12 - Creation and alteration of Circuit Family Court circuits

Provide that:

(1) The circuits created under this head shall be the court circuits for the purposes of the Circuit Family Court.

(2) The Government, after consultation with the President of the Circuit Court and the judges of the Circuit Family Court (if any) permanently assigned to the circuits to which the order will relate, may by order—

(a) divide the State into convenient geographical areas (in this Act referred to as family court circuits) for the purposes of the Circuit Family Court, and

(b) attach to each such circuit a name by which it shall be known.

(3) The Government, after consultation with the President of the Circuit Court and the judges of the Circuit Family Court (if any) permanently assigned to the circuits to which the order will relate, may by order—

(a) alter the composition of a family court circuit by adding or removing areas;

(b) where appropriate attach to the family court circuit a name by which it shall be known in substitution for its existing name.

(4) An order under subhead (3) may make provision for the continuation and completion of any business transacted in a family court circuit to which the order relates which is initiated before the commencement of the order and is not completed before such commencement; for this purpose, business transacted shall be regarded as being initiated on the day on which the civil bill or other originating document relating to it is issued.

Head 13 – Jurisdiction of Circuit Family Court

Provide that:

(1) (a) Jurisdiction vested in the Circuit Family Court is exercisable by a judge of the Circuit Family Court for the time being assigned to the Circuit Family Court circuit in which a party to the proceedings ordinarily resides or carries on any profession, business or occupation or a circuit in which a child whose welfare is the subject of the proceedings has, or had, a connection, or a circuit in which a previous order in the same proceedings is made.

(b) Notwithstanding paragraph (a), where it would be in the best interests of the child or otherwise appropriate to do so in a specific case, jurisdiction may be exercised by a judge of another Circuit Family Court circuit with which the child, or another party to the proceedings, has a connection.

(2) Notwithstanding subhead (1), a judge of the Circuit Family Court may make an order under this Act outside his or her circuit, or outside the court, where he or she is satisfied that the circumstances of the case require that such an order be made as a matter of urgency.

(3) A judge of the Circuit Family Court may, on his or her own motion or on the application of any party to the proceedings, refer any question of law arising in proceedings before him or her to the Family High Court for determination and the determination of the Family High Court shall be final and conclusive.

(4) A decision of the Circuit Family Court may be appealed to the Family High Court.

Head 14 – Sittings of Circuit Family Court

Provide that:

(1) For the purposes of ensuring an equitable distribution of the work of the Circuit Family Court among the judges of the Court and the prompt despatch of the business of the Circuit Family Court in its circuits, the Courts Service shall have and exercise the powers conferred on it by subhead (2).

(2) The Courts Service, after consultation with the Principal Judge of the Circuit Family Court and the President of the Circuit Court, may by notice made in accordance with this head, specify—

(a) from time to time, in respect of any circuit, the places at which sittings within that circuit are to be held, and

(b) in respect of any circuit, the dates and times on which sittings shall commence at each place in the circuit at which sittings are to be held.

(3) The Circuit Family Court shall sit to hear and determine family law proceedings or in a different building or room from that in which sittings of any other court are held or on different days or at different times from those on, or at, which sittings of any such other court are held.

(4) The Courts Service may by order specify the form of, and particulars to be included in, a notice under subhead (2).

(5) A notice under subhead (2) shall be published on the website of the Courts Service and shall—

(a) have effect from the date of its publication or such other date as is specified in the notice, and

(b) remain in effect until the expiry of such period as is specified in the notice.

(6) In this head, unless the context otherwise requires, the word “sittings” means sittings of the Circuit Family Court.

Head 15 – Proceedings in Circuit Family Court

Provide that:

- (1) The Circuit Family Court shall be a court of record.
- (2) (a) An application to the Circuit Family Court to commence family law proceedings shall state—
 - (i) the circumstances giving rise to the application,
 - (ii) whether or not mediation under the Mediation Act 2017 has been attempted,
 - (iii) if applicable, whether or not the solicitor acting for the applicant has complied with his or her obligations under sections 20 and 21 of the Guardianship of Infants Act 1964,
 - (iv) if applicable, whether or not the solicitor acting for the applicant has complied with his or her obligations under sections 5 and 6 of the Judicial Separation and Family Law Reform Act 1989, and
 - (v) if applicable, whether or not the solicitor acting for the applicant has complied with his or her obligations under sections 6 and 7 of the Family Law (Divorce) Act 1996.
- (b) Sub-paragraph (a)(ii) shall not apply to the commencement of proceedings under the Child Care Acts 1991 to 2015 and the Domestic Violence Act 2018.
- (3) Upon his or her own motion or upon the request of a party to the proceedings, a judge of the Circuit Family Court may at any stage during the proceedings, if he or she considers that mediation or another alternative dispute resolution process would assist in resolving some or all issues in dispute, suspend the proceedings to allow the parties to resolve issues by such means.
- (4) Circuit Family Court proceedings shall, having regard to the proper and effective administration of justice and the need to follow orderly procedures, be as informal as is practicable.
- (5) Neither judges sitting in the Circuit Family Court nor barristers nor solicitors appearing there shall wear wigs or gowns.

Head 16 – Establishment and constitution of Family High Court

Provide that:

(1) On the operative date, the High Court shall have a division to be known as the Family High Court.

(2) The Family High Court shall be constituted of the following judges—

(a) a judge who shall be styled “Principal Judge of the Family High Court”, and

(b) not less than 3 ordinary judges (each of whom shall be styled “Judge of the Family High Court”) as may from time to time be fixed by Act of the Oireachtas,

who may sit singly or in divisions of 3 judges.

(3) The Principal Judge of the Family High Court shall be appointed from amongst the High Court Judges by the President acting on the advice of the Government and shall take precedence over other judges of the Family High Court.

