



Informing Unmarried Parents

Information Pack for unmarried parents

Lo-Call
1890 252 084

**Guardianship,
Access, Custody**

Single & Pregnant

**One-Parent
Family Payment**

Cohabiting Parents
rights & obligations

2014



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

crisispregnancyprogramme





Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive



crisispregnancyprogramme

The HSE Crisis Pregnancy Programme implements a strategy to address the issue of crisis pregnancy in Ireland. For more information, visit www.crisispregnancy.ie.

The opinions/views outlined in this document are not necessarily the opinions/views of the HSE Crisis Pregnancy Programme.

The information in this Pack is not to be considered medical or legal advice. Specific medical or legal advice should be obtained from a registered health or legal professional.

While every effort has been made to ensure that the information is accurate, no responsibility can be accepted by Treoir for any error or omission. The Pack is a guide only.

All information was correct at time of going to print, March 2014.

Contents

Key legal information for unmarried parents

- 3 Guardianship
- 4 Custody and Access
- 5 Cohabitation
- 7 Maintenance

Other essential information

- 8 Establishing paternity / testing
- 9 Registration of births
- 11 Passport applications
- 12 If you marry after your baby is born - legal implications
- 13 Shared parenting where parents are living apart
- 14 Mediation

Pregnancy

- 15 Crisis pregnancy counselling services
- 17 Money during pregnancy
- 18 Medical care / Maternity / Parental leave

Financial information following the birth

- 19 Money if you are not working outside the home following the birth of your baby
- 21 Money if you are working outside the home following the birth of your baby
- 22 Rent Supplement
- 23 Income tax / Universal Social Charge
- 24 Opportunities in education and training
- 25 Habitual Residence Condition

Miscellaneous

- 26 Child abduction
- 27 Domestic violence
- 28 Harassment
- 29 Useful contacts
- 31 Treoir publications
- 32 HSE Crisis Pregnancy Programme Support Materials
- 33 Index

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treoir
The National Federation of Services for
Unmarried Parents and their Children

- Treoir is a membership organisation which promotes the rights and welfare of unmarried parents and their children in Ireland.
- Treoir provides a specialist, national, free, confidential information service to:
 - unmarried parents - mothers and fathers living together
 - living apart
 - opposite and same sex
 - grandparents and other relatives
 - professionals working with unmarried parents
- Treoir has many publications which are listed on page 31.
- Treoir provides outreach information workshops on request to groups of unmarried parents and those working with them on legal issues, social welfare, parenting etc.
- Treoir is responsible for the management of the national co-ordination of the Teen Parents Support Programme
- Treoir is a non-governmental organisation funded by the Health Service Executive, the HSE Crisis Pregnancy Programme, Citizens Information Board and other grants.

Guardianship

for more information see www.treoir.ie/information-guardianship.php

What is guardianship?

Guardianship means having the right and responsibility to be involved in making major decisions about the upbringing of a child, for example

- where the child lives / what country
- passport applications
- where the child goes to school
- consent to medical treatment
- religion of the child
- consent to adoption

Who is a guardian?

A mother is always a guardian.

An unmarried father does not have guardianship rights even if his name is on the birth certificate. A father who is not married to the child's mother can become a guardian by:

If the mother agrees

- Swearing an agreement with the mother. This is a Statutory Declaration, S.I. No. 5 of 1998, and is available to download from www.treoir.ie or contact Treoir on 1890 252 084

If the mother does not agree

- Going to the local District Court to apply to be appointed a guardian.

Make a will

All parents who are guardians, but especially mothers who are sole guardians, should make a will appointing guardians of their children to act on their behalf in the event of their death. This is called Testamentary Guardianship.

A father does not automatically have guardianship rights if his name is on the birth certificate.





Custody and Access

for more information see www.treoir.ie/information-access-and-custody.php

Custody

Custody is having the responsibility for the day-to-day care of a child.

Who has custody?

- Where parents are not married to each other:
 - A mother has sole custody of her child
 - A father can informally agree with the mother to share custody of their child*or*
 - A father can go to the local District Court to apply for sole or joint custody.

Access

Access is having the right to see your child if your child is not living with you.

Who has access?

- Where one parent has full custody that parent can informally agree to the other parent having access to their child
- or*
- The other parent can go to the local District Court to apply for access
- Any person related to a child (for example grandparents, step-parent, aunt, uncle) or who has acted as a parent to the child can apply to the local District Court for permission to apply for access to a child.

If you are having difficulty reaching agreement about times/places of access or any parenting issues you could try mediation. See page 14.

Many people represent themselves in the District Court.

Cohabitation



for more information see www.treoir.ie/target-co-habiting.php

Who are cohabitants?

Cohabitants are two opposite or same sex adults who are:

- Living together in an intimate and committed relationship
- Not married to each other
- Not in a civil partnership (only available to same sex couples)

If you are a 'qualified cohabitant' and your relationship ends, either through separation or death, you may be able to apply to the court for rights under the 'redress scheme'. You do not have to be a qualified cohabitant to seek maintenance for a child (see page 7).

Who is a qualified cohabitant?

You are a qualified cohabitant if you:

- have been cohabiting for at least 5 years or for 2 years if you have had a child together and you must be able to show that you are financially dependent on your ex-partner.

NOTE

- You cannot be a qualified cohabitant if either of you is married to someone else and have not been living apart from your spouse for at least 4 of the previous 5 years.

What can I apply for under the redress scheme?

If you are a qualified cohabitant you can apply to the court for certain orders, including a Compensatory Maintenance Order and/or an order in relation to property.

NOTE

- You should apply within 2 years of your relationship ending.
- Generally you must have been living in Ireland for the year before your relationship ends in order to make an application.
- Should your partner die you can claim from his/her estate without having to show financial dependence.

Cohabitants' Agreements

Cohabitants can make a cohabitants' agreement dealing with their finances. It is also possible to make a legal agreement to opt out of the redress scheme.

for more information see www.treoir.ie/target-co-habiting.php

Other things cohabitants should know:

Fathers

An unmarried father does not have any legal rights to his child even if his name is on his child's birth cert.

