Irish Association of Social Workers (IASW) Family Law Training with Treoir

Friday, 11 September 2026.

Sinéad Murray, Senior Information & Training Officer at Treoir
information.officer@treoir.ie
Ask for Treoir 01 6700 120

Housekeeping

- Slides will be sent out after workshop.
- They'll be a short online anonymous survey at the end to help us improve the workshops, would really appreciate if you could take 2 minutes to fill it out.
- I will pause after each topic for any questions, feel free to unmute yourself or put questions/case studies in the chat!
- We have translators available if needed, just give us a day or two's notice.

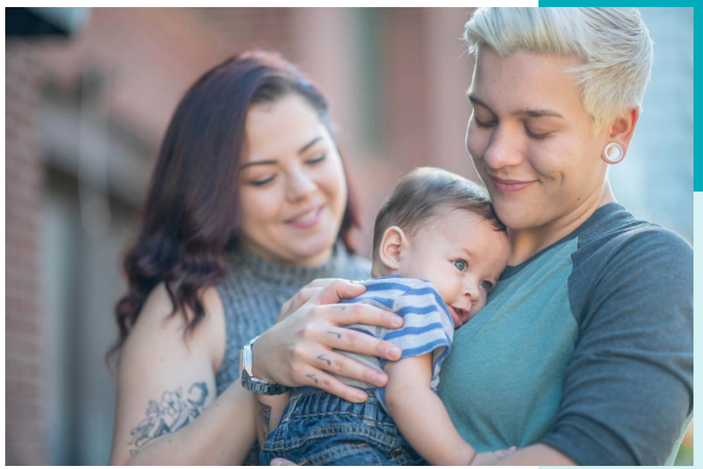


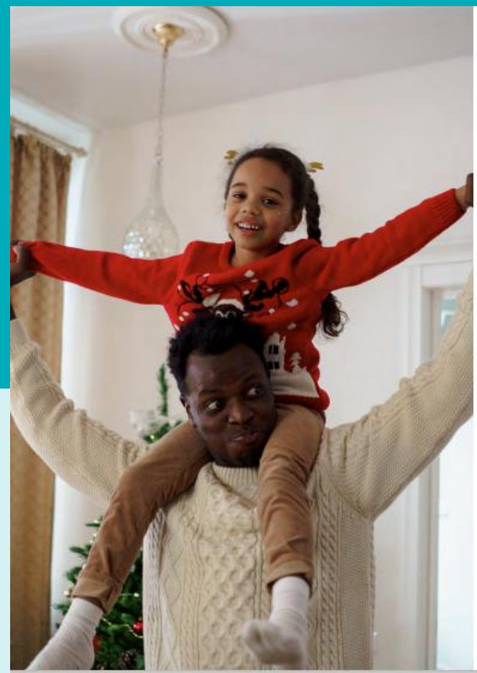


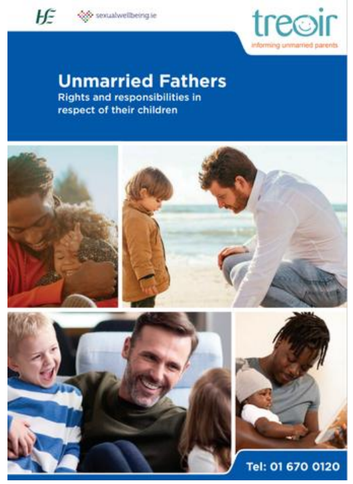
Who is Treoir for?

Mothers solo parenting, single dads, cohabiting couples, parents sharing parenting, extended family members, kinship carers, blended families, LGBTQ+ parents, and stepparents.



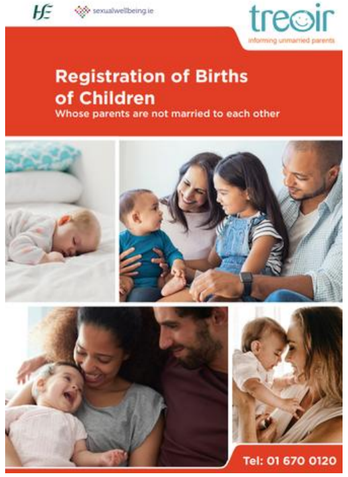






Structure & Background of Treoir

- Founded in 1976 - 50 year anniversary
- Treoir is the Irish word for ‘guidance’
- Advocates for diverse family life in Ireland
- All children have a right to know both their parents, and to be loved and cared for by them, when safe to do so.
- Advocates for equal rights and protection of all non-marital families.



- https://treoir.ie/request-a-call-back
- **Order Publications: https://treoir.ie/media/publications/leaflet-order-form/**
- **or call us on (01) 6700 120 (Mon-Fri 10am-4pm)**

treoir

teenparents support programme

Kinship Care Ireland

Young Parents Support Programme

www.kinshipcare.ie/

Call Treoir line on 01 6700 120.

