

Cherish House
2 Lower Pembroke Street, Dublin 2
Tel: 01 662 9212
Fax: 01 662 9096
Email: info@onefamily.ie
www.onefamily.ie



Going to Court

If you are not familiar with the court setting, it can seem like an unknown entity, and can add to your anxiety, or indeed increase your reluctance to engage in a court process at all. Here are the basics about what to expect in family law court.

Proceedings in relation to family law are *in camera*, that is, no one is allowed in the court who is not directly concerned with the particular case being heard. This affords much needed privacy to the parties.

The family court system strives to be as user friendly as possible. Judges and lawyers working in the family court do not wear the usual wigs and gowns used by barristers and judges in the non-family courts. The courtroom is cleared of all persons not involved in the case. The court listens to all parties, represented or not. The court strives to deal with parties before it in a courteous manner. Both parties before the court will get the chance to state their case. Where a party makes an assertion, that is, tells the court a particular fact is true, the court will ask the other party to comment. It is not the case that one party gets to do all the talking.

The courts are under pressure to deal with many cases on any given day, and parties should be prepared to tell the court clearly what the situation is, and where possible document the situation to show the court what they are saying is true.

For example, if a party is applying for maintenance, they should be able to show the court what their expenses and income are, and how much it costs to raise the child in question.

In an access application, parents should be able to show the court how access would or would not suit the activities which the child engages in, for example if a child plays sports on a Saturday, would this fit in with access or not.

In Dublin, persons who want to make an application to the District Court will go to Dolphin House. They can discuss the matter briefly with a court employee, and may be given an appointment to discuss the matter in more depth if this is necessary. Thus their privacy is protected. They will be advised as to the mechanics of making an application before the court. Actual legal advice will not however be given in that forum.