Fathers should consider becoming joint guardians of their children, with the mother. See page 3.

Property

Cohabitants are not treated in the same way as married people in relation to any property they may own or share.

Where a house is being bought jointly it is advisable to sign a co-ownership agreement. Check with a solicitor whether it is best for you to have a Joint Tenancy or Tenancy in Common in relation to the house.

Inheritance

Cohabitants do not have automatic inheritance rights from each other.

- Cohabiting partners pay Capital Acquisitions Tax (CAT) at 33% on gifts/inheritance over €15,075.
- You can receive a gift or inheritance of a home without paying CAT under certain conditions.

Income Tax

Cohabitants cannot claim income tax relief in respect of each other.

Social Welfare

Cohabiting families are treated in the same way as married families for Social Welfare purposes. Both incomes will be taken into account when assessing means.

Domestic Violence

A cohabitant can apply for a safety order, a barring order or an interim barring order and/or a protection order. See page 27.

Children of cohabiting parents

All children have the same succession and maintenance rights whether their parents are married or not.

Maintenance

for more information see www.treoir.ie/information-maintenance.php



There is no set amount of maintenance. It depends on the income of the parent / cohabitant

Maintenance for the child

Both parents have a responsibility to financially provide for their child.

- Parents may agree a suitable amount of maintenance.
- It can be difficult to agree on a figure. Write down the actual cost of rearing your child.
- Try and be reasonable about what each of you can contribute from your income, social welfare payments etc.
- If you cannot agree on a figure you could try mediation. See page 14.
- If this doesn't work, you can apply to court for a maintenance order.
- There is no set amount of maintenance. It depends on the income of the parents.
- €150 is the most the District Court can order for each child per week. There is no maximum amount in the Circuit Court.
- Either parent can go back to court and ask to have the amount increased or decreased as circumstances change. This is called a **Variation Order**.
- If the other parent doesn't pay then you can ask the court to ask his/her employer to deduct the amount of maintenance from his/her wages. This is called an **Attachment of Earnings Order**. The employer then sends the amount to the court. The court will arrange payment with you. An Attachment of Earnings Order can be requested at the first court hearing for maintenance.

Maintenance for qualified cohabitants:

If at the end of your relationship you can show financial dependence on your partner you can apply to the court for maintenance under the redress scheme. See page 5.

See page 19 for details on how maintenance affects your One-Parent Family Payment and Rent Supplement.

Establishing paternity / testing

for more information see www.treoir.ie/information-paternity.php

Where parents are not married to each other and a man's name is on a child's birth certificate then he is presumed to be the father of that child (this does not give the father any legal rights to his child).

It may be necessary, for legal reasons or 'peace of mind', to have a paternity test done where paternity is disputed. If a parent/alleged parent refuses to undergo paternity testing, it may be necessary to go to court. The court may order that paternity testing be carried out as part of a court procedure, for example access, maintenance and/or guardianship. It is also possible to apply to the Circuit Court for a Declaration of Parentage.

Testing Procedure

Testing is carried out using either blood samples or mouth swabs (inside of mouth) taken from the mother, child and alleged father. Samples are taken by the testing service or it may be possible for the testing service to send a kit to your GP who will then take samples. It is important to note that not all GPs provide this service. Results should be available within 2 - 3 weeks.

Note: Where the father refuses to be named on his child's birth certificate, test results alone are not sufficient evidence to put his name on the birth certificate. However a court order for maintenance, access, guardianship or a declaration of parentage can be used as evidence of paternity to put the father's name on the birth certificate.

For more information and for contact details of some of the paternity testing services available see below.

When using a company for DNA testing make sure it has been approved by an appropriate authority.



Registration of Births

for more information see www.treoir.ie/information-registration.php

Important things to remember:

- 1 If at all possible it is important for your baby to have the names of both his/her parents on the birth certificate.
- 2 Having the father's name on the birth certificate does not give the father any legal rights to his child.
- 3 A child has a right to be financially maintained by both parents and to inherit from them. This applies whether or not the names of both parents are on the birth certificate.
- 4 Where the father's name is on the birth certificate, this does not prevent the mother from getting One-Parent Family Payment.

Your baby should be registered within 3 months of the birth. Register at your local registrar's office. See www.civilregistration.ie to find your local office.

Surnames

Parents can choose

- Mother's surname.
- Father's surname (but only if the father's name is going on the birth certificate and he agrees).
- Both parents' surnames - a double-barrelled surname - hyphenated and in any order (but again, only if the father's name is going on the birth certificate and he agrees).

How can the father's name be registered

- Both parents can register the birth together.
- Either parent can bring a form signed by the father and correctly witnessed. This form (Statutory Declaration) can be obtained from your local registrar's office.
- Either parent can show a copy of a court order naming the father, e.g. access, maintenance or guardianship. You do not need the consent of the other parent but he/she will be informed. The consent of both parents is required to change the child's surname.

Re-Registration

- If the child has been registered in the mother's name only, it is possible to re-register the birth at any time to have the father's details added. See above.



for more information see
www.treoir.ie/information-registration.php

Think before you register!

Changing a child's surname

It is possible to change a child's surname on his/her birth cert by:

- 1. **Marriage.** Where the parents marry each other following the birth of their child and they both agree to the change.
- 2. **Re-registration.** The birth is being re-registered to add the father's details and both parents agree to the change.

You can change a child's surname in the following ways (but this will not change the birth cert):

- 1. **Deed Poll.** The Deed Poll is an official document that shows a person has changed his/her name. The Deed Poll can be used with the birth certificate as proof of change.
- 2. **Common Usage.** A new name is 'commonly used'. It is possible to use this name on a passport if you can show two forms of formal proof that you are using this name.

If you are/were married to a man who is NOT the father of your baby and you want to put the birth father's name on the birth certificate.