Young Parent Support Programme (YPSP) up to age 24, formerly the Teen Parent Support Programme (TPSP), www.youngparents.ie

087 251 8428.

INTRODUCTION TO KINSHIP CARE

JOIN OUR FREE WEBINAR AS PART OF GLOBAL KINSHIP CARE WEEK 2026

We will cover:

- Kinship Care Ireland- who are we and what do we do
- What is kinship care- formal & informal
- The benefits & challenges of kinship care
- The voice of kinship carers & young people in kinship care
- In the interim of policy- what can we do as practitioners to better support kinship families in our community?
- Hear about the exciting new Kinship Care resources launched as part of Global Kinship Care Week 2026

TUESDAY

6TH OCTOBER 2026

10:30am-12:00pm

REGISTER BY EMAILING:

INFO@KINSHIPCARE.IE



Family Law

For parents that were never married to each other

- Differences between unmarried & married parents
- Guardianship
- Access & Custody
- Child Maintenance
- Kinship Care

Married Parents

What We Mean by ‘Married’: Parents of children who are ***currently or previously married to each other.***

They might now be or Separated/ Legal Separated/ Divorced/ Widowed from each other but were once married to each other.

- Automatic Joint Guardianship and Joint Custody
- Guardianship cannot be removed



What We Mean by **‘Unmarried’** Fathers & Mothers: Parents of children ***who were never married to each other.***
They could be long-term couples. They might have been previously or currently married ***to other people.***

Unmarried Fathers

- No automatic right to access, custody, and only limited automatic guardianship.

Unmarried Mothers

- Sole Custody and mostly sole guardianship.



An father who was never married to the mother but is on the birth certificate has the right to.....?

A. Stop the adoption of his child

B. Be notified of the adoption of his child

C. Has the right to see the child once a week

D. Prevent the child from moving abroad

If an unmarried father is registered on the birth certificate but doesn’t have guardianship, access or custody he has very few automatic rights in relation to his child.

Notification of Adoption & Step Parent Guardianship and Deed Poll Name Change

SCENARIO 1

The mother and father were **never married** and **never lived together.**

They've been successfully co-parenting together for years informally (without going to court) and their daughter spends the entire weekend with her father. Her father regularly helps with her homework and attends school events with the mother.

Who does the school have to keep informed of how she's getting on in school:

- The mother
- The mother and the father
- The father

Guardianship

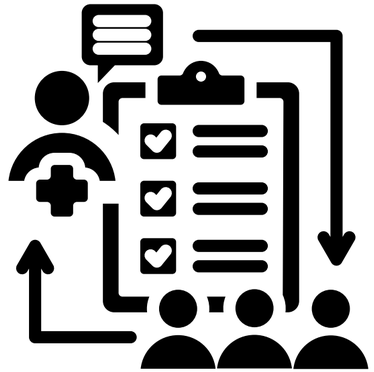
Guardianship is the right to make decisions in the major areas in a child's life.

Note: a common misconception amongst parents and professionals is that guardianship gives you the right to see the child, however, this is not the case. Guardianship is only related to decision-making and not access to the child.

Court Form 58.1 Application in Relation to Arrangements for Children













How does an unmarried father get guardianship rights?

Agreement of the Mother: Statutory Declaration of Guardianship*

Automatic**: Cohabitation 12 continuous months & 3 months with the child

Application to the Court

Automatic: Marrying the Mother after the child is born

*This is the one of only legally binding family law document that can be done without a judge.

** In practice, however, the father normally needs to get proof of guardianship through a Declaration of Guardianship or Statutory Declaration of Guardianship.

Guardianship Disputes



TEMPORARY & TESTAMENTARY GUARDIANSHIP

- Making a Will
- Temporary Guardianship Nomination Form
- **Especially important for One-Parent Families

Step-parent Guardianship*

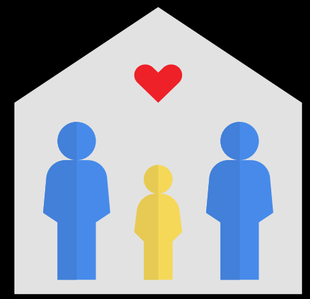
*Regardless of same-sex or opposite - sex couples
For step-parent adoption - Adoption Authority of Ireland

Married or Civil Partnership with a Parent who is a guardian



OR

Cohabitant of 3 years



AND



Responsible for the day-to-day care of the child for 2 years

- Guardianship for a step-parent only lasts until 18.
- If a stepparent becomes a guardian they be ordered to pay child maintenance.

Removal of Guardianship

Can only be removed for ~~unm~~arried fathers and extended family members not mothers.

IASW Case Study

Question from Attendee:
Clarity on rights of unmarried fathers to consent to mental health services for their child.

