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Categories: access denied; domestic violence allegations; cross applications with maintenance; undertakings given

Access and guardianship applications adjourned to permit CFA investigation among several applications relating to access

A District Court in a rural town heard applications for guardianship, access, and a safety order from the father of a child. This was one of a number of cases heard that day relating to access. The respondent mother had also brought an application for a safety order and to vary the current access. Both parties were present in court, and each was represented by a solicitor.

The solicitors for the parties told the judge that a compromise had been reached in relation to the safety order applications brought by each party. The judge was told that both the applicant and the respondent would give an undertaking to the court in the exact wording of a safety order, but communication relating to access would be permitted. The judge was told that protection orders had previously been granted to both parties and these could now fall.

Both the applicant and respondent gave their undertakings to the court. They both undertook not to use, or threaten to use, violence against the other party. They each also undertook not to follow, watch or beset the other parent and to communicate only by text in relation to the child access. These undertakings were given for five years.

The applicant father had brought an access enforcement application against the respondent mother, alleging she had not complied with the previous access order. Her solicitor told the judge that the mother had child welfare concerns regarding the father's new partner who had been present during previous access.

The solicitor for the mother told the judge that the mother had no issue with the father having access to their child, but not with his partner present.

The father's solicitor told the judge that there was no justification for the mother's welfare concerns or her objection to the father being appointed as guardian, if he had already been having access.

The father's solicitor stated that previous allegations made by the mother had already been investigated by Gardaí and the Child and Family Agency (CFA) and were found to have no basis. On this basis, the father was seeking to have the current access order enforced, which had been suspended by the mother, in light of further welfare concerns that she had raised relating to the father's new partner. The father had not had access since January 2026.

The mother's solicitor again said that her client was happy that the father should have access, but not with his partner present, given that the Gardaí and the CFA were currently investigating further allegations made by her, and which related to child welfare concerns.

The judge was told that the complaint to the CFA was dependant on the completion of the Garda investigation.

The judge stated that it was not up to the mother to withdraw access as there was a court order in place and that a temporary solution was required to facilitate access, pending the completion of the Garda investigation.

The judge said the partner should not interfere with access and a temporary solution was needed to facilitate the father's access pending the completion of the Garda investigation. The judge granted a short adjournment so that both solicitors could discuss such a solution.

When the matter came back before the Court, the father's solicitor told the judge that Gardaí had confirmed that their investigation would be completed within a few weeks. In those circumstances and given that his new partner was pregnant and the pregnancy was high risk, the applicant agreed to adjourn his access application until the conclusion of that investigation.

The access and guardianship applications were adjourned to the following month for mention and to fix a date to hear them that week.

Access applications adjourned; Maintenance also sought

In another case on the same day, the Court adjourned an application for access made by the father of two children and adjourned applications made by the mother, for a barring and/or safety order, for maintenance and to dispense with the consent for the father for the children's passports.

The solicitor for the mother told the judge that a section 20 Report had been prepared and the mother had serious concerns about its contents, particularly references in the report to videos that the father had shared with their children. The father's solicitor told the judge that that his client wished to obtain a section 32 Report, in order to have the views of his children put before the Court.

The judge stated that she would require good grounds to order a second report in light of the section 20 Report that had already been prepared. She said that she was not refusing the father's application for a section 32 Report but she was putting it on hold for the time being.

The judge adjourned the father's access application for a month and asked both solicitors to have the section 20 assessor attend so that they could be examined on the report contents.

The mother's domestic violence applications as well as her maintenance and passport applications were also adjourned to this date, so that all matters could be dealt with together. The protection order granted to the mother previously was to continue in the interim.

Increase in access sought
In another case a father applied to increase his previously supervised access to overnight access.

The applicant father and respondent mother were present in Court, and both were represented by solicitors. The mother's solicitor stated that both parties had agreed to the father having supervised access to their two children at the end of 2024, however the mother had concerns about supervised access changing to overnight access.

The mother's solicitor told the judge that she also wished to apply for maintenance as the father had not paid any child maintenance. The father's solicitor stated that access was going well and the father was at least looking for a step down from supervised access, his children were asking him if they could stay overnight.

The mother's solicitor confirmed that the supervised access was going well, the issue however was the welfare of the children. The father's solicitor suggested that perhaps a section 32 Report should be obtained.

The judge referred to the section 20 Report that had been prepared 18 months earlier and stated that this report should be updated considering the father's overnight access request. The father's solicitor told the judge that the father had no issue if the report author observed his access in order to update the report. The mother's solicitor stated that the mother had no issue having this report updated but if the report were to recommend overnight access she wanted the father's home to be examined.

The father's application was adjourned for two months with the section 20 Report to be updated. The mother's solicitor advised the judge that the maintenance application would also be listed for that date.

Variation of access sought
In another case a father applied for a variation of access. Both the mother and father were present in court, and both had instructed solicitors.

The applicant father's previous variation application had been adjourned to enable the respondent mother to instruct a solicitor. The father's solicitor told the judge that the interim access ordered on that last date did not continue, as the mother had not permitted the father to have access to their young child.

The father's solicitor stated that in addition the mother had since moved counties and she had not considered the effect her move had had on the father's ability to take up his access, there was a significant change in the distance that he must now travel, and he was not consulted about the move.

His solicitor also confirmed that the mother could not drive and this placed the increased burden of collecting his child from a more distant location entirely on the father.

The mother's solicitor said that the father had breached the previous interim access order that the judge had made, and the mother had concerns regarding where the access was taking place. The solicitor acting for the mother told the judge that the father had not taken these concerns on board and the mother therefore had no choice but to stop the access. The previous interim access order prohibited access at certain locations, but this was not adhered to by the father, the solicitor for the mother stated.

The mother appreciated that access was good for the child, however she had moved to another county for family support, and she now wanted access according to the terms of the order made in 2024. Her solicitor said that the father was not working so he could collect their child now that the mother has moved counties.

The mother's solicitor also told the judge that she had been harassed by the father's partner.

The judge adjourned the application for two months so that the current section 20 Report could be updated, and, on its completion, released to both parties.

In the interim, the father confirmed he would collect their child for access on the dates set out in the previous order, but at a location near the mother's new address. The judge stated this was not ideal given the distance the child would have to travel. The judge amended the pickup location in the previous order and granted the mother liberty to re-apply to the Court if the interim order was breached.