



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

2012

Funded by
crisispregnancyprogramme





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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 2012.

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LoCall 1890 252 084
www.treoir.ie

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 also provides information and support through its National Resource Centre for those working with Young Parents and 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, Government and other grants.

Guardianship

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
- 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.

A father who is not married to the child's mother can become a guardian by:

- Swearing an agreement with the mother. This is a Statutory Instrument, S.I. No 5 of 1998, and is available to download from www.treoir.ie or contact Treoir on 1890 252 084
- Going to the local District Court to apply to be appointed a guardian. A father only needs to do this where the mother does not agree to the father becoming a guardian.

A father does not automatically have guardianship rights if his name is on the birth certificate. It is important for a child to have both parents' names on his/her birth certificate for identity purposes.

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. Where a parent who is a guardian dies without making a will any person with a proper interest can apply to the local district court to be appointed a guardian.

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





Custody and Access



**Family law cases are
not open to the general public**

Custody

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

Who has custody?

- Married parents share custody
- Where parents are not married to each other:
 - A mother automatically has 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 may informally agree access to their child with the other parent
- or*
- The other parent can go to the local District Court to apply for access, if this is being denied.
- Any person related to a child 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 (for example grandparent, step-parent, aunt, uncle).

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

Only those directly involved in family law cases are allowed in the court. Many people represent themselves in court without a solicitor.

Cohabitation



Who is a cohabitant?

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)

Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010

Under this Act qualified cohabitants, opposite or same sex, have protection when their relationship ends by separation or death. This is called the 'redress scheme'. The Act came into effect on 1st January 2011.

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
- are financially dependent on the other cohabitant

**time spent cohabiting immediately before 1st January 2011 is taken into account*

If a cohabitant is still married, s/he must have lived apart from her/his 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 and can show the court at the end of your relationship, either through break-up or death, **that you are financially dependent on your ex-partner** you can apply, generally within 2 years of the ending of your relationship, for a

- Compensatory Maintenance Order
- Pension Adjustment Order
- Property Adjustment Order
- Claim on the estate of the deceased cohabitant (in certain circumstances). You do not have to show financial dependence where you were in an existing relationship at the time of death

Generally you must have been living in Ireland for the year before your relationship ends.

Cohabitants' Agreements

Cohabitants (whether or not you are a qualified cohabitant) can make a cohabitants' agreement to regulate shared financial affairs or to opt out of the redress scheme. This agreement will be recognised as valid and enforceable except in exceptional circumstances.

Other things cohabitants should know:

Property

Cohabiting families do not have the benefit of the Family Home Protection Act 1976 which applies only to married families.

Where a home is being bought jointly it is advisable to sign a co-ownership agreement. Check with a solicitor whether Joint Tenancy or Tenancy in Common is the best ownership option as regards any joint property you have.

Inheritance

Cohabiting partners do not have automatic inheritance rights from each other.

Inheritance Tax

Principal Residence Relief allows you to receive a gift or inheritance of a residential property free from capital acquisitions tax (CAT), popularly known as inheritance tax or gift tax, under certain conditions. Check with Treoir.

Cohabiting partners pay tax on gifts/inheritance over €16,604 at 30%.

Cohabitants could consider taking out a Section 60 insurance policy, through a life insurance company, which covers inheritance tax where this arises.

Income Tax

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

Social Welfare

Cohabitants (both opposite and same sex) are treated in the same way as a married family for Social Welfare purposes. Both incomes will be taken into account when assessing income for the means test.

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 regardless of the marital status of their parents.

Fathers

Fathers do not have automatic guardianship rights in respect of their children even if their names are on the birth cert. Fathers should consider becoming joint guardians with the mothers of their children. See Guardianship on page 3.

See: www.treoir.ie

Cohabitants - legal rights and obligations for opposite and same sex couples
Cohabiting Parents

www.revenue.ie

Glen (Gay and Lesbian Equality Network): 01 672 8650 www.glen.ie

Maintenance



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 children.