(4) A person shall not be assigned to be a judge of the Family High Court unless—

(a) he or she is a High Court Judge; and

(b) he or she is, by reason of his or her training or experience and his or her temperament, a suitable person to deal with matters of family law.

(5) Notwithstanding his or her assignment as Principal Judge of the Family High Court or Judge of the Family High Court, he or she may from time to time sit as, or exercise any of the powers of, a High Court Judge.

(6) Subject to subhead (7), every Judge of the Family High Court shall hold that assignment for so long as he or she holds office as a High Court Judge.

(7) With the prior agreement of the President of the High Court, a Judge of the Family High Court may leave that assignment without resigning his or her office as a High Court Judge.

(8) The Principal Judge of the Family High Court shall be *ex officio* an additional judge of the Court of Appeal.

(9) The President of the Court of Appeal shall be *ex officio* an additional judge of the Family High Court.

Head 17 – Jurisdiction and sittings of Family High Court

Provide that:

- (1) The Family High Court shall be a court of record.
- (2) The jurisdiction of the Family High Court shall include the hearing of appeals from the Circuit Family Court and the determination of any point of law referred to it from the Circuit Family Court or the District Family Court.
- (3) Proceedings before the Family High Court shall be as informal as is practicable and consistent with the administration of justice and the need to follow orderly procedures and neither judges sitting there nor barristers nor solicitors appearing in such proceedings shall wear wigs or gowns.
- (4) The Family High Court shall sit to hear and determine family law proceedings in a different building or room from that in which sittings of any other court are held or on different days or at different times from those on or at which sittings of any such other court are held and the Family High Court sittings shall be held on such days and at such times as may be appointed by the Judge exercising the jurisdiction of the court at the place at which the sittings are held.

Head 18 – Family Law Rules Committee

Provide that:

- (1) On the commencement of this head, a Family Law Rules Committee shall stand established to fulfil the functions assigned to it in subhead (5).
- (2) The Family Law Rules Committee shall consist of 3 ex-officio members and 7 nominated members.
- (3) The ex-officio members shall be—
 - (a) the Principal Judge of the Family High Court;
 - (b) the Principal Judge of the Circuit Family Court,
 - (c) the Principal Judge of the District Family Court.
- (4) The nominated members shall be—
 - (a) a barrister with experience and relevant expertise in the area of family law nominated by the Bar Council of Ireland;
 - (b) a solicitor with experience and relevant expertise in the area of family law nominated by the Law Society of Ireland;
 - (c) a County Registrar,
 - (d) a Clerk of the District Court,
 - (e) a Clerk of the Circuit Court,
 - (f) the Chief Executive of the Courts Service, or a member of the staff of the Courts Service to whom the Chief Executive has delegated his or her membership in writing and any such delegation may be revoked at any time by the Chief Executive.
 - (g) a representative of the Attorney General.
- (5) The Rules Committee shall, with the concurrence of the Minister, make rules—
 - (a) prescribing documentation required for the commencement of proceedings;
 - (b) regulating pleadings, practice and procedure;
 - (c) in relation to remedies in proceedings;
 - (d) in respect of costs of proceedings;

(e) providing for service out of the jurisdiction;

(f) regulating the form and execution of any process, and

(g) providing for such incidental, supplementary and consequential matters as appear to the Committee to be necessary or expedient for the purposes of this Act.

(6) Rules made under subhead (5) shall have regard to the principles referred to in Head 5 as well as the proper and efficient administration of justice.

(7) The quorum of the Rules Committee shall be 7 members.

PART 3

Jurisdiction

Head 19 – Transfer of proceedings

Provide that:

(1) A judge of the District Family Court before whom proceedings commenced in that Court are pending may, on the application of any party or on his or her own motion, transfer the proceedings to the Circuit Family Court if he or she considers the Circuit Family Court to be the more appropriate Court in the circumstances of the case upon such terms, and subject to such conditions as to costs or otherwise, as may appear to him or her to be just.

(2) In deciding whether to transfer the proceedings to the Circuit Family Court, a judge of the District Family Court shall have regard to—

- (a) the number of issues that remain in dispute between the parties,
- (b) the complexity of these issues,
- (c) where applicable, the value of any land or other assets to which the proceedings relate, and
- (d) the likely duration of the proceedings.

(3) Any order made (including an interim order) or act done in the course of proceedings transferred to the Circuit Family Court under subhead (1) before such transfer shall be valid unless discharged or varied by order of the Circuit Family Court.

(4) A judge of the Circuit Family Court before whom proceedings commenced in that Court are pending may, on the application of any party or on his or her own motion, transfer the proceedings to the District Family Court if he or she considers the District Family Court to be the more appropriate Court in the circumstances of the case upon such terms, and subject to such conditions as to costs or otherwise, as may appear to him or her to be just.

(5) (a) Proceedings transferred to the Circuit Family Court under subhead (1) shall not be transferred to the District Family Court under subhead (4).

(b) Proceedings transferred to the District Family Court under subhead (4) shall not be transferred to the Circuit Family Court under subhead (1).

(6) A court that has granted a decree of judicial separation, divorce or dissolution of a civil partnership shall not transfer under this Head proceedings between the parties in relation to orders under Part II of the Act of 1995, Part III of the Act of 1996 or Part 12 of the Act of 2010, as the case may be.

(7) A transfer of proceedings from the Circuit Family Court to the District Family Court under subhead (4) shall not confer on the District Family Court jurisdiction to make an order or

direction in any matter in relation to which the Circuit Family Court (except on appeal from the District Family Court) has made an order or direction in the transferred proceedings.

Head 20 – Amendment of Guardianship of Infants Act 1964

Provide that:

(1) The following is substituted for section 5 of the Guardianship of Infants Act 1964:

“Jurisdiction in guardianship matters

5. (1) Subject to subsection (2) of this section, the jurisdiction conferred on a court by this Part may be exercised by the District Family Court or the Circuit Family Court.

