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Maintenance of Children

All parents are obliged by law to maintain their children financially. This extends to when the child reaches 18, or 23 if they are in full time education, or is suffering from a physical or mental disability which would prevent the child from achieving financial independence.

The payment of maintenance is NOT related to whether a parent has actual access to the child or not, it is a stand-alone obligation.

How much is payable depends on each case – if agreement cannot be reached between the parents, then an application can be made to the court for the court to set a maintenance amount. An application can be made in the District, Circuit or High Court, depending on the amount of maintenance which is sought.

The court will look at the incomes of both parents, their outgoings, and what is needed to maintain the particular child. All expenses such as school, medical and dental, food and so on will be taken into account. The court will expect each party to be able to prove what their actual incomes and outgoings are. The amount of maintenance set by the court will vary in each case depending on the individual circumstances.

If a parent who is paying maintenance finds their circumstances have changed, and the amount of maintenance has been set by a court, the correct procedure is for that parent to make an application to the court for an order varying the amount. The court will review the amount in the manner set out above, and may or may not grant the order to vary.

If the parent who has actual care of the child is in receipt of social welfare payments in respect of the child, this does not mean the other parent is excused from maintaining the child.

If parents are married and separating or divorcing, the matter of maintenance for dependent children will be dealt with in that context, either by agreement between the parties or by the court in the absence of such an agreement.

This is a very brief outline of maintenance issues, It is not intended as a substitute for a proper consultation with a legal adviser. It is essential that anyone who needs to obtain maintenance from the other parent seeks legal advice beforehand, in order to decide how best to proceed.