- Parents may be able to 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 then you may have no option but to go to court where a maintenance order can be made which will order the other parent to pay maintenance.
- 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 each 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 office who 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.

See:

- *Cohabitants - legal rights and obligations for opposite and same sex couples*
- *Cohabiting Parents*
- *Taking The Stand for helpful hints about representing yourself in court*

at www.treoir.ie

Establishing paternity / testing

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 rights in respect of his child).

- It may be necessary, for legal reasons or 'peace of mind', to have a paternity test done where paternity is disputed. Where 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. Where a person refuses to undergo testing, the court can reach whatever conclusion it thinks proper in the particular circumstances. Alternatively there is a special procedure for establishing paternity available in the Circuit Court. This is called 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 at the facility providing 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: Test results cannot be used to put the father's name on a 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 a birth certificate.

For further details and for contact details of some of the paternity testing services available see Treoir leaflet 'Establishing Paternity' on www.treoir.ie.

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



Registration of Births

4 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 rights in respect of 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 Having the father's name on the birth certificate does not prevent the mother from getting One-Parent Family Payment.

The birth of a child must be registered within 3 months of the birth. It may be possible to register the birth in your maternity hospital or if not at your local register of births. See below for details of how you re-register a child's birth to include the father's name if it was not included in the first registration.

Surnames

Parents can choose

- Mother's surname.
- Father's surname (but only if the father's name is going on the birth certificate).
- 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).

How can the father's name be registered

- Both parents can register the birth together.
- Either parent can present to the registrar a form signed by the other parent, and correctly witnessed, called a Statutory Declaration (available from the registrar's office) swearing that the father is the father.
- Either parent can bring a copy of any court order naming the father in respect of the child e.g. access, maintenance or guardianship to the register and have the father's name entered on the birth certificate, without the consent of the other parent. The other parent 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 alone, it is possible to re-register the birth at any future date in order to have the father's details included, using any of the methods for registration described above.



Think before you register!

Changing a child's surname

- Where the names of both parents are already entered in the Register of Births, it is possible to re-register the birth to change the surname of the child **only** where the parents marry following the birth of their child and where both parents agree.
- If the birth is being re-registered to add the father's name the child's surname can be changed where both parents agree.
- The surname of a child can be changed by Deed Poll or by Common Usage but neither of these can change the entry in the Register of Births. The Deed Poll, which is the official process by which a person changes his/her name, is presented together with the birth certificate. If you are not an Irish citizen contact the Department of Justice.
- A person's name can be changed by common usage - that is where a new name is adopted and it is 'commonly used' by that person.

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 drawn up more than 10 months before the birth of your child and a sworn statement from you saying you were living apart from your husband for that period
or
- An Irish divorce at least 10 months before your child was born. To make sure a foreign divorce is valid it must be referred to the General Register Office.
or
- Any court order which names the father as father.

Passport application

Consent to passport application

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

Where the mother is a sole guardian:

- She can sign an affidavit form 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 'application forms'.

or

- Both parents may sign the application form (APS 1) even though the father is not a joint guardian of the child. The father's name must be entered in the Register of Births for this procedure.

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 differing requirements depending on the nationality and/or residence of the parent(s). 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 in respect of his child.





If you marry after your baby is born



Legal Implications

If the parents marry each other following the birth, the father automatically 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:

- There is no legal relationship between your husband and your child. It is not possible for your husband to apply for guardianship rights in respect of your child.
- You can appoint your husband as guardian of your child in your will, if appropriate. This is called testamentary guardianship. See page 3.
- It is possible for you as a married couple to adopt your child but this means that the mother and her husband become the adoptive parents of the child. This is called step-parent adoption. To discuss this procedure contact your local HSE Adoption Service.
- Adoption is a serious step as it severs all links between your child and her/his father and the extended family. It needs careful thought.
- The law requires that birth fathers be consulted regarding the adoption of their children. If this is not possible, the Adoption Authority will require an order from the High Court before the adoption can go ahead. If the father is a guardian then his consent is required to an adoption.

