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Categories: consent divorces; lay litigants; access; attachment and committal; family home; properties

Uncontested divorces ruled by Circuit Court in a provincial city

In one family law day in the Circuit Court in a provincial city two divorces were ruled on consent, one following negotiation on the day.

There were also five 'for mention only' cases involving pension adjustment orders, where liberty to file and liberty to mention was granted. There was another 'for mention only' access motion where a section32 Report had been ordered but the barristers sought an adjournment on consent for two weeks as the report was not ready. Finally, there was an *ex parte* application where the barrister for the applicant sought a date, in two days' time, for a motion for attachment and committal in an access case.

Consent divorce for lay litigants

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. There were no children and the parties had no joint property. The parties were living together in rented property for two years from 2007 to 2009. The parties had been living separately since 2009. There was no prospect of reconciliation.

The applicant wife was in receipt of social welfare, and the respondent husband was in receipt of disability allowance. There were no pensions. The judge made no order as to costs and extinguished succession rights.

Consent divorce after terms agreed for negotiations on morning of hearing

The judge granted a decree of divorce where both parties had legal representation. This case was listed for hearing, and it was estimated that the hearing would take two and a half hours, but the parties went into negotiations after the morning's call-over for over three hours. The subsequent hearing took approximately 10 minutes.

The barrister for the applicant husband presented the consent terms to the Court and the applicant gave formal evidence confirming the terms. The parties had married in 1999 and separated in 2008. There were two children; one of the children was no longer dependent while the other child would no longer be dependent later this year. Child maintenance was agreed for this child until then and there was no spousal maintenance. Both parties were in employment. The applicant did not have a pension, but the respondent did. The judge asked if the pension had any benefits for the spouse, but the barrister for the respondent did not know. The judge gave liberty to apply regarding the pension.

There were several properties in the marriage. It was agreed that the respondent wife would remain in the family home, worth €550,000. The family home had a mortgage of €70,000

left on it which the respondent would be responsible for. Some of the properties would be sold, and the applicant would stay in one of them. There was a Personal Insolvency Arrangement (PIA) in place and the applicant would be responsible for the residual value.

The applicant confirmed that there was proper provision and no prospect of reconciliation. The judge said that she was “happy” with the terms. The judge made a nominal pension adjustment order and directed that it be handed into the court office in three months. The judge granted liberty to apply about the pension. There was no order for costs.