(2) The jurisdiction conferred by this Part is in addition to any other jurisdiction to appoint or remove guardians or as to the wardship of children or the care of children’s estates.”.

(2) The following is substituted for the definition of “court” in section 13 of the Guardianship of Infants Act 1964:

“‘the court’ means the Circuit Family Court or the District Family Court;”.

Head 21 – Amendment of Family Home Protection Act 1976

Provide that:

The following section is substituted for section 10 of the Family Home Protection Act 1976:

“Jurisdiction

10. (1) The District Family Court shall concurrently with the Circuit Family Court have jurisdiction to hear and determine proceedings under this Act.

(2) Where either spouse is a ward of court and there is a committee of the spouse’s estate, the jurisdiction conferred by this Act may be exercised by the court that appointed the committee.

(3) Proceedings under or referred to in this Act in which each spouse is a party (whether by joinder or otherwise) shall be conducted in a summary manner and shall be heard otherwise than in public.”.

Head 22 – Amendment of Family Law (Maintenance of Spouses and Children) Act 1976

Provide that:

The following subsections are substituted for subsections (1) and (2) of section 23 of the Family Law (Maintenance of Spouses and Children) Act 1976:

“(1) Subject to subsection (2) of this section, the Circuit Family Court and the District Family Court shall have jurisdiction to hear and determine proceedings under sections 5, 5A, 5B, 5C, 6, 7, 9 and 21A of this Act.

(2) (a) Subject to paragraph (c) of this subsection, nothing in subsection (1) of this section shall be construed as conferring on the District Family Court or the Circuit Family Court jurisdiction to make an order or direction under section 5, 5A, 5B, 6, 7 or 9 of this Act in any matter in relation to which the High Court has made an order or direction under any of those sections.

(b) Subject to paragraph (c) of this subsection, nothing in subsection (1) of this section shall be construed as conferring on the District Family Court jurisdiction to make an order or direction under section 5, 5A, 5B, 6, 7, or 9 of this Act in any matter in relation to which the Circuit Court or Circuit Family Court (except on appeal from the District Court or District Family Court) has made an order or direction under any of those sections.

(c) The District Family Court and the Circuit Family Court may vary or revoke an order or direction made by the High Court under section 5, 6 or 9 of this Act before the commencement of section 12 of the Courts Act 1981, if—

(i) the circumstances to which the order or direction of the High Court related have changed other than by reason of such commencement, and

(ii) in the case of a variation or revocation of such an order or direction by the District Family Court, the provisions of the order or direction would have been within the jurisdiction of that Court if the said section 12 had been in operation at the time of the making of the order or direction.”.

Head 23 – Amendment of Family Law Act 1981

Provide that:

The following section is substituted for section 8 of the Family Law Act 1981:

“Jurisdiction (sections 6 and 7).

8. The District Family Court shall concurrently with the Circuit Family Court have jurisdiction to hear and determine proceedings under section 6 or 7.”

Head 24 – Amendment of Status of Children Act 1987

Provide that:

(1) Section 33 of the Status of Children Act 1987 is amended, in the definition of “the Court”, by the substitution of “Circuit Family Court” for “Circuit Court”.

(2) The following subsection is substituted for subsection (2) of section 34 of the Status of Children Act 1987:

“(2)(a) The jurisdiction conferred on the Court by this section shall be exercised by a judge of the Circuit Family Court for the time being assigned to the Circuit Family Court circuit in which a party to the proceedings ordinarily resides or carries on any profession, business or occupation in the State, or a circuit in which a child whose parentage is the subject of the proceedings has, or had, a connection, or where no party to the proceedings ordinarily resides or carries on any profession, business or occupation in the State, the jurisdiction conferred on the Court by section 34 shall be exercised by a judge assigned to the Dublin Circuit Family Court..

(b) Notwithstanding paragraph (a), where it would be in the best interests of a child whose parentage is the subject of the proceedings or otherwise appropriate to do so in a specific case, jurisdiction may be exercised by a judge of another Circuit Family Court circuit with which the child, or another party to the proceedings, has a connection.”.

Head 25 – Amendment of Judicial Separation and Family Law Reform Act 1989

Provide that:

The following section is substituted for section 31 of the Judicial Separation and Family Law Reform Act 1989:

“Courts, jurisdiction and venue

31. (1) The District Family Court shall concurrently with the Circuit Family Court have jurisdiction to hear and determine proceedings under this Act for a decree of judicial separation.

(2) The jurisdiction referred to in subsection (1) of this section shall only be exercisable where either of the spouses to the proceedings is domiciled in the State on the date of the application commencing proceedings or is ordinarily resident in the State throughout the period of one year ending on that date.

(3) The jurisdiction referred to in subsection (1) of this section shall be exercised by the judge of the circuit or district where either spouse to the proceedings ordinarily resides or carries on any profession, business or occupation.”.

Head 26 – Amendment of Child Care Act 1991

Provide that:

The following section is substituted for section 28 of the Child Care Act 1991:

“Jurisdiction

28. (1) The District Family Court shall concurrently with the Circuit Family Court have jurisdiction to hear and determine proceedings under *Part III, IV or VI*.
- (2) The District Court and the Circuit Court on appeal from the District Court shall have jurisdiction to hear and determine summary proceedings for an offence under section 23NP (inserted by the Child Care (Amendment) Act 2011).
- (3) Proceedings under *Part III, IV or VI* may be brought, heard and determined before and by a judge of the District Family Court or the Circuit Family Court for the time being assigned to the district court district or circuit court district where the child resides or is for the time being.
- (4) The Family High Court shall have jurisdiction to hear and determine —
- (a) proceedings under Part IVA (as amended by the Child Care (Amendment) Act 2011), other than proceedings under section 23NP,
 - (b) any application or other matter under, and in accordance with, this Act (as amended by the Child Care (Amendment) Act 2011) that relates to a special care order, an interim special care order or the hearing and determination of proceedings for special care under Part IVA (as amended by the Child Care (Amendment) Act 2011),
 - (c) without prejudice to the generality of paragraph (b), any application or other matter under, and in accordance with, Part V (as amended by the Child Care (Amendment) Act 2011) that relates to proceedings under Part IVA (as amended by the Child Care (Amendment) Act 2011) for special care, and the hearing and determination of such proceedings other than proceedings under section 31(3) which relate to proceedings under Part IVA, and
 - (d) without prejudice to the generality of paragraph (b), any proceedings relating to section 37 (as amended by the Child Care (Amendment) Act 2011) in so far as they concern a child who is the subject of a special care order or an interim special care order during the period for which the order concerned has effect.
- (5) The District Family Court, and the Circuit Family Court on appeal from the District Family Court, shall have jurisdiction to hear and determine an application for a care order or a supervision order notwithstanding that, at the time that application is made, a special care order or an interim special care order has effect in respect of the child concerned.”

Head 27 – Amendment of Maintenance Act 1994

Provide that:

(1) The following subsection is substituted for subsection (11) of section 14 of the Maintenance Act 1994:

“(11) The jurisdiction conferred by this section may be exercised—

(a) in the case of the Circuit Family Court, by the judge of the circuit, and

(b) in the case of the District Family Court, by the judge of the District Family Court assigned to the district court district,

in which the respondent resides or carries on any profession, business or occupation or, as the case may be, to which proceedings have been transferred under subsection (7).”.

(2) The following subsection is substituted for subsection (2) of section 15 of the Maintenance Act 1994:

“(2) (a) Such a claimant may give evidence on sworn deposition before the District Family Court as to the facts relating to the claim, and the Court, if satisfied that the deposition sets forth facts from which it may be determined that the respondent concerned owes a duty to maintain the claimant, may certify accordingly.

(b) The district court clerk concerned shall give to the claimant a certified copy of the deposition and certificate.

(c) The jurisdiction conferred on the District Family Court by this subsection may be exercised by the judge of the District Family Court assigned to the district court district in which the claimant resides or carries on any profession, business or occupation.”.

Head 28 – Amendment of Family Law Act 1995

Provide that:

The following section is substituted for section 38 of the Family Law Act 1995—

“Jurisdiction of courts and venue

38. (1) Subject to the provisions of this section, the Circuit Family Court shall concurrently with the Family High Court have jurisdiction to hear and determine proceedings under this Act.

(2) Subject to the other provisions of this section, the Circuit Family Court shall concurrently with the Family High Court have jurisdiction to hear and determine proceedings for a decree of nullity.

(3) The jurisdiction conferred on the Circuit Family Court and the Family High Court by this Act may be exercised by the judge of the circuit in which any of the parties to the proceedings ordinarily resides or carries on any business, profession or occupation.

(4) In proceedings under section 8, 9, 10 (1) (a), 11, 12, 13, 14, 15A, 18, 23 or 25—

(a) each of the spouses concerned shall give to the other spouse and to, or to a person acting on behalf of, any dependent member of the family concerned, and

(b) any dependent member of the family concerned shall give to, or to a person acting on behalf of, any other such member and to each of the spouses concerned,

such particulars of his or her property and income as may reasonably be required for the purposes of the proceedings.

(5) Where a person fails or refuses to comply with subsection (4), the court, on application to it in that behalf by a person having an interest in the matter, may direct the person to comply with that subsection.”.

Head 29 – Amendment of Family Law (Divorce) Act 1996

Provide that:

The following section is substituted for section 38 of the Family Law (Divorce) Act 1996:

“Jurisdiction of courts and venue

38. (1) Subject to the provisions of this section, the District Family Court shall concurrently with the Circuit Family Court have jurisdiction to hear and determine proceedings under this Act.

(2) The jurisdiction conferred on the District Family Court and the Circuit Family Court by this Act may be exercised by the judge of the district or circuit in which any of the parties to the proceedings ordinarily resides or carries on any business, profession or occupation.

(3) In proceedings under section 13, 14, 15 (1) (a), 16, 17, 18 or 22—

(a) each of the spouses concerned shall give to the other spouse and to, or to a person acting on behalf of, any dependent member of the family concerned, and

(b) any dependent member of the family concerned shall give to, or to a person acting on behalf of, any other such member and to each of the spouses concerned,

such particulars of his or her property and income as may reasonably be required for the purposes of the proceedings.

(4) Where a person fails or refuses to comply with *subsection (3)*, the court on application to it in that behalf by a person having an interest in the matter, may direct the person to comply with that subsection.”.

Head 30 - Amendment of Protection of Children (Hague Convention) Act 2000

Provide that:

(1) Section 3(2) of the Protection of Children (Hague Convention) Act 2000 is amended by substituting “Circuit Family Court” for “Circuit Court” wherever it occurs and substituting “District Family Court” for “District Court” wherever it occurs.

(2) The following section is substituted for section 4 of the Protection of Children (Hague Convention) Act 2000:

“Exercise of jurisdiction

4. (1) The jurisdiction of the Circuit Family Court or District Family Court under the Convention may be exercised—

(a) in proceedings to which Chapter II of the Convention relates, by the judge of the Circuit Family Court or District Family Court who has jurisdiction in such proceedings under the law for the time being in force,

(b) in any application—

(i) under Chapter IV of the Convention for the recognition, enforcement or non-recognition of a measure, or

(ii) under Article 35.2 for a finding on the suitability of a parent to exercise access to his or her child and on the conditions under which access is to be exercised,

by the judge of the District Family Court for the time being assigned to the district family court district in which the applicant or defendant resides,

(c) in relation to a request to either Court under Article 32b, 34.1 or 35.1, by the judge of the Circuit Family Court or District Family Court for the time being assigned to the circuit family court district or the district family court district in which the child to whom the request relates resides.