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

Shared parenting where parents are living apart

Mothers and fathers are both very special to their children.

It is usually good for children if both parents are involved in the parenting as much as they can - but only if it can be done without a lot of conflict.

Children need to know as much as possible about both their parents, 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.
- 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!
- Even if you can't be positive be neutral.
- Ensure that your child knows s/he can ask questions freely about the other parent.

Tell relatives and staff at the nursery or school about your situation and what your child knows. It is important the 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 ex-parents.
- 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 in any family 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 those close to them.

At the end of the day it is important that your child can feel 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.

Get a copy of:

- *Family Links - steps and stages* a book for parents helping children to understand their family situation where their parents are living apart
- *Shared Parenting of Children*
- *Explaining Family Relationships*

from Treoir LoCall 1890 25 20 84, info@treoir.ie, www.treoir.ie



Mediation

Mediation allows parents to be in charge of their own decisions

If you are having difficulty in agreeing shared parenting issues with the other parent you might consider mediation as a way of reaching agreement.

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

- Mediation allows parents to be in charge of their own decisions.
- Both parents must be willing to enter the discussions and 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 child-rearing by developing parenting plans that are personal to each family.
- If parents reach an agreement through mediation then this agreement can be made a **rule of court** and thus have the weight of a court order.
- Generally speaking if parents have worked out arrangements together these can work better than orders handed down by the court.

Family Mediation Centres (16)
01 634 4320, www.fsa.ie

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

Collaborative Law

Collaborative law is an alternative method of resolving family disputes. Parents work with specially trained collaborative lawyers. They receive legal advice and guidance, and together with their lawyers, discuss and attempt to resolve issues through face to face meetings. Details of lawyers who have been trained in this process are available at your local law centre, at www.legalaid.ie or LoCall: 1890 615 200, or through the Association of Collaborative Practitioners, 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**.

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: ballinasloesps@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

Irish Family Planning Association (IFPA)

LoCall: 1850 49 50 51

E-mail: post@ifpa.ie

[www.ifpa.ie/eng/pregnancy counselling](http://www.ifpa.ie/eng/pregnancy%20counselling)

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

Here2Help - Crisis Pregnancy Service

Dublin 14 & Cavan

LoCall: 1850 67 33 33

E-mail: info@here2help.ie

www.here2help.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: 021 422 0490 or 021 422 0491

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 or Mortgage Interest Supplement
- Help towards the cost of necessary items (buggy, cot etc)

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 80% of your average weekly earnings in the relevant tax year, subject to a minimum and maximum payment. This means that you won't get less than €217.80 or more than €262 per week.

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. In certain circumstances, and in some regions, charges are made for the services.

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 14 weeks unpaid parental leave for each child. The leave must be taken before the child is 8 years old.

For more information on how to avail of Maternity/Parental Leave contact the Equality Authority at LoCall 1890 245 545

**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*
- 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

*It is expected that legislation will be introduced in April 2012 that will gradually reduce the age limit of the youngest child to 7 years of age by 2015. Check www.welfare.ie or www.treoir.ie for information on the current relevant age limit.

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 = €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.
- Maintenance paid directly to the Department by one parent will not be passed on to the other parent.
- 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* from the Health Service Executive:
 - 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 - €140 for each of the first two children per month. Higher amounts are paid for additional children.

The Early Childhood Care and Education Scheme (ECCE)

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.

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
- Mortgage Interest Supplement

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*
- 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

*It is expected that legislation will be introduced in April 2012 that will gradually reduce the age limit of the youngest child to 7 years of age by 2015. Check www.welfare.ie or www.treoir.ie for information on the current relevant age limit.

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

Means Test: What counts as means?

■ Income

The first €130 of weekly earnings is completely ignored - so that won't affect your OFP. (This amount will be gradually reduced down to €60 in 2016). Half of the remainder of your weekly earnings up to €425 is counted as means.