In order to proceed you must have a sworn statement from the father swearing he is the father and have either:

- a sworn statement from your husband saying he is not the father
or
- a deed of separation and a sworn statement from you saying you were living apart from your husband for more than 10 months before the birth of your child
or
- an Irish divorce dated or stating that you were living apart from your husband at least 10 months before your child was born. To make sure a foreign divorce is valid check this out with the General Register Office.
or
- any court order which names the father as father, e.g. guardianship, access, maintenance.

Passport applications

for more information see www.treoir.ie/information-passports.php

Consent to passport applications

The father's consent to a child's passport application is required only if he is a guardian of the child.

Where the mother is a sole guardian:

- She can sign an affidavit form (AFF1) in the presence of a Commissioner for Oaths stating that she is the sole guardian. Contact the Passport Office for an affidavit form or download from www.passport.ie and go to 'consent for children'.
- or
- Both parents may sign the application form (APS 1) even though the father is not a joint guardian of the child. To do this the father's name must be on the Birth Cert.

For children born in Ireland after the 1st January 2005

- Where one or both parents is an Irish citizen or entitled to be an Irish citizen the long form birth certificate or passport of the Irish parent will be required.
- Where neither parent is an Irish citizen there are different requirements depending on the nationality and/or on where the parents live. Contact the Passport Office (see below) or see 'Passports for Children' at www.passport.ie.
- Passport application forms are available from the Passport Office, all garda stations, many post offices, libraries and citizen information centres.

Only when the father is a joint guardian is his consent required to the passport application for his child.





If you marry after your baby is born

for more information see www.treoir.ie/information-step-parent-adoption.php



Legal Implications

If the parents marry each other after the birth, the father becomes a joint guardian of his child.

It is possible to re-register the birth to change the surname of your child where both parents agree. See pages 9-10.

If you marry someone who is **not** the father:

- Your husband has no legal rights to your child. It is not possible for him to apply for guardianship rights.
- You can make a will naming your husband as guardian of your child. This is called Testamentary Guardianship. See page 3.
- It is possible for you and your husband to apply to adopt your child. This is called step-parent adoption. This means that you and your husband become the adoptive parents of your child. For further details contact your local HSE Adoption Service.
- Adoption is a serious step as it ends all links between your child and her/his biological father and family. You need to think about it carefully.
- A birth father must be consulted about the adoption of his child and if he is a guardian his consent is required.

If the parents marry each other following the birth, the father will become a joint guardian of his child

Shared parenting where parents are living apart

for more information see www.treoir.ie/target-shared-parenting.php

Mothers and fathers are both very special to their children.

It is important for children that, where possible, both parents are involved in the parenting.

Children need to know that they have two parents and who their parents are, so that they will have a good sense of their own identity.

Talk to your children about the other parent

- Be honest and truthful with your child about issues such as:
 - why you are not living with the other parent
 - who the biological father is, if you have a new partner
- Start telling your child early about the family situation and build on this information as you go along.
- Be positive about the other parent - s/he must have some good points!
- If you can't be positive be neutral.
- Let your child know s/he can ask questions about the other parent.

Tell relatives and staff at the crèche/school about your situation and what your child knows. It is important that you are all dealing with the same facts.

Positive pointers for shared parenting

- Parenting is a job for life and for children there is no such thing as an ex-parent.
- Children recognise the importance of a continuing relationship or link with both parents, no matter how distant or how little the contact.
- Remember that it is not adding people to children's lives but taking important people away that is hard for children to accept.
- Listen well to children - it is important for them to feel that they are being listened to.
- One of the most difficult things for children to cope with is conflict between their parents.
- Most important of all, be positive about your children. They are unique and important human beings. Children's confidence and self-esteem blossom when they hear good things about themselves and about the people who are close to them.

It is important that your child feels loved by both parents and can feel free to love both of you as parents.

Children recognise the importance of a continuing relationship or link with both parents, no matter how distant or how little the contact.



Mediation

Mediation allows parents to be in charge of their own decisions

If you are having difficulty in agreeing parenting issues you might think about mediation.

Mediation encourages parents to co-operate with each other in working out arrangements concerning their children.

- Mediation helps parents to be in charge of their own decisions.
- Both parents must be willing to discuss things and to allow for a bit of give and take.
- Mediation promotes good communication and co-operation between parents.
- Parents are helped to remain as partners in parenting.
- An agreement made through mediation can be made a **rule of court**. This means that it is made legally binding in the same way as a court order.
- It is usually better if parents can reach their own decisions instead of a court making decisions for them.

Family Mediation Centres (16)
01 874 7446, www.legalaid.ie

Mediators Institute of Ireland
01 609 9190, www.themii.ie

Collaborative Law

Collaborative law is another way of sorting out family disputes. Parents work with specially trained solicitors. They receive legal advice and guidance, and together with their solicitors, discuss and try to sort out issues through face-to-face meetings. If you think you might qualify for Legal Aid contact your local law centre, LoCall: 1890 615 200, or see www.legalaid.ie. Otherwise contact the Association of Collaborative Practitioners at www.acp.ie.

Crisis pregnancy counselling services

The HSE Crisis Pregnancy Programme provides funding to crisis pregnancy counselling services around the country and promotes them through the Positive Options information campaign. These services offer state funded crisis pregnancy counselling which is free, non-judgemental and trustworthy.

Pregnancy counselling provides an opportunity for you to explore your feelings about your pregnancy and to discuss the choices open to you in confidence* and privacy.

In a counselling session the counsellor will help you to find the answers to your questions and help you explore your feelings around the pregnancy. All the services listed on www.positiveoptions.ie provide information on parenting and adoption including information on social welfare entitlements, accommodation, legal rights and support services. If requested, all services listed will discuss abortion during a counselling session. If requested, all services except CURA and Life will give contact details for abortion clinics in a pregnancy counselling session. All the services listed also provide free, non-judgemental help and support to men.

Many doctors provide services for women with unplanned pregnancies. If you need support and help, you could contact a GP or doctor in your area.

