



STATUTORY INSTRUMENTS.

S.I. No. 63 of 2018



RULES OF THE SUPERIOR COURTS (SPECIAL CARE OF
CHILDREN) 2018

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RULES OF THE SUPERIOR COURTS (SPECIAL CARE OF
CHILDREN) 2018

We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, and the Courts of Justice Act 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), and the Courts (Supplemental Provisions) Act 1961, section 14, and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 2nd day of January, 2018.

Frank Clarke	Deirdre Murphy
Sean Ryan	Conor Dignam
William McKechnie	Stuart Gilhooly
Elizabeth Dunne	Michael Kavanagh
Michael Peart	Mary Cummins
Gearard Hogan	Noel Rubotham
Anthony Barr	John Mahon

I concur in the making of the following Rules of Court.

Dated this 15th day of February, 2018.

CHARLES FLANAGAN

Minister for Justice and Equality

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 9th March, 2018.*

S.I. No. 63 of 2018

RULES OF THE SUPERIOR COURTS (SPECIAL CARE OF
CHILDREN) 2018

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Special Care of Children) 2018, shall come into operation on the 21st day of March 2018.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2018.

2. The Rules of the Superior Courts are amended:

- (i) by the insertion immediately following Order 65 of the Order set out in Schedule 1 as Order 65A;
- (ii) by the insertion immediately following Appendix KK of the Appendix set out in Schedule 2 as Appendix LL.

Schedule 1

“Order 65A
Special Care of Children

1. In this Order:

“the 1991 Act” means the Child Care Act 1991;

“the 2001 Act” means the Children Act 2001;

“the 2011 Act” means the Child Care (Amendment) Act 2011;

“Agency” means the Child and Family Agency established by section 7 of the Child and Family Agency Act 2013;

“child” has the same meaning as in section 2(1) of the 1991 Act;

“interim special care order” means an order made under section 23L of the 1991 Act;

“parents” has the meaning assigned to it by section 2(1) of the 1991 Act;

“special care order” means an order made under section 23H of the 1991 Act;

“special care proceedings” means proceedings in the Court under Part IVA of the 1991 Act.

2. (1) Only officers of the Court, the parties and their legal representatives, witnesses and such other persons as the Court may allow shall be permitted to be present at the hearing of special care proceedings.

(2) The Court may, if it thinks it proper to do so, order any witness who is not a party to the special care proceedings to leave the Court either until his or her evidence is required or after his or her evidence has been given.

(3) Special care proceedings shall be as informal as is practicable consistent with the administration of justice. The provisions of Order 119, rules 2 and 3 solely insofar as they relate to the wearing of a wig and gown, shall not apply to special care proceedings in the Court.

(4) The forms in Appendix LL shall, with any necessary modifications, be used in special care proceedings where appropriate.

3. (1) Special care proceedings in the Court shall be commenced by originating notice of motion, which shall be entitled

“ The High Court
Special care

In the matter of

A.B, a child [or, as the case may be, a child
whose name is unknown]”

and in which the Agency shall be named as the applicant.

(2) An application for a special care order or an application made on notice for an interim special care order shall be made by originating motion on notice.

(3) An application for an interim special care order made ex parte shall be made by originating motion ex parte, entitled as in sub-rule (2), in which the Agency shall be named as the applicant, provided that the Court may in a case of urgency dispense with the requirement that an originating motion ex parte be filed in advance of the application and may instead accept an undertaking from the Agency to lodge with the Registrar the originating ex parte motion paper.

(4) Subject to the provisions of this Order, applications in special care proceedings shall be grounded upon an affidavit, provided that the Court may where it deems fit direct that an application may be heard wholly or in part on oral evidence, which direction may be given at the hearing.

(5) The respondent or respondents to an originating notice of motion for a special care order or an interim special care order shall, subject to any order or other provision made or directions given by the Court under section 23G(6) of the 1991 Act, be the person or persons specified in section 23G(1) of the 1991 Act.

(6) In addition to any information or evidence required under the Act to be given to the Court on the making of an application for a special care order or an interim special care order, the evidence (whether on affidavit or oral) in support of such an application shall—

- (a) specify whether the child to whom the application relates has previously been the subject of a special care order or an interim special care order which has expired and if so, the record number of the proceedings concerned, and
- (b) specify whether the child to whom the application relates is currently the subject of any other order of the Court in special care proceedings, or of any order of another court in proceedings concerning the care and welfare of the child.

(7) An originating notice of motion for a special care order or an interim special care order may include an application for further or other relief which may be granted by the Court under the 1991 Act in respect of the child.

(8) A person who is to be informed of an application for a special care order or interim special care order in accordance with section 23G(2) or section 23G(3) of the 1991 Act may (without limiting any other means by which that person may be so notified and unless the Court directs otherwise) be so notified by the delivery of a copy of the originating notice of motion (and, where appropriate in the case of that person, a copy of any grounding affidavit and any exhibits thereto) to that person.

