

# FLACsheet

## Family Law Queries during Covid19 outbreak



FLAC (Free Legal Advice Centres) is a voluntary, campaigning organisation which promotes equal access to justice for everybody in Ireland. As an independent rights organisation, FLAC is not part of the state-funded Legal Aid Board, which is responsible for administering government-funded legal aid and advice.

This sheet explains family law rights during the current Covid19 outbreak. As this is an evolving situation, this information is subject to change.

**It is important to note all family law cases are different and what follows is general guidance only.**

This document is for information purposes only and should not be considered as legal advice on your individual circumstances. For further information please contact the FLAC's Telephone Information line on **1890 350250** or **01 8745690** - Monday to Friday 9.30-1pm and 2-5pm.

### Access

**I am a parent with an access order in place. I have an underlying health condition and am worried that allowing my ex-partner access to our children puts the children and myself at risk of contracting Covid-19. What can I do?**

The basic principle is that all court orders must be complied with. If there is a breach of the court order and access is unreasonably denied, the parent or guardian can apply to the court for an enforcement order. The relevant legislation dealing with breach of custody or access order is **Section 60 of the Child and Family Relationships Act 2015.**

However, as the Courts are closed at present, except for emergency applications, consideration should be given to the following:

- At all times, a parent or guardian must act in the best interests of the child, and it is worth noting that this is a short term emergency.
- Reasonable attempts should be made by the parents/guardians to comply with current access arrangements and abide by HSE guidelines on safe social interactions.

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- Parents need to be reasonable and need to accommodate each other particularly when to comply with an order could put the other parent's health or the health of the children at risk. Remember these are difficult times for everyone.
- Where there are health risks or underlying medical conditions, parents should attempt to reach agreement to vary the access arrangements. Consideration should be given to the location of access. Where this is a public location, this may need to change as a short term measure.
- The health and safety of the child and all parties concerned must be taken into consideration, this is especially important where there is contact with Grandparents.
- Where face-to-face contact is not possible, parents should consider using Skype, WhatsApp or FaceTime instead. Communication is key.
- Keep copies of all texts and emails in case they will be required in court in the future.

If it is not possible to reach agreement to vary the court order, then the parent/guardian, having regard to the best interests of the child, may have to decide to temporarily suspend access, pending the ending of the Covid19 restrictions.

## Maintenance

**I have lost my job as a result of Covid-19 and cannot afford to pay the child maintenance as set out in the Maintenance Order.**

**What should I do?**

- Contact your ex-partner and explain your situation.
- See if you can afford to make any contribution towards the maintenance
- Keep a note of all communications made to your ex-partner
- Apply for an Order to vary the maintenance as soon as the Court offices reopen.
- Arrears of maintenance payments will remain outstanding.

# Domestic Violence

Due to the Covid19 outbreak myself and my family are staying at home to keep safe. However my partner has become quite violent towards myself and the children. What should I do?

- **Contact the Gardaí for immediate assistance**
- Contact the District Family Law Court. The offices are open and are prioritising emergency applications for domestic violence.
- links to relevant support groups:
  - Womens Aid - <https://www.womensaid.ie>
  - Amen - <https://www.mensaid.ie>
  - Sonas - <http://www.domesticabuse.ie>

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## Updates to the Family Law System

The District Family Courts are still dealing with applications for interim barring orders, emergency barring orders, barring orders, protection and safety orders.

For the most up-to-date information on the Courts please visit [www.courts.ie](http://www.courts.ie)

On 26 March the President of the District Court issued a statement regarding Family Law. You can read this statement at this link <https://beta.courts.ie/news/president-district-court-family-law-statement>