For a list of free, non-judgemental, trustworthy crisis pregnancy counselling services visit www.positiveoptions.ie or freetext **LIST** to **50444** or see below.

All the services listed also offer post-abortion counselling to both women and men. For a list of free medical and counselling services for women who have had an abortion visit www.abortionaftercare.ie or freetext **AFTERCARE** to **50444**.

*In certain circumstances where there is a concern for a person's safety, counsellors may have to break confidentiality, for example, if someone is at risk or in danger.

Unplanned Pregnancy? Talking to a counsellor can help.

Ballinasloe Crisis Pregnancy Support Service

LoCall: 1850 20 06 00

Tel: 090 964 8190

E-mail: ballinasloe cps@hse.ie

Bray Women's Health Centre

Tel: 081 822 7034

www.braywomenshealthcentre.ie

Cura

LoCall: 1850 622 626

E-mail: curacares@cura.ie

www.cura.ie

Femplus Clinic

Dublin 15

Tel: 01 821 0999

E-mail: info@femplus.ie

www.femplus.ie

Here2Help - Crisis Pregnancy Service

Dublin 14 & Cavan

LoCall: 1850 67 33 33

E-mail: info@here2help.ie

www.here2help.ie

Irish Family Planning Association (IFPA)

LoCall: 1850 49 50 51

E-mail: post@ifpa.ie

www.ifpa.ie/pregnancy-counselling



Kerry Crisis Pregnancy Counselling Service
Family Planning and Women's Health Clinic
Tralee
Tel: 066 712 5322

The Tralee Women's Resource Centre
Tel: 066 712 0622 / 086 409 0801
www.twrc.ie

South West Counselling Centre, Killarney
Tel: 064 663 6416 / 064 663 6474

Life Pregnancy Care
LoCall: 1850 28 12 81
E-mail: lifenational@eircom.net
www.life.ie

Mayo Crisis Pregnancy Support Service
LoCall: 1890 20 00 22
E-mail: mayopsc@hse.ie

Midlands Crisis Pregnancy Counselling Service
LoCall: 1800 20 08 57
E-mail: crisispregnancy.counselling@hse.ie

One Family
LoCall: 1890 66 22 12
Tel: 01 662 9212
E-mail: info@onefamily.ie
www.onefamily.ie

Sexual Health Centre, Cork
Tel: 021 427 6676 or 021 427 5837
E-mail: info@sexualhealthcentre.com
www.sexualhealthcentre.com

The Well Woman Centre
Liffey Street, Tel: 01 872 8051
Ballsbridge, Tel: 01 660 9860
Coolock, Tel: 01 848 4511
E-mail: info@wellwomancentre.ie
www.wellwomancentre.ie

West Cork Crisis Pregnancy Counselling Service
LoCall: 1890 252 359
E-mail: wccss@eircom.net

Youth Health Service, Cork
Tel: 076 108 4150
E-mail: YHS@hse.ie



Money during pregnancy

If you are not working:

- Make direct contact with your local Social Welfare Office and check what you may be entitled to, for example, Jobseeker's Allowance, Jobseeker's Benefit.
- Bring your birth certificate with you.

Apply to your local health centre* as you may be entitled to:

- Supplementary Welfare Allowance
- Medical Card / G.P. Visit Card
- Rent Supplement
- Help towards the cost of necessary items (buggy, cot etc)

*find your local Health Centre at www.welfare.ie

If you are working:

- You may qualify for Maternity Benefit if you have paid enough Social Insurance Contributions (check with the Maternity Benefit Section). See below.
- You should apply for Maternity Benefit at least 6 weeks before you intend to go on Maternity Leave.
- You may also be entitled to Health and Safety Benefit/Leave if there is a risk for you in your work while you are pregnant or breastfeeding and your employer cannot remove the risk or assign you alternative risk-free duties.

How much Maternity Benefit will I get?

If you qualify for Maternity Benefit you will get €230 per week. Some employers will continue to pay an employee in full while she is on Maternity Leave. Check with your employer.

Maternity Benefit will be taxed. However you will not pay PRSI or Universal Social Charge.

You can get Maternity Benefit for the 26 weeks of Maternity Leave.

If you are already receiving One-Parent Family Payment you may still be entitled to half rate Maternity Benefit if you satisfy the contribution conditions.



Medical care Maternity / Parental leave

Medical care

Ante-natal (before birth) care and post-natal (after birth) care in the public health services are generally free to all women ordinarily resident in Ireland. Non medical card holders may have to pay some charges.

Ante/Post Natal Leave

- You are entitled to take paid time off to attend ante-natal appointments.
- You are entitled to take paid time off to attend one set of antenatal classes for one pregnancy only.
- You are entitled to take paid time off for medical visits related to the pregnancy for 14 weeks after the birth.
- Fathers are entitled to paid time off to attend two ante-natal classes as a once off, i.e. for one pregnancy only.

Maternity leave

- You are entitled to Maternity Leave no matter how recently you have started work or how many hours you work per week.
- You are entitled to 26 weeks Maternity Leave.
- You can also take an additional 16 weeks Maternity Leave, but you won't get Maternity Benefit for these extra 16 weeks. See page 17.

Parental leave

- Each parent is entitled to 18 weeks unpaid parental leave for each child. The leave must be taken before the child is 8 years old. The leave may be 'broken up' with the agreement of your employer.

For more information contact:
Workplace Relations
LoCall 1890 80 80 90
www.workplacerelations.ie

**You are entitled to Maternity Leave
no matter how recently you have
started work, or how many hours
you work per week.**



Money if you are **not** working outside the home following the birth of your baby

One-Parent Family Payment (OFP)

You are entitled to One-Parent Family Payment (OFP) if you:

- Have at least one child below the relevant age limit (see chart below)
- Have the main care of your child
- Are not cohabiting
- Satisfy the means test - See page 21
- Satisfy the Habitual Residence Condition - See page 25

Date of claim	From 4th July 2013	From 3rd July 2014	From 2nd July 2015
1. If your claim started before 27th April 2011 your payment will continue until your youngest child reaches:	17	16	7
2. If your claim started between 27th April 2011 and 2nd May 2012 your payment will continue until your youngest child reaches:	12	10	7
3. If your claim started on or after 3rd May 2012 your payment will continue until your youngest child reaches:	10	7	7

If your child's birthday is after July in the relevant year in which your claim ends, the OFP will continue to be paid until your child's birthday in the same year.