■ Maintenance

Half of any maintenance you receive will be ignored and the rest is counted as means. See page 20 for details.

■ Savings

The first €20,000 is ignored and the rest is counted as means.

If you earn more than €425 a week then you won't qualify for OFP.

See page 19 for how maintenance affects your Rent or Mortgage Interest Supplement.

What else can I keep if I am working?

- You will still get your Child Benefit no matter what you are earning. See page 19.
- 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

You may qualify for Family Income Supplement if you are working at least 19 hours a week on low wages. For a family with one child, wages after tax + OFP must be less than €506 per week. The rate is higher if there are more children.



Rent Supplement



If you are not working

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

You will have to make a minimum contribution of €30 per week towards the rent. The minimum contribution for a cohabiting couple is €35 a 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 (€186) will be assessed as follows:

- the first €75 of AHI is ignored and
- 25% of anything over €75 of AHI is ignored

If you take up full-time employment (30 hours or over a week) and are getting Rent Supplement and are on a Local Authority list for housing under the Rental Accommodation Scheme (RAS) the above assessment will apply. For details of your Local Authority contact:

Locall 1890 20 20 21 or 01 888 2000 or www.environ.ie/en.

All payments are subject to the habitual residence condition. See page 25

Income tax / Universal Social Charge

You are entitled to:

- Your own Personal Tax Credit of €1,650
- A One-Parent Family Tax Credit of €1650*
- A PAYE Tax Credit of €1650

*This tax credit is only available if you are not cohabiting or living with a civil partner/ spouse.

A non-resident parent (not cohabiting) who keeps the child overnight for any number of nights in the year may also claim One-Parent Family Tax Credit. It is possible to apply to have this tax credit back-dated if it has not been claimed.

It is important to check with the Revenue Commissioners that you are claiming all the credits you are entitled to as an unmarried parent.

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

OFP 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 45 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.

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 6 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. You will also get an annual allowance of €300.

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). It is run by the local VEC and there are no fees. Books are free and there is a small travel allowance. Some childcare money is also available. You could do your Junior or Leaving Certificate, City & Guilds etc. Check with your local VEC or see www.vtos.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.

Check with your local FÁS office for details of training courses or community employment schemes in your area.

Childcare

The biggest obstacle to going back to school or college is organising and paying for childcare for your child. Some colleges have childcare attached and others can give you an allowance for childcare. Check locally to see what is available or contact your local childcare committee. See www.pobal.ie for details of your local childcare committee.

For further information on childcare funding see www.dcyu.ie

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
- Nature and pattern of employment
- The length and purpose of any absence from Ireland
- 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 classified 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



It is an offence for a parent or guardian to take or send a child under 16 years of age out of the State in defiance of a court order or without the consent of the other parent if that parent is a guardian. 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 detain or remove a child under 16 years from lawful control of any person who has lawful control 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 in defiance of a court order or without the consent of the other parent / guardian.

Domestic violence

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).

You can get a barring order if you have been living together for 6 months in total during the past 9 months



Harassment



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

Bernardos National Office (M)*

Parenting Positively booklet available
01 453 0355 Callsave: 1850 222 300
Email: info@bernardos.ie
www.bernardos.ie

Family support service in

Athlone	0906 476 422
Blanchardstown	01 820 4033
Cherry Orchard	01 626 1985
Cork	021 431 0591
Dun Laoghaire	01 284 2323
Edenderry / Tullamore	046 973 2463
Limerick	061 328 420
Loughlinstown	01 282 0328
Mahon, Cork	021 435 7679
Mulhuddart	01 823 4836
Tallaght	01 452 5090
Thurles	0504 20018

Bessborough Centre Cork (M)*

Pre and post natal accommodation and support
021 435 7730
Email: info@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.org
www.dorasbui.org

Miss Carr's Housing Association (M)*

Ecclesville, Dublin 6
Accommodation for single mothers
01 497 0334
Email: info@misscarrs.ie
www.misscarrs.ie