Was or is the father married to the mother?

NO → Is he a guardian?

YES → **Need his consent**

I'm not sure

1) Did the mother and him sign a Statutory Declaration of Guardianship in front of peace commissioner, commissioner of oaths, solicitor or birth registrar and has he shown you the original?

2) Did he get a court order for guardianship and show you a copy?

3) Did the parents live together for 12 months and with the child for 3 months beginning after 18 January 2016 and has the father gotten a declaration to prove it & shown you?

YES → **Need his consent**

NO → **Don't need his consent**

Was or is the father married to the mother?

YES



Need his consent

He is a guardian

YES



Need his consent

He is not a guardian

NO



Don’t need his consent

I’m not sure if he is a guardian

1) Did the mother and him sign a Statutory Declaration of Guardianship in front of peace commissioner, commissioner of oaths, solicitor or birth registrar and has he shown you the original?

2) Did he get a court order for guardianship and show you a copy?

3) Did the parents live together for 12 months and with the child for 3 months beginning after 18 January 2016 and has the father gotten a declaration to prove it & shown you?



If Yes to any of these:
Need his consent



If No to any of these:
Don’t need his consent

Question From Attendee (2)

If both parents are legal guardians and one cannot be contacted in an emergency is it sufficient to get consents from the other in their absence?

In short: yes.

In an emergency situation, the hospital will act and give any treatment that they deem is necessary.

However, beyond emergency treatment you will need both parents consent or a court order dispensing with one parent's consent (because it's not in the best interests of the child / they are uncontactable etc.)

Questions on Guardianship

SCENARIO 2

Cohabiting Family

A Dad and a Mam have been living together for **12 years** and 3 kids together but have never married.

The Dad is on the birth certificate for all of 3 children and the mother and father signed the **Statutory Declaration of Guardianship** in front of the Registrar when registering the births.

If they Mam and Dad break up - does the dad have the right to see the children?

Access & Custody

[Court Form 58.1 Application in Relation to Arrangements for Children]

Access: the right to see and spend time with a child.

Custody: the responsibility for the day-to-day care of the child.

Mothers who were never married to the father have automatic sole custody and access to the child

No automatic access or custody for **any father who was never married to the mother**

Since 2015, other relatives have the right to apply for access to a child.

How does an unmarried father get access or custody to his child?

By Agreement of the Mother

Mediation*

Application to Court

*The Family Mediation Service & Dublin Community Mediation (available online) - both free

Types of Access

- Access can range anywhere from an hour a week to equally shared access/ parenting time.
- Access can be supervised (normally by the resident parent or other relative).
- Access can happen online or in-person or in different countries.
- Access can be for the non-resident parent or other relatives.

Types of Custody

- Joint Custody - both parents are the joint custodians of the child(ren) and have equal responsibility for the day-to-day care of the child(ren). Joint Custody does not indicate how much time each parent has with the child. There may still be a primary carer for the child.
- Primary Custody- the parent who has the child most of the time.
- Joint & Equal Custody - time with each parent is split 50/50.

Other Access & Custody Orders

Enforcement Orders

Variation Orders

Enforcement Order can grant:

- additional access to the child
- reimbursement for any expenses because of the refusal of access
- either of both parents receive information about the availability of mediation, attend a parenting programme, or attend family counselling.

Variation Order can change/update anything about an already existing access/custody order such as:

- Days/ Times
- Type (e.g. Supervised, overnight, online)
- Location of access
- Who drops/picks up the child

Legal Processes & Reports for Access & Custody

Section 20, 32, 47 reports ordered by the court.

- **Section 20**: judge orders an investigation of a child's circumstances such as their welfare, safety, health and care
- **Section 32/ Section 27:** The judge appoints an expert to take on board the views of a child and report them to the court.The judge will decide who pays for it.
- **Section 47:** The law allows a judge to order that a report be provided about any issue that affects the welfare of a child.

Question from Attendee (3)

I work in a Child Disability Network Team CDNT. We often have cases whereby both parents details may be logged however parents are separated, there is a poor relationship between parents. In some cases **one parent may not have access** to **their child,** due to **domestic abuse**.

How do we best keep both parents updated on their child's intervention without getting pulled into the difficulties of the parents relationship?

Children can often become a pawn in the parents ongoing difficulties.

So if **both parents are guardians** - you can keep them both informed (e.g. phone calls/ emails / separate meetings etc) of the necessary information.

If the ***father is not a guardian*** of the child - you do not need to keep them informed of anything.

If there is domestic abuse - check if there is any **protection, safety, barring orders** in place ***AND*** do they include **dependent children**.

Guardianship does not entitle them to see or spend time with the child, and so it does not give them the ability to attend sessions with the child. If both have access/custody - that would normally be arranged outside of these appointments.