Your entitlement to OFP is not affected:

- By having the father's name on the birth certificate
- If you are living at home with your family
- If you are still at school or college

The current maximum rate of OFP per week for a parent plus one child is €217.80. For every additional child you get €29.80 each per week.

Things you should know about maintenance payments:

- You will be asked by the Department of Social Protection to try and get maintenance from the father of your child after your payment has been granted even if the father's name is not on the birth certificate.
- If you get maintenance from the other parent then your OFP will be reduced by about half of the amount of maintenance you get.
- If the maintenance is paid directly to the Department you will not get the benefit of it.
- Rent or mortgage interest payments may be allowed against maintenance up to a maximum of €95.23 per week.
- If you are getting Rent or Mortgage Interest Supplement*
 - The first €95.23 of maintenance will be fully assessed for Rent Supplement purposes.
 - Any maintenance over €95.23 is assessed differently.

*For more information on Mortgage Interest Supplement see www.welfare.ie



If you get maintenance from the other parent your OFP will be reduced by about half of the amount of maintenance you get.

Other Entitlements

Child Benefit - €130 per month for each child under 16 years of age or under 18 if the child is in full-time education.

The Early Childhood Care and Education Scheme (ECCE)

This is a free pre-school year for all children between the ages of 3 years and 2 months and 4 years and 7 months on the 1st September of the year they will be starting pre-school. Your child will usually attend free pre-school for 3 hours a day, 5 days a week, over 38 weeks.

You may also qualify from your local health centre for:

- Medical Card / G.P. Visit Card
- Back to School Clothing and Footwear Allowance
- Rent Supplement (see page 22)

Appeals - If you think you have been wrongly refused a payment or you are unhappy about a decision about your entitlements you can appeal the decision, within 21 days, to the Social Welfare Appeals Office.

All payments are subject to the Habitual Residence Condition. See page 25.

Money if you **are** working outside the home following the birth of your baby

One-Parent Family Payment (OFP)

You are entitled to One-Parent Family Payment (OFP) if you:

- Have at least one child below the relevant age limit (see chart on page 19)
- Have the main care of your child
- Are not cohabiting
- Satisfy the means test - See below
- Satisfy the Habitual Residence Condition - See page 25

The current maximum rate of OFP per week for a parent plus one child is €217.80. For every additional child you get €29.80 each per week.

Means Test: What counts as means?

Income

The first €90 of weekly earnings is completely ignored - so that won't affect your OFP. (This amount will gradually be reduced to €60 by 2016). Half of the remainder of your weekly earnings up to €425 is counted as means. If you earn more than €425 a week then you won't qualify for OFP.

Maintenance

Half of any maintenance you receive will be ignored and the rest is counted as means. See page 20 for details. See page 19 for how maintenance affects your Rent or Mortgage Interest Supplement.

Savings

The first €20,000 is ignored and the rest is assessed.

Additional Supports

- You will still get Child Benefit no matter what you are earning. See page 20.
- You can keep your Medical Card / G.P. Visit Card for 3 years if you have been getting OFP for at least 12 months before taking up work no matter how much you earn.
- The Early Childhood Care and Education Scheme (ECCE). See page 20.

Family Income Supplement (FIS)

FIS is a tax-free weekly payment. You may qualify for FIS if you are working at least 19 hours a week on low wages. For a family with one child, wages after tax, OFP and maintenance must be less than €506 per week. The rate is higher if there are more children.



Rent Supplement



Rent Supplement will only be provided if the accommodation is suitable for your needs and the rent is below the rent limit set for your area. You must have been renting for six out of the last twelve months, or have been in accommodation for homeless persons for six out of the last twelve months or have been assessed by a local authority as being eligible for and in need of housing in the last 12 months. You must also satisfy the habitual residence condition and a means test. To apply contact your local Health Centre.

If you are not working

You may qualify for Rent Supplement if you are receiving a Social Welfare payment and living in private rented accommodation. See above.

You will have to make a minimum contribution of €30 per week towards the rent. The minimum contribution for a cohabiting couple is €40 per week.

If you are working

If you take up part-time work (up to 30 hours a week) any 'additional household income' (AHI) that is any income you receive over and above the full rate of Supplementary Welfare (€215.80 for an adult with one dependant child), will be assessed as follows:

The first €75 of AHI is ignored and 25% of anything over €75 is ignored.

In general if you are working full-time (30 hours or over per week) you are not entitled to Rent Supplement. However, if you get full-time work and you have been accepted as being in need of accommodation under the Rental Accommodation Scheme (RAS) by your local authority, you may be able to keep your Rent Supplement (provided you have been unemployed or not in full-time employment for at least 12 months before you start work). The above assessment will apply.

Appealing a decision

If you are not satisfied with a decision made in relation to Rent Supplement, you should first find out why the decision was made. If you are still unhappy you can make an appeal.

See 'Rent Supplement' at www.citizeninformation.ie

- for rent limits in your area
- to find your local Health Centre
- to find your Local Authority

Income tax / Universal Social Charge

You are entitled to:

- Your own Personal Tax Credit of €1,650
- Single Person Child Carer Tax Credit of €1,650*
- A PAYE Tax Credit of €1,650

*This tax credit is only available if you are not cohabiting or living with a civil partner/spouse. The tax credit is payable only to the main carer of the child. If the main carer is not working it may be possible to give this credit to the other carer/parent. See www.revenue.ie.

It is possible to have tax credits back-dated (four years maximum) if they have not been claimed.

You will be taxed at the rate of 20% for the first €36,800 you earn and the rest at 41%.

Maternity benefit is taxable.