(2) Notwithstanding subsection (1), in any case of urgency the jurisdiction of the Circuit Family Court or District Family Court as respects the proceedings mentioned in that subsection may be exercised by any judge of the Circuit Family Court or District Family Court if he or she is of the opinion that the best interests of the child concerned require that the jurisdiction be so exercised.

(3) In any case not provided for by the foregoing provisions of this section the jurisdiction of the Circuit Family Court or District Family Court under the Convention may be exercised by a circuit family court judge assigned to the Dublin circuit or a district family court judge assigned to the Dublin Metropolitan District.”.

Head 31 – Amendment of Civil Registration Act 2004

Provide that:

(1) Section 47(1) of the Civil Registration Act 2004 is amended by the deletion of the words “or the High Court”.

(2) Section 60(8) of the Civil Registration Act 2004 is amended by the substitution of “Family High Court” for “High Court”.

Head 32 – Amendment of Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010

Provide that:

(1) Section 52A of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 is amended by substituting “District Family Court” for “District Court” wherever it occurs.

(2) The following definition is substituted for the definition of “court” in section 53(1) of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010:

“ ‘court’ means—

(a) the relevant Circuit Family Court, in respect of an application under this Part made by a person on whose application the Circuit Family Court has made an antecedent order, and

(b) the District Family Court, in respect of an application under this Part made by—

(i) a person on whose application the District Family Court has made an antecedent order, or

(ii) a District Court Clerk to whom payments are required to be made under an antecedent order;”.

(3) Section 139 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 is amended—

(a) by the deletion of the definition of “Circuit Court”, and

(b) by the insertion of the following definition:

“ ‘Circuit Family Court’ means the Circuit Family Court when it is exercising its jurisdiction to hear and determine civil partnership law proceedings;”.

(4) The following definition of “District Family Court” is inserted in section 139 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010:

“ ‘District Family Court’ means the District Family Court when it is exercising its jurisdiction to hear and determine civil partnership law proceedings;”.

(5) The following section is substituted for section 140 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010:

“Jurisdiction and venue

140 (1) Subject to the other provisions of this section, the District Family Court and the Circuit Family Court have concurrent jurisdiction to hear and determine civil

partnership law proceedings except that the District Family Court does not have jurisdiction to hear and determine proceedings for a decree of nullity under section 107.

(2) The District Family Court and the Circuit Family Court have concurrent jurisdiction to hear and determine proceedings under sections 45, 46, 47 and 50 except that the District Family Court does not have jurisdiction to make an order or direction under one of those sections in a matter in relation to which the Circuit Court or Circuit Family Court has made an order or direction otherwise than on appeal from the District Family Court.

(3) The court shall only exercise its jurisdiction in civil partnership law proceedings if a party to the proceedings—

(a) is domiciled in the State on the date on which the proceedings are commenced, or

(b) is ordinarily resident in the State throughout the one-year period that ends on that date.

(4) The jurisdiction conferred on the District Family Court and Circuit Family Court may be exercised by the judge of the relevant district or circuit in which a party to the civil partnership law proceedings ordinarily resides or carries on a business, profession or occupation.

(5) If a civil partner is a ward of court and there is a committee of the civil partner's estate, the jurisdiction under this section in proceedings under Part 4 may be exercised by the court that has appointed the committee.”.

(6) The following definition of “court” is substituted for the definition of “court” in section 171 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 :

“ ‘court’ means the Circuit Family Court or the District Family Court;”.

(7) The following subsections are substituted for subsections (1) and (2) of section 196 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010:

“(1) Subject to the other provisions of this section, the Circuit Family Court has jurisdiction to hear and determine applications for orders for redress referred to in section 173 and orders for provision from the estates of deceased cohabitants under section 194.

(2) The District Family Court and the Circuit Family Court have concurrent jurisdiction to hear and determine applications for orders for redress referred to in section 173 and orders for provision from the estates of deceased cohabitants under section 194, except that the District Family Court does not have jurisdiction to make such an order in a matter in relation to which the Circuit Court or Circuit Family Court has made such an order otherwise than on appeal from the District Court or District Family Court.”.

(8) The following subsection is substituted for subsection (5) of section 196 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010:

“(5) The jurisdiction conferred on the District Family Court and Circuit Family Court may be exercised by the judge of the relevant district or circuit in which a party to the civil partnership law proceedings ordinarily resides or carries on a business, profession or occupation.”.

Head 33 – Amendment of Children and Family Relationships Act 2015

Provide that:

(1) Sections 21(1) and 40(1) of the Children and Family Relationships Act 2015 are amended by the substitution of “District Family Court” for “District Court”;

(2) Sections 22, 35(5), 40(2) and 40(3) of the Children and Family Relationships Act 2015 are amended by the substitution of “Circuit Family Court” for “Circuit Court” wherever it occurs.

Head 34 – Amendment of Domestic Violence Act 2018

Provide that:

(1) Section 2 of the Domestic Violence Act 2018 is amended by the substitution of the following for the definition of “the court”:

“ ‘court’ means the District Family Court or the Circuit Family Court but may, in the case of *ex parte* applications under sections 8, 9 and 10 and special sittings under section 24, include the District Court and Circuit Court;”

(2) Section 6 of the Domestic Violence Act 2018 is amended in subsections (4) to (6) by substituting “Circuit Family Court” for “Circuit Court” wherever it occurs and substituting “District Family Court” for “District Court” wherever it occurs.

(3) Section 7 of the Domestic Violence Act 2018 is amended in subsections (8) to (10) by substituting “Circuit Family Court” for “Circuit Court” wherever it occurs and substituting “District Family Court” for “District Court” wherever it occurs.