Family Advocacy Service, Limerick

Support for families with children in care
061 314 111

Family Mediation Service

Dublin
Family Support Agency, Earlsfort Terrace, Dublin 2
01 634 4320
Email: info@fsa.ie

Cork

Hibernian House, 80A, South Mall, Cork
021 425 2200
Email: fmsouth@fsa

Galway

Merchants Road, Galway
091 509 730
Email: fmswest@fsa

Limerick

Lower Mallow Street, Limerick
061 214 310
Email: fmsmidwest@fsa

Part-time offices are located in:

Athlone	0906 420 970
Blanchardstown	01 811 8650
Castlebar	094 903 5120
Dundalk	042 935 9410
Letterkenny	074 910 2240
Portlaoise	057 869 5730
Raheny	01 851 0730
Sligo	071 915 4260
Tallaght	01 414 5180
Tralee	066 718 6100
Waterford	051 860 460
Wexford	053 916 3050

FÁS

Ireland's national training and employment authority
01 607 0500

Focus Ireland (Housing)

Dublin	01 881 5900
Cork	021 455 2498
Limerick	061 317 199
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@legalaidthboard.ie
www.legalaidthboard.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

Parental Equality, Louth
Joint parenting organisation
042 933 3163
Email: parental.equality@gmail.com
www.legalaidthboard.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

St. Brigid's Family & Community Centre Waterford
051 375 261
Email: stbrigidsfcc@eircom.net
www.stbrigidsfcc.com

St. Annes Day Nursery, Cork (M)*
021 432 3304
Email: annecobh@yahoo.ie

St. Catherine's Community Services Centre Carlow (M)*
059 913 8700
Email: info@stcatherinescarlow.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: tpsp@treoir.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
086 837 1335

Dublin
Ballyfermot, Bluebell & Inchicore
01 654 6806

Dublin 5, 13 & 17, Parts of Dublin 3 & 9
01 848 4811

Drimnagh Crumlin, Dublin 24, Parts of Dublin 8
01 403 2081

Finglas
01 804 1765

Galway
091 544 960

Limerick
061 411 643

Louth
041 987 5273

North Wexford
053 948 1014

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 - new 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.

E-Newsletter - for workers and young parents.

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.*

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

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

Treoir Information Leaflets

- | | |
|--|--|
| 01. Guardianship | 07. Birth registration |
| 02. Access, custody | 08. Passport application |
| 03. Rights of unmarried fathers | 09. International Child Abduction |
| 04. Cohabiting parents | 10. Shared parenting |
| 05. Maintenance | 11. Explaining family relationships |
| 06. Establishing paternity | 12. Step-parent adoption |

Web based only publications

Adoption booklets for birth parents considering adoption. *Funded by the HSE Crisis Pregnancy Programme.*

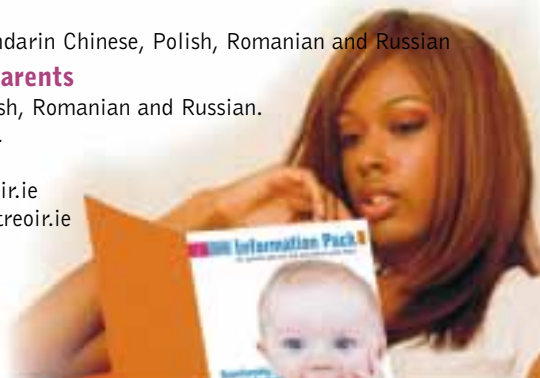
- 1.** Introduction*
- 2.** Adoption in Ireland today
- 3.** Workbook

*Also available online in Latvian, Lithuanian, Mandarin Chinese, Polish, Romanian and Russian

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 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**

+OPTIONS
CRISIS PREGNANCY SERVICES
Help. Support. Understanding.

Think Contraception

For information on contraception, sexual health, fertility and sexually transmitted infection 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**.

'Parents, tips for talking to older teenagers'

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**.

Funded by 
crisispregnancyprogramme

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

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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

Keep informed
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