One Parent Family Payment is taxable. Family Income Supplement is not taxable.

Universal Social Charge

You will pay a Universal Social Charge on your gross income (income before tax). The following rates and thresholds apply:

- 2% all income up to €10,036
- 4% income between €10,037 and €16,016
- 7% income above €16,016

You will not have to pay a Universal Social Charge if your total income for the year is less than €10,036

Social Welfare payments are exempt from the Universal Social Charge.

If you have a full Medical Card and earn more than €10,036 per year, you will pay 2% on income up to €10,036 and a maximum of 4% on any income over €10,036.



Revenue Commissioners' LoCall numbers

**Border, Midlands,
West Region**
1890 77 74 25

Dublin Region
1890 33 34 25

Southwest Region
1890 22 24 25

**East and Southeast
Region**
1890 44 44 25

www.revenue.ie



Opportunities in education and training

If you are staying in school

- You can still get One-Parent Family Payment (OFP).
- You must satisfy the conditions for OFP. See page 19.
- Check with your school **early in your pregnancy** to see if you could benefit from the Home Tuition Scheme while you are pregnant. See www.education.ie.

If you have already left school

and want to go back to finish secondary school, VEC or college then you can switch from OFP to the Back to Education Allowance (BTEA) if you have been on OFP for 3 months or more. In the case of third level courses, you may only transfer to the BTEA if you have been in receipt of OFP for at least 9 months. BTEA will allow you to keep your Medical Card / G.P. Visit Card and Rent Supplement.

To qualify for BTEA you must be either over 18 and two years out of education or over 21.

If you are over 21 and getting OFP for 6 months then you could apply for a Vocational Training Opportunities Scheme (VTOS). There are no fees, books are free and you may get a small travel allowance and a free childcare place. There are many courses on offer and you could do your Junior or Leaving Certificate. See www.qualifax.ie.

There might be a Youthreach near you. You can get basic and specific skills training, practical work experience and some general education. See www.youthreach.ie.

Contact your Local Employment Service office for details of training courses or community employment schemes, see www.localemploymentservices.ie.

See www.solas.ie (formally FÁS) for details of training courses.

Childcare

The biggest obstacle to going back to school or college is organising and paying for childcare for your child. Check with your college, as some colleges have childcare attached and others can give you an allowance for childcare. See www.dcyu.ie and search 'childcare' to see what is available and for contact details of your local Childcare Committee.

Habitual Residence Condition

Habitual Residence is a condition you must satisfy in order to qualify for certain social welfare payments.

These payments include:

- Jobseeker's Allowance
- One-Parent Family Payment
- Child Benefit
- Supplementary Welfare Allowance (other than once-off Exceptional and Urgent Needs Payments).

Habitual Residence means you have proven close links to Ireland or other parts of the Common Travel Area*. The most important factors for providing this link are:

- Length and continuity of residence in Ireland or elsewhere
- The length and purpose of any absence from Ireland
- Nature and pattern of employment
- Main centre of interest
- Future intentions

*The Common Travel Area is Ireland, Great Britain, the Channel Islands and the Isle of Man.

EU Regulations and Habitual Residence

EU/EEA citizens and Swiss nationals who are employed or self-employed in Ireland and subject to the Irish Social Insurance system do not have to satisfy the Habitual Residence Condition to qualify for Family Benefits. The following Irish social welfare payments are regarded as Family Benefits under EU Regulations:

- One-Parent Family Payment
- Guardian's Payment (Non-Contributory)
- Family Income Supplement
- Child Benefit
- Early Childhood Care and Education Scheme (ECCE)

Habitual Residence is a condition which you must satisfy in order to qualify for certain social welfare payments.



For more information search for: Habitual Residence Condition on www.welfare.ie



Child abduction

for more information see www.treoir.ie/information/abduction.php



It is an offence for a parent or guardian to take or send a child under 16 years of age out of the State without the consent of the other parent if that parent is a guardian or in defiance of a court order. Consent is also required where a parent has applied to the court for guardianship but the case has not yet been heard.

It is an offence for a parent who is not a guardian of the child to keep or remove a child under 16 years from the control of any person who has lawful care of the child.

For further information contact your local Garda station and/or the Central Authority for Child Abduction in the Department of Justice and Equality.

It is an offence for a parent or guardian to take a child under 16 years out of the State without the consent of the other parent / guardian or in defiance of a court order.

Domestic violence

for more information see www.treoir.ie/information-domestic-violence.php

Domestic violence can be physical, sexual or mental abuse. It can happen to anyone at any time. If you are being abused remember, you are not alone, it's not your fault and help is available.

All of the orders listed below are available to both opposite and same sex cohabitants.

Barring Order

- You can apply for a barring order if your partner is being violent towards you and if you have been living together for 6 months in total during the past 9 months. (This requirement is different for married couples).
- A barring order requires the violent person to leave the family home, unless that person owns the family home in full or has greater rights than you to the home.
- A barring order can last up to 3 years and can be renewed.
- You may also apply for an interim barring order where there are reasonable grounds for believing that you are at an immediate risk of significant harm and the granting of a protection order would not offer sufficient protection (see below).

Safety Order

- You can apply for a safety order no matter how long you have been living together. A parent can apply for a safety order against the other parent of the child even if they have never lived together.
- A safety order prohibits the violent person from further acts of violence or threats of violence. It does not oblige that person to leave the family home.
- A safety order can last up to 5 years and can be renewed.

Protection Order

- You can apply for a protection order while you are waiting for the court to decide on your application for either a safety or barring order.
- A protection order prohibits the violent person from further acts of violence or threats of violence. It does not require the violent person to leave the home.
- This is a temporary order but will have immediate effect.

If you get any of the above court orders and the violent person breaks it, then the Gardaí can arrest and charge that person.

To apply for an order you must go to your local District Court office (see Courts Service below).