(4) Section 22 of the Domestic Violence Act 2018 is amended by substituting the following for subsection (1):

“(1) The jurisdiction of the court in respect of civil proceedings under this Act may be exercised—

(a) as regards the Circuit Court, by the judge of the Circuit Court within whose circuit, and

(b) as regards the Circuit Family Court, by the judge of the Circuit Family Court within whose circuit, and

(c) as regards the District Court, by a judge of the District Court for the time being assigned to the district court district within which, and

(d) as regards the District Family Court, by a judge of the District Family Court for the time being assigned to the district family court district within which,

the applicant resides or, if the application is for a barring order or an emergency barring order, the place, in relation to which that application was made, is situated.”.

(5) Section 23 of the Domestic Violence Act 2018 is amended by substituting the following for subsection (3):

“(3) (a) Civil proceedings under this Act before the District Court or District Family Court shall be as informal as is practicable and consistent with the administration of justice.

(b) District Court judges and District Family Court judges hearing and determining civil proceedings under this Act and barristers and solicitors appearing in those proceedings shall not wear wigs or gowns.”.

(6) Section 24 of the Domestic Violence Act 2018 is amended by substituting the following for section 24:

“Special sitting of District Court or District Family Court

24. (1) A member of the Garda Síochána not below the rank of sergeant may request the Courts Service to arrange a special sitting of the District Court or District Family Court for the purposes specified in subsection (2)—

(a) where a person has informed the member that he or she wishes to make an application referred to in paragraph (a) of that subsection, and

(b) at the time the person so informs the member, there is no District Court or District Family Court sitting in the district court or district family court district in which that person would make such an application if that court was sitting.

(2) The purposes referred to in subsection (1) are—

(a) to facilitate the making and determination of an application for an interim barring order, an emergency barring order or a protection order, and

(b) where necessary for the purposes of an application referred to in paragraph (a), to facilitate the making of an application for a safety order or a barring order.

(3) The Courts Service may, with the consent of a judge of the District Court or District Family Court exercising jurisdiction in accordance with section 22, arrange such special sittings of the District Court or District Family Court in the district court district referred to in subsection (1)(b) as may be necessary for the purposes specified in subsection (2).

(4) In this section, “special sitting” means a sitting of the District Court or District Family Court at a place and time not standing appointed for the time being under section 26 of the Courts of Justice Act 1953 or section 40 or 42 of the Courts (Supplemental Provisions) Act 1961 for the transaction of the business of the District Family Court.”.

(7) Section 25 of the Domestic Violence Act 2018 is amended by substituting the following for subsection (4):

“(4) Where a court transfers proceedings under subsection (3), the jurisdiction of the court to which the proceedings have been transferred may be exercised—

(a) in the case of the Circuit Family Court, by the judge of the circuit concerned, and

(b) in the case of the District Family Court, by the judge of that court for the time being assigned to the district court district concerned.”.

Part 4

Protection for parties to proceedings

Head 35 – Definitions

Provide that:

In this Part—

“Act of 1976” means the Family Home Protection Act 1976;

“Act of 1981” means the Courts Act 1981;

“Act of 1989” means the Judicial Separation and Family Law Reform Act 1989;

“Act of 1991” means the Courts Act 1991;

“Act of 1995” means the Family Law Act 1995;

“Act of 1996” means the Family Law (Divorce) Act 1996;

“Act of 2010” means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

“broadcast” has the same meaning as it has in section 2 of the Broadcasting Act 2009;

“publish” means publish, other than by way of broadcast, to the public or a portion of the public and includes publication on social media.;

“relevant enactment” means any of the following provisions:

- (a) section 2(1B) (inserted by section 20 of the Courts Act 1971) of the Legitimacy Act 1931;
- (b) section 45 of the Courts (Supplemental Provisions) Act 1961 (in so far as it relates to matrimonial causes or matters, or minor matters);
- (c) section 25 of the Family Law (Maintenance of Spouses and Children) Act 1976;
- (d) section 10 of the Family Home Protection Act 1976;
- (e) section 36 of the Status of Children Act 1987;
- (f) section 34 of the Judicial Separation and Family Law Reform Act 1989;
- (g) section 7 of the Maintenance Act 1994;
- (h) section 33 or 38 of the Act of 1995;

- (i) section 38 of the Act of 1996;
- (j) section 36 of the Domestic Violence Act 2018;
- (k) section 18, 30, 31, 49, 54 or 92 of the Adoption Act 2010;
- (l) section 145 or 199 of the Act of 2010.

Head 36 - Proceedings heard otherwise than in public

Provide that:

(1) In this Head, “court” includes the Master of the High Court and the County Registrar.

(2) Nothing contained in a relevant enactment shall operate to prohibit—

(a) the preparation by a barrister at law or a solicitor or a person falling within any other class of persons specified in regulations made by the Minister and publication of a report of proceedings to which the relevant enactment relates, or

(b) the publication of the decision of the court in such proceedings, in accordance with rules of court, provided that the report or decision does not contain any information which would enable the parties to the proceedings or any child to which the proceedings relate to be identified and, accordingly, unless in the special circumstances of the matter the court, for reasons which shall be specified in the direction, otherwise directs, a person referred to in paragraph (a) may, for the purposes of preparing such a report—

(i) attend the proceedings, and

(ii) have access to any relevant court documents,

subject to any directions the court may give in that behalf.

(3) (a) Subject to paragraph (b), nothing contained in a relevant enactment shall operate to prohibit bona fide representatives of the Press from attending proceedings to which the relevant enactment relates.