SCENARIO 3

Jack is **18** years old.
He’s doing a **full-time PLC course** and has a **part-time job** that he works full-time in the summers. He lives with his Dad and visits his Mam about once a month. He’s getting the SUSI grant and gives some money to his Dad to help with the bills.

1. Does Jack’s Mam have to pay maintenance to Jack’s Dad?
2. Does she have to pay it all year round or only during school term?

Child Maintenance

- Both parents have to financially maintain their dependent children - regardless of their relationship to the child.
- Maintenance runs until at least the child turns 18.
- It extends beyond that if the child is in full-time education until they are 23 (whichever comes first).
- If a child has a mental or physical disability, maintenance can continue indefinitely.
- Once a child reaches 18, they can apply for a maintenance order themselves.
- The maximum district court can order is €150, per week, per child.

The court will determine the amount of maintenance based on the needs of the child, the incomes of both parents and any other maintenance orders in place for other children or partners.

- Child Maintenance Order
- Child Maintenace Summons: the debtor must supply a statement of means to the District Court named on the summons no later than one week before the court date

Court Form 54.1 Application for Maintenance

Other Maintenance Orders

Variation Orders

Arrears

Attachment of Earnings Orders

International Child Maintenance Recovery

Arrears is money that has been ordered by the court to be paid but that has not been paid.

Attachment of Earnings Order: can be used to force an employer to pay a maintenance amount directly from a paycheck.

Variation Order can change a maintenance order by:

- Frequency
- Payment Type (Cash/ Bank Transfer)
- Format (weekly amount/ splitting costs)
- Amount

Mediation - Rule of Court

A mediated agreement is not legally binding by itself.

Family Mediation Service has a useful document for calculating maintenance based on the incomes of both parents & all expenses for each parent related to the child.

Shared Parenting Agreements can cover guardianship, access, custody, maintenance.

What is a Rule of Court?

Where an agreement for custody and/or access is entered into and made in writing (including written agreements made during mediation), an application can then be made to court for an order to make that agreement a Rule of Court.

It has the same legal standing as any other court order.

Both parents must attend the hearing for the judge to confirm that the arrangement was agreed by both.

Questions on Maintenance



What do these 2 heros have in common?



Hint: It's not that they're both 4 foot tall!



Former President Michael D. Higgins

US Gymnast Simone Biles

What is Kinship Care?

Kinship care is when a child or young person lives full-time with a relative or family friend because they are not able to live with their parents.

It allows children to remain among family and retain a sense of belonging and acceptance.

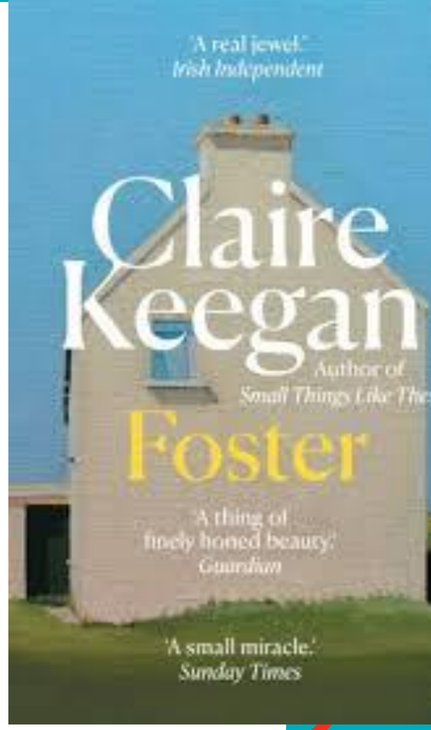


When, Why and How?

The most common reasons for kinship care are:

- Substance abuse issues
- Mental Illness
- Death of Parent
- Parent in Prison
- Parental Abandonment
- ***Parental Domestic Abuse***
- Child Neglect/ Abuse

It is an informal arrangement that can be initiated by the child, parent, kinship carer or TUSLA.
It can be a temporary, planned short-term intervention or permanent arrangement.



Custody for kinship carers

Court Form 58.1 Application in Relation to Arrangements for Children

Guardianship for kinship carers

a person who has provided for the day-to-day care of the child for a continuous period of 12 months or more and where there is no parent or guardian willing or able to exercise guardianship rights and responsibilities in respect of the child. TUSLA the Child and Family Agency will be notified of such an application.

Financial Suppports for Kinship Carers

Child Benefit & Guardian's Payment (do NOT need guardianship).
Kinship Care Ireland can often support these applications
A kinship carer can apply for maintenance from a parent
- Court Form 54.1 Application for Maintenance

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Questions on Kinship Care

Any Questions?

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(01) 6700 120

www.treoir.ie

www.Facebook.com/Treoir

@Treoir1976

@treoir.bsky.social

www.linkedin.com/company/treoir/

info@treoir.ie


THANK YOU!