Harassment

for more information see www.treoir.ie/information-harassment.php

It is an offence to harass a person

Keep a list of unacceptable behaviour of the person who is harassing you - dates and times and descriptions of the incidents. Telephone records and Garda reports may also be useful. Serious incidents should always be reported at your local Garda Station. (If the incident is very serious it may amount to a criminal offence in which case the Gardaí may prosecute as a criminal offence).

If convicted for harassment the court can order the guilty person:

- Not to communicate in any way with the victim for a specified period.
- Not to approach within a certain distance of the victim's home or place of work.

To take action for harassment known as "Breach of the Peace" go to your local District Court. In Dublin go to the Summons Office, Chancery Court House, Chancery Street, Dublin 7.
Opening hours 9.30 - 1.00 / 2.00 - 4.00.

The Summons Office can be contacted on Tel: 01-888 6117 / 888 6118

Useful contacts



The Adoption Authority of Ireland

01 230 9300

Email: info@aai.gov.ie

www.aai.gov.ie

AIM, Dublin 2

Counselling, legal information and a family mediation service for people experiencing marital, relationship and family problems

01 670 8363

Email: aimfamilyservices@eircom.net

www.aimfamilyservices.ie

Aislinn, Dublin (M)*

Aftercare service for young people leaving care

01 285 5161

linda.duggan@hse.ie

Barnardos National Office (M)*

Parenting Positively booklet available

01 453 0355 Callsave: **1850 222 300**

Email: info@barnardos.ie

www.barnardos.ie

Bessborough Centre Cork (M)*

Pre and post natal accommodation and support

021 435 7730

Email: tquigley@bessborough.ie

Boyle Family Life Centre, Roscommon (M)*

Family Life Centre, Ballymore

071 966 3000

Email: info@familylifecentre.ie

www.familylifecentre.ie

Citizens Information Phone Service

076 107 4000

LoCall: **1890 77 71 21**

Email: information@citizensinformation.ie

Clarecare, Clare (M)*

Social services to people in Clare

065 682 8178

Email: info@clarecare.ie

www.clarecare.ie

HSE Crisis Pregnancy Programme

01 814 6292

Email: info@crisispregnancy.ie

www.crisispregnancy.ie

Cúnamh, Dublin 2 (M)*

Pregnancy counselling and adoption

01 677 9664

Email: info@cunamh.com

www.cunamh.com

Department of Social Protection

Information Section: **01 704 3000**

www.welfare.ie

Doras Bui, Dublin 17 (M)*

A parents alone resource centre

01 848 1872 / 848 4811

Email: info@dorasbui.ie

www.dorasbui.ie

Miss Carr's Housing Association (M)*

Ecclesville, Dublin 6

Accommodation for single mothers

01 497 1519

Email: info@carrschildandfamilyservices.ie

www.carrschildandfamilyservices.ie

Family Advocacy Service, Limerick

Support for families with children in care

061 314 111

Family Mediation Service

01 874 7446

See www.legalaiddboard.ie to find your local mediation service

Focus Ireland (Housing)

Dublin

01 881 5900

Cork

021 427 3646

Kilkenny

056 779 4565

Limerick

061 405 300

Sligo

071 914 9974

Waterford

051 879 807

www.focusireland.ie

Free Legal Advice Centre (FLAC)

LoCall: **1890 350 250**

www.flac.ie

Foróige, Dublin 6 (M)*

National youth organisation

01 630 1560

Email: info@foroige.ie

HSE National Information Line

Callsave: **1850 241 850**

Immigrant Council of Ireland, Dublin 2

01 674 0200

Email: info@immigrantcouncil.ie

www.immigrantcouncil.ie

Irish Association for Counselling and Psychotherapy (IACP)

01 272 3427

Email: iacp@iacp.ie

www.iacp.ie

Legal Aid Board

LoCall: **1890 615 200**

Email: info@legalaiddboard.ie

www.legalaiddboard.ie

Limerick Social Services Council, (M)*

061 314 111
Email: info@lssc.ie
www.lssc.ie

Money Advice and Budgeting Services

LoCall: 1890 28 34 38
www.@mabs.ie

One Family, Dublin 2

Voice, support, action, for all members of all one parent families

LoCall 1890 66 22 12
Email: info@onefamily.ie
www.onefamily.ie

OPEN

A national network supporting the growth and development of lone parent self-help groups.

01 814 8860
Email: enquiries@oneparent.ie
www.oneparent.ie

Parentline

Helpline for parents under stress
01 873 3500
LoCall 1890 92 72 77
Email: info@parentline.ie
www.parentline.ie

Rainbows, Dublin 12

Peer support groups on a national basis for children affected by bereavement, divorce and/or separation of someone close to them.

Rainbows National Office 01 473 4175
Email: ask@rainbowsireland.com
www.rainbowsireland.com

Sligo Social Services Council Ltd. (M)*

071 914 5682
Email: info@sligosocialservices.ie
www.sligosocialservices.ie

Solas (Formerly FAS)

Further Education and Training Authority
01 607 0500
Email: info@solas.ie
www.solas.ie

St. Brigid's Family & Community Centre Waterford

051 375 261
Email: stbrigidsfrc@eircom.net
www.stbrigidsfrc.com

St. Annes Day Nursery, Cork (M)*

021 432 3304
Email: anncobh@yahoo.ie

St. Catherine's Community Services Centre Carlow (M)*

059 913 8700
Email: info@stcatherines.ie
www.stcatherines.com

The Base, Dublin 10 (M)*

Service for children and young people
01 654 6800
Email: info@thebase.ie

Threshold (Housing)

Cork 021 427 8848 Email: advicecork@threshold.ie
Dublin 01 678 6096 Email: advice@threshold.ie
Galway 091 563 080 Email: advicegalway@threshold.ie
www.threshold.ie

Treoir, Dublin 1

National Information Service for unmarried parents
LoCall: 1890 25 20 84
01 6700 120
Email: info@treoir.ie
www.treoir.ie

National Co-ordinator Teen Parents Support Programme (TPSP)

14, Gandon House
IFSC, Dublin 1
01 670 0167
Email: tspsp@treoir.ie
www.tpsp.ie

The TPSP offers support to pregnant and parenting teenagers and is available in the following locations:

Carlow / Kilkenny

059 913 8799

Cork

021 422 2987

Donegal

074 919 0141

Dublin

Ballyfermot, Bluebell & Inchicore
01 654 6806

Dublin 5, 13 & 17, and parts of Dublin 3 & 9

01 848 4811

Dublin 24, 12 and parts of Dublin 6

01 403 2081

Finglas

087 952 3926

Galway

091 544 960

Limerick

061 411 643

Louth

041 987 5294

North Wexford

053 923 6342

Other useful addresses are listed throughout the booklet.
For local information contact your local Citizens Information Centre, Health Service Executive or Youth Information Centre.

