Year: 2026 **Vol:** 01 **Case No:** 19

Categories: applications for protection against adult children and siblings; undertakings in place of orders; temporary protection orders; cross applications; safety orders; section 20 Report ordered

Two domestic violence applications settled on day of court hearing; Others withdrawn; Safety order granted against son

Four of the 17 cases on the family law list in a District Court in a provincial city were settled on the court day as the parties had solicitors who went into talks after the morning call-over, and they returned with agreed terms. Applications heard on the day included one case where there were maintenance arrears amounting to €30,000, as well as other applications for domestic violence, guardianship and breach of access.

Terms agreed by parties with their solicitors

In the first case, where there had been a protection order in place since March 2026, the parties went into talks with their solicitors after the call-over and came back to Court with an agreement. The parties were siblings. The respondent brother gave an undertaking that he would not put his sister, the applicant, or her children in fear. The judge said that if the respondent brother broke his undertaking, the judge could impose a penalty such as a fine or a term of imprisonment. The judge accepted the undertaking for a period of 12 months.

Undertaking given

In the second case, the judge also accepted an undertaking by the respondent father that he would not put the applicant wife in fear. Both parties were in court and had solicitors. They had three dependent children. There were judicial separation proceedings ongoing. There was a section 20 Report on file and they were happy with the contents.

It was agreed that for access collections and drop off, the father would not exit the car and would not enter the family home. The parties would use the “OurFamilyWizard” app to agree access every week, but it would normally take place every Wednesday and Sunday. The children would have a phone call with the father at 6pm every day. The judge said that if the father breached the undertaking, the judge could make an order of imprisonment. They agreed a timeline of 12 months. The judge said that “on that basis, the summons was struck out. The matter has been compromised.”

Case adjourned as section 20 report awaited

The judge adjourned another case where there were cross applications for a barring order and a safety order in respect of a married couple. There were temporary protection orders in place. There were no separation or divorce proceedings pending. Both parties were in court and had legal representation.

The judge had previously ordered a section 20 Report. The solicitor for the applicant wife sought to adjourn the case as she was “deeply concerned” about it. The applicant’s solicitor said that the section 20 Report was “vital because of what is going on at home.” The solicitor was also seeking an adjournment because the wife had been refused legal aid and wanted it.

The husband's solicitor was not opposed to adjourning the case. The wife's solicitor said that they "need to get Tusla here too. Tusla has met with the children so the report should be done and they met with the school two weeks ago."

The judge said, "the report is underway and may arrive imminently." The judge let the case stand and asked the court registrar to enquire where the report was. The report had been ordered the previous month. The judge was informed that the report was not yet available so he called the solicitors back in and said that he would adjourn the case until the end of the following month.

The wife's solicitor asked that the report be provided to them as soon as it was available. The judge said that he would direct the release of the report to the solicitors and that they would write to Tusla to tell them that the case had been adjourned while the report was awaited.

Application withdrawn

In another case an application for a safety order was withdrawn. Both parties were in court and were self-represented. The applicant wife said that she wanted to withdraw her application. She had previously had an interim barring order, and she had a safety order for a year in place since September 2025.

The wife issued a fresh summons in March 2026. The judge reviewed the file and asked the husband to leave the courtroom while he spoke with the applicant privately. The wife said that she had called An Garda Síochána in March as her husband was threatening, "always verbal, never physical". They had three children together. She said that if he does anything she will "call the guards again".

The couple had been together for five years. The judge invited the husband back in and struck out the summons, reminding the wife that she could come back to court any time if she needed protection again.

Safety order granted against son

In a case involving an adult child the applicant mother brought an application for a safety order in respect of her adult son. The applicant said that the respondent son was refusing to leave the family home. Both parties were in court and had solicitors.

The solicitor for the applicant said that the mother was the sole owner of the house and she worked at home. The son had moved home last year by agreement. He was not working now and was at home every day and did not pay rent. There had been some incidents at home, where the son had threatened the mother and poked her with a baseball bat. The son blocked the mother going out her driveway and they had arguments about household duties. The solicitor for the applicant said that the son attended a psychiatrist as he had mental health problems. The solicitor said that the applicant was very stressed and in fear of her son.

The solicitor for the respondent son said that the mother and son had attended family counselling previously. The solicitor said that the mother threw bottles at the ground and

the son cut his leg from this. The mother had said she would break the son's car as he said that he would break her car too.

The mother had gone to An Garda Síochána and got a protection order two months earlier and the mother and son had not spoken since the protection order.

The son apologised to his mother and to the Court. The judge said: "You have acknowledged that you have committed an assault on your mother and for that you have apologised. If you were in a criminal court, I would be imposing a criminal sentence on you. Do you understand that?" The son said that he did.

The judge said; "This application is contested. The court must be satisfied that there is a serious risk of harm. I am entirely satisfied that there is a serious risk of harm to her." The judge made a safety order for five years and said that "if after five years, you still require protection, you can get another one."

The judge said that the respondent son "was prohibited from doing anything that causes [the mother] to be afraid, threatening or using violence. You must phone the police, and he will be charged with a criminal offence for a breach of the safety order." The judge said that he would serve the respondent with the order that day.