Year: 2026 **Vol:** 01 **Case No:** 57

Categories: family home; maintenance; pensions

Two consent divorces ruled by Circuit Court in mixed list in provincial city

Two consent divorces and two ancillary access applications, which involved section 32 Reports, were among the cases heard in a family law sitting in a provincial city. The family law cases were heard in between a criminal trial which the judge was presiding over.

Consent divorce where no maintenance sought, custody shared
The judge in a provincial city granted a decree of divorce under section 5(1) of the Family Law (Divorce) Act 1996, as amended. Both parties were lay litigants. The applicant wife gave evidence that the parties had married in 2007 and separated in 2022.

There was one child of secondary school age. The parties were living apart and the child lived between the parents, normally for two weeks each. Neither party was seeking maintenance. The parties would split all costs for the child and split child benefit.

There was no joint property and both parties were in employment. The respondent husband had a pension and had agreed to split his pension with the applicant wife on a 50-50 basis, from the date of the commencement of the pension until 2022 when they separated.

The applicant confirmed that there was no prospect of reconciliation. She said that the parents had a good relationship with their daughter. The judge granted the pension adjustment order pursuant to s.17 of Act of 1996, as amended.

Consent divorce, Child maintenance and property ownership agreed
The judge granted a decree of divorce, where both parties had legal representation. The respondent husband was not present in court.

The parties had married in 1996 and separated in 2012. They had one dependent son who was in third level education.

The barrister for the applicant wife outlined the terms of settlement. There was a family home with no mortgage and several other properties. The applicant was in the family home, and it was agreed that she would retain it. The respondent was living in one of the other properties and it was agreed that he would retain the other properties.

The husband would pay maintenance for the child of €500 per month. There would be no spousal maintenance. Both parties had pensions. The respondent was not working since 2018 and was in receipt of disability benefit as well as rental income.

The couple had joint savings of €230,000, the applicant had separate savings of €80,000 and the respondent had €50,000. It was agreed that the joint monies would pay for an outstanding debt payment due of €3,000. It was also agreed that the respondent would retain the car and pay for that. The parties would retain their own savings.

The applicant wife confirmed that there was no prospect of reconciliation. There was a safety order in place in this case since the previous year and that was still in place.

The judge asked if the applicant wife's pension contained a provision for her spouse. The barrister did not know and would look into it. This pension matter was put in for mention two months later. The judge approved of the consent terms.