***(M) Member agency of Treoir**

“Being there for them” - for grandparents of children whose parents are not married to each other. *Funded by the HSE Crisis Pregnancy Programme.*

Cohabitants - legal rights and obligations for opposite and same sex couples. *Funded by the Family Support Agency.*

E-Bulletin - regular information for unmarried parents and those involved with them.

Family Links Steps and Stages positive pointers for parents who are helping their children to understand their family situation. *Funded by the Family Support Agency.*

Information Pack - for unmarried parents. *Funded by the HSE Crisis Pregnancy Programme.*

Reproductive Health Information for Migrant Women available in Arabic, Chinese, English, French, Polish, Romanian, and Russian. Available in a manual or CD format. *Funded by the HSE Crisis Pregnancy Programme.*

Young Parent Survival Guide - a great magazine for young mums and dads. *Funded by the HSE Crisis Pregnancy Programme.*

Treoir Information Leaflets

Guardianship
Access and custody
Rights of unmarried fathers
Cohabiting parents
Maintenance
Establishing paternity / DNA Testing

Birth registration
Passport applications
International Child Abduction
Shared parenting
Explaining family relationships
Step-parent adoption

Web based only publications

Taking the Stand - a guide for unmarried parents resolving disputes regarding care of their children.

Legal information for unmarried migrant parents
available in Arabic, Chinese, English, French, Polish, Romanian and Russian.
Funded by the HSE Crisis Pregnancy Programme.

All publications can be downloaded from www.treoir.ie
or order from Treoir LoCall 1890 25 20 84, info@treoir.ie
(free of charge)





HSE Crisis Pregnancy Programme Support Materials

Positive Options

For a list of free, non judgemental, trustworthy crisis pregnancy counselling services, visit www.positiveoptions.ie or freetext **LIST** to **50444**

POPTIONS
CRISIS PREGNANCY SERVICES
Help. Support. Understanding.

Think Contraception

For information on contraception, sexual health, fertility and sexually transmitted infections as well as a sexual health quiz, visit www.thinkcontraception.ie

Busy Bodies Booklet

Information for 5th and 6th class students on the physical and emotional changes during puberty. To order a copy of the booklet freetext **BUSY** plus your name and address to **50444**.

The Facts DVD

A DVD to help educate 15-17 year olds about fertility, contraception, crisis pregnancy and sexually transmitted infections (STIs). To order a copy of the DVD, freetext **FACTS** plus your name and address to **50444**.

You can talk to me - DVD and Booklet

To help parents talk to their 11 - 15 year old children about relationships and sexual health. To order a DVD and booklet, freetext **PARENT** plus your name and address to **50444**.

'Advice for Mams & Dads'

A free supplement to assist parents in talking to their 15 - 17 year old teenagers about relationships and sexuality. To order a copy of the supplement, freetext **TALK** plus your name and address to **50444**.

To order any of the above resources visit www.healthpromotion.ie



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

crisispregnancyprogramme



Index



A	Abduction	26	M	Maintenance - legal	7
	Abortion Aftercare	15		Maintenance - impact on OFP	19
	Access	4		Marriage	12
	Adoption (family)	12		Maternity Benefit	17
	Ante-natal Care	18		Maternity Leave	18
	Appeals	20, 22		Means Test for OFP	21
	Attachment of Earnings	7		Medical Card	20, 21
B	Back to Education Allowance	24		Mediation	14
	Back to School Clothing and Footwear Allowance	20		Medical Care	18
	Barring Order	27	O	One-Parent Family Payment	19, 21
	Birth Registration	9, 10		One-Parent Family Tax Credit	23
	Breach of the Peace	28	P	Parental Leave	18
C	Capital Acquisitions Tax	6		Passport Applications	11
	Child Abduction	26		Paternity Testing	8
	Child Benefit	20		Post-natal Care	18
	Childcare	24		Pregnancy	15, 16, 17
	Cohabitation	5, 6		Protection Order	27
	Collaborative Law	14	R	Redress Scheme	5
	Crisis Pregnancy Counselling Agencies	15		Registration of Births	9, 10
	Custody	4		Rent Supplement	22
D	Deed Poll	10		Re-registration of Births	9
	DNA Testing / Paternity	8		Rule of Court	14
	Domestic Violence	27	S	Safety Order	27
E	Early Childhood Care and Education Scheme	20		Shared Parenting	13
	Education	24		Single Person Child Carer Tax Credit	23
	Establishing Paternity	8		Supplementary Welfare Allowance	17
F	Family Home Protection Act	6		Surnames	9, 10
	Family Income Supplement	21	T	Tax Credits	23
G	Grandparents	4		Testamentary Guardianship	3, 12
	Guardianship	3		Training	24
H	Habitual Residence Condition	19, 21, 22, 25	U	Universal Social Charge	23
	Harassment	28		Useful Contacts	29, 30
	Health and Safety Benefit	17	V	Variation Order	7
	Home Tuition Scheme	24		Violence	27
I	Income Tax	23		VTOS	24
	Inheritance Tax	6	W	Wills	3
			Y	Youthreach	24





The National Federation of Services for
Unmarried Parents and their Children

14 Gandon House, IFSC, Dublin 1.
01 6700 120 LoCall 1890 252 084
info@treoir www.treoir.ie

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