(b) Subject to paragraphs (c) and (d), where, in proceedings under a relevant enactment, a court is satisfied that it is necessary to do so—

(i) in order to preserve the anonymity of a party to the proceedings, a witness or any child to whom the proceedings relate,

(ii) by reason of the nature or circumstances of the case, or

(iii) as it is otherwise necessary in the interests of justice,

the court may, on its own motion, or on application to it by a party to the proceedings or by a person on behalf of a child to whom the proceedings relate, by order—

(I) exclude, or otherwise restrict the attendance of, bona fide representatives of the Press from the court during the hearing or particular parts of it, or

(II) prohibit or restrict the publication or broadcasting of any evidence given or referred to during the proceedings or any part of such evidence,

and any such order may, with regard to any restriction, contain such conditions as the court considers appropriate.

(c) In determining whether or not to make an order under paragraph (b), a court shall have regard to the desirability of promoting public confidence in the administration of justice and to any other matter that appears to it to be relevant and shall, in particular, have regard to the following:

(i) the best interests of a child to whom the proceedings relate;

(ii) the views, if any, of—

(I) a party to the proceedings, and

(II) a child to whom the proceedings relate who is, in the opinion of the court, capable of forming his or her own views;

(iii) whether information given or likely to be given in evidence is sensitive personal information;

(iv) the extent to which the attendance of bona fide representatives of the Press might inhibit or cause undue distress to a party to the proceedings or a child to whom the proceedings relate by reason of the emotional condition or any medical condition, physical impairment or intellectual disability of the party or the child concerned;

(v) the need to protect a party to the proceedings or a child to whom the proceedings relate against coercion, intimidation or harassment;

(vi) whether information given or likely to be given in evidence might be prejudicial to a criminal investigation or criminal proceedings;

(vii) whether information given or likely to be given in evidence is commercially sensitive information; and

(viii) whether information of the type referred to in subparagraphs (iii), (vi) and (vii) when taken together with other information would, if published or broadcast, be likely to lead members of the public to identify a party to the proceedings or a child to whom the proceedings relate.

(d) In considering the views of a child referred to in clause (II) of paragraph (c)(ii), a court shall take account of the age and level of maturity of the child concerned.

(e) Where evidence in proceedings to which a relevant enactment relates concerns a matter referred to in subparagraph (vi) of paragraph (c), an application under paragraph (b) may be made by or on behalf of the Director of Public Prosecutions.

(f) In this subhead—

“commercially sensitive information” means—

(i) financial, commercial, scientific, technical or other information the disclosure of which could reasonably be expected to result in a material financial loss or gain to the person to whom it relates, or could prejudice the competitive position of that person in the conduct of his or her business or otherwise in his or her occupation, or

(ii) information the disclosure of which could prejudice the conduct or outcome of contractual or other negotiations of the person to whom it relates;

“party to the proceedings” includes a witness in the proceedings;

“sensitive personal information” means information about a person that would, in the ordinary course of events, be known only to the person or members of the family, or friends, of the person, and includes but is not limited to—

(i) information relating to the medical, psychiatric or psychological history of the person,

(ii) information relating to the tax affairs of the person,

(iii) information relating to the sexual conduct or sexual orientation of the person.

(4) Nothing contained in a relevant enactment shall operate to prohibit a party to proceedings to which the enactment relates from supplying copies of, or extracts from, orders made in the proceedings to such persons and in accordance with such conditions (if any) as may be prescribed by order of the Minister.

(5) Nothing contained in a relevant enactment shall operate to prohibit a party to proceedings to which the enactment relates from being accompanied, in such proceedings, in court by another person subject to the approval of the court and any directions it may give in that behalf.

(6) Nothing contained in an enactment that prohibits proceedings to which the enactment relates from being heard in public shall operate to prohibit the production of a document prepared for the purposes or in contemplation of such proceedings or given in evidence in such proceedings, to—

(a) a body or other person when it, or he or she, is performing functions under any enactment consisting of the conducting of a hearing, inquiry or investigation in relation to, or adjudicating on, any matter, or

(b) such body or other person as may be prescribed by order made by the Minister, when the body or person concerned is performing functions consisting of the conducting of a hearing, inquiry or investigation in relation to, or adjudicating on, any matter as may be so prescribed.

(7) Nothing contained in an enactment that prohibits proceedings to which the enactment relates from being heard in public shall operate to prohibit the giving of information or evidence given in such proceedings to—

(a) a body or other person when it, or he or she, is performing functions under any enactment consisting of the conducting of a hearing, inquiry or investigation in relation to, or adjudicating on, any matter, or

(b) such body or other person as may be prescribed by order made by the Minister, when the body or person concerned is performing functions consisting of the conducting of a hearing, inquiry or investigation in relation to, or adjudicating on, any matter as may be so prescribed.

(8) A court hearing proceedings under a relevant enactment shall, on its own motion or on the application of one of the parties to the proceedings, have discretion to order disclosure of documents, information or evidence connected with or arising in the course of the proceedings to third parties if such disclosure is required to protect the legitimate interests of a party or other person affected by the proceedings.

(9) A hearing, inquiry or investigation referred to in subhead (6) or (7) shall, in so far as it relates to a document referred to in subhead (6) or information or evidence referred to in subhead (7), be conducted otherwise than in public and no such document, information or evidence shall be published.

(10) This head shall apply to proceedings brought, and decisions of a court made, whether before or after the commencement of this head.

(11) In subhead (2), “relevant court documents”, in relation to any proceedings referred to in that subhead—

(a) subject to paragraph (b), means—

(i) the petition, summons or other originating document in the proceedings,

(ii) any pleadings, report and other document (including reports prepared in accordance with the Child Care Act 1991, if any and the terms of settlement, if any) produced to or lodged with the court, or included in any book of pleadings, in the course of the proceedings, and

(iii) any order made or judgment of the court in the proceedings,

(b) does not include any document the contents of which are expressed to be without prejudice or in terms having a like effect.

Head 37 – Prohibition on publication or broadcast of certain matters

Provide that:

(1) No person shall publish or broadcast or cause to be published or broadcast any information about a matter which would be likely to lead members of the public to identify the parties to proceedings to which a relevant enactment relates or any child to whom those proceedings relate.

(2) If any matter is published or broadcast in contravention of subhead (1), each of the following persons, namely—

(a) in the case of publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical,

(b) in the case of any other publication, the person who publishes it, and

(c) in the case of a broadcast, any person who transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of an editor of a newspaper,

shall be guilty of an offence and shall be liable—

(i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or both, or

(ii) on conviction on indictment, to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 3 years or both.

(3) (a) Where an offence under this section is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, shall be guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(b) Where the affairs of a body corporate are managed by its members, paragraph (a) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(4) Nothing in this section shall affect the law as to contempt of court.

(5) It shall be a defence for a person who is charged with an offence under this section to prove that at the time of the alleged offence the person was not aware, and neither suspected nor had reason to suspect, that the matter alleged to have been published or broadcast was a matter specified in this section.

Part 5

Transitional provisions

Head 38 – Continuity of administration of justice not to be affected

Provide that:

(1) The continuity of the administration of justice shall not be interrupted by—

(a) the coming into operation of any provision of this Act, or

(b) the assignment of—

(i) a judge of the District Court to the District Family Court,

(ii) a judge of the Circuit Court to the Circuit Family Court, or

(iii) a judge of the High Court to the Family High Court.

(2) A judge of the District Family, Circuit Family Court and Family High Court may perform the functions and exercise the powers conferred respectively on the District Family Court, Circuit Family Court and Family High Court, notwithstanding that those proceedings may have been pending at the date of coming into operation of this Part.

Schedule 1

Repeals

Acts Repealed

Act	Provision
Courts Act 1981	Section 16 in so far as it relates to the Guardianship of Infants Act 1964 and the Family Law (Maintenance of Spouses and Children) Act 1976
Judicial Separation and Family Law Reform Act 1989	Sections 32, 33 and 45
Child Care Act 1991	Section 29(2) and (3)
Family Law Act 1995	Section 38(4)(b) and 38(6)
Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010	Sections 51(3), 140(4), 143, 144, 196(6) to (7), 198
Domestic Violence Act 2018	Sections 23(4) to (6)

Schedule 2
Amendments to enactments

Act	Provision	Amendment
Adoption Act 2010	Section 18 (as substituted by s.8 of 2017 Act)	Substitute references to “Family High Court” for “High Court”
	Section 26	Substitute references to “Family High Court” for “High Court”
	Section 30 (as substituted by s.13 of 2017 Act)	Substitute references to “Family High Court” for “High Court”
	Section 31 (as substituted by s.14 of 2017 Act)	Substitute references to “Family High Court” for “High Court”
	Section 49	Substitute references to “Family High Court” for “High Court”
	Section 53	Substitute references to “Family High Court” for “High Court”
	Section 54	Substitute references to “Family High Court” for “High Court”
	Section 54(2) (as substituted by s.24 of 2017 Act)	Substitute references to “Family High Court” for “High Court”
	Section 54(2A) (as inserted by s.24 of 2017 Act)	Substitute references to “Family High Court” for “High Court”
	Section 54(3) (as substituted by s.24 of 2017 Act)	Substitute references to “Family High Court” for “High Court”
Section 55	Substitute references to “Family High Court” for “High Court”	

	Section 92	Substitute references to “Family High Court” for “High Court”
Adoption (Amendment) Act 2017	Section 14	Substitute references to “Family High Court” for “High Court”
Child Abduction and Enforcement of Custody Orders Act 1991	Section 2 Section 37(5) and (7)	Substitute ““the Court” means the Family High Court” for ““the Court” means the High Court;” Substitute references to “District Family Court” for “District Court”;
Children Act 1997	Section 27	Insert “or Circuit Family Court” after “Circuit Court” and “or District Family Court” for “District Court”.
Civil Registration Act 2004	Section 23B	Substitute reference to “District Family Court” for “District Court”.
Civil Registration Act 2004	Section 22, 23A, 23B, 46, 58	Substitute references to “Circuit Family Court” for “Circuit Court”.
Civil Registration Act 2004	Section 46	Substitute references to “Family High Court” for “High Court”.
Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 Note: have not made any amendments regarding references to district court or circuit court clerk.	Section 50 (6) and 51(3)	Substitute reference to “District Family Court” for “District Court”.
Family Law (Maintenance of Spouses and Children) Act 1976	Section 8 Section 8A Section 8B	Substitute references to “District Family Court” for “District Court”;

	Section 9A Section 10 Section 23 Section 25 Section 28	Substitute references to “Circuit Family Court” for “Circuit Court”; Substitute references to “Family High Court” for “High Court”; wherever they occur
Family Law (Protection of Spouses and Children) Act 1981	Section 12	Substitute references to “District Family Court” for “District Court”; Substitute references to “Circuit Family Court” for “Circuit Court”;
Health Act 1970	Section 64(3)	Substitute reference to “District Family Court” for “District Court” and substitute reference to “Circuit Family Court” for “Circuit Court”.
Maintenance Act 1994	Section 14	Substitute reference to “District Family Court” for “District Court” and substitute reference to “Circuit Family Court” for “Circuit Court”.
Protection of Children (Hague Convention) Act 2000	Section 3	Substitute references to “District Family Court” for “District Court”.
Social Welfare Consolidation Act 2005	Section 51(2) Section 142A(4)(d) as inserted by section 6(c) of the Social Welfare and Pensions Act 2009 Section 197(3) as substituted by section 7(a) of the Social Welfare and Pensions Act 2009	Substitute references to “District Family Court” for “District Court” and substitute references to “Circuit Family Court” for “Circuit Court” and substitute references to “Family High Court” for “High Court”; wherever they occur.