(9) Save where otherwise provided by this Order or directed by the Court, all subsequent applications to the Court in relation to the care of the child who is the subject of the originating notice of motion shall be brought by motion in the proceedings commenced by the originating notice of motion, on notice to all other parties to the special care proceedings.

(10) Save where otherwise directed or permitted by the Court, a copy of the originating notice of motion shall be served on each respondent at least two days prior to the date fixed for hearing the application.

(11) An application for a direction in accordance with section 23G(6) of the 1991 Act that the substantive application proceed otherwise than on notice to a named person who would otherwise be entitled to notice of the application in accordance with section 23G(1) of the 1991 Act may be made *ex parte* in the matter of intended special care proceedings, or made at the time when an originating application is made *ex parte*, or otherwise made by motion *ex parte*.

(12) In any case in which an application in special care proceedings is heard, or a review in accordance with section 23I of the 1991 Act is conducted, otherwise than on affidavit or in the absence of any party, the Court may direct that, in addition to the service by the moving party on the absent party of a copy of the Court's order, the moving party also send the absent party a transcript or note of the evidence and a note of any reasons given by the Court for making the order concerned or, as the case may be, a note of the outcome of the review hearing.

4. (1) On the return date of any originating notice of motion in proceedings for a special care order or an interim special care order (or on any adjournment from such date, including any review date mentioned in rule 5), the Court shall give directions and make orders for the conduct of the proceedings as, having due regard for the rights of the child who is the subject of the proceedings, appear convenient for the determination of the proceedings in a manner which is just, expeditious and likely to minimise the costs of those proceedings, which, where appropriate, may include:

- (a) any order which might be made or direction which might be given under Order 84B, rule 8;
- (b) an order appointing a guardian ad litem in accordance with section 26 of the 1991 Act;
- (c) a direction in accordance with section 23G(5) of the 1991 Act that another person mentioned in that subsection be informed of the application,

either by the delivery of a copy of the originating notice of motion (and, where appropriate in the case of that person, a copy of any grounding affidavit and any exhibits thereto) to that person or by such other means as may be directed;

- (d) a direction in accordance with section 23G(6) of the 1991 Act that the application proceed otherwise than on notice to a named person who would otherwise be entitled to notice of the application in accordance with section 23G(1) of the 1991 Act.

(2) On the hearing of an application for an interim special care order made ex parte, the Court may give such directions and make such orders for the further conduct of the proceedings as, having due regard for the rights of the child who is the subject of the proceedings, appear just and convenient which, where appropriate, may include:

- (a) an order appointing a guardian ad litem in accordance with section 26 of the 1991 Act;
- (b) a direction in accordance with section 23G(5) or section 23G(6) of the 1991 Act;
- (c) directions in accordance with section 23M(1), section 23M(2) or section 23M(8) of the 1991 Act.

5. (1) Where the Court makes a special care order, the Court shall re-list the proceedings on the originating notice of motion in matter of the child concerned for the purposes of the reviews referred to in section 23I(4) of the 1991 Act on such dates (in this rule referred to as the “review dates”) as the Court shall specify, and the Court may give such directions as appear appropriate for the exchange among the parties and delivery to the Court in advance of any such listing for review of any further evidence, report, assessment or information concerning the care and protection of the child.

(2) In addition to any other order it may make or direction it may give on any of the review dates, the Court may, on any review date, re-list the matter of the child concerned for the purposes of the reviews referred to in section 23I(4) of the 1991 Act or such further or other review dates as the Court may specify, and give such further or other directions as appear appropriate for the exchange among the parties and delivery to the Court in advance of any such listing for review of any further evidence, report, assessment or information concerning the care and protection of the child.

6. In having regard to the rights of a child who is the subject of special care proceedings, the Court may, at any time in such proceedings, of its own motion or on the application of any party or other person showing a sufficient interest:

- (a) direct that the child be joined as a party or notice party to the special care proceedings;

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- (b) direct that the child be put on notice of applications and hearings in the special care proceedings, though not a party or notice party, or
- (c) where it considers it appropriate having regard to the child's age and understanding, hear the child in any application or hearing in the special care proceedings.

7. (1) In a case where the Agency does not know the name of the child in respect of whom an application for an interim special care order is made, the originating motion shall identify the child to whom the application relates by description, and the title of the proceedings may be amended by the Court without motion at any stage of the special care proceedings when the identity of the child is established to the satisfaction of the Court.

(2) Where an interim special care order is made on an application by originating motion *ex parte*—

- (a) the originating notice of motion on foot of which the Agency applies for an interim special care order shall be made returnable to the date for the hearing of the application for an interim special care order on notice appointed by the Court in accordance with section 23M(1)(a) and section 23M(7) of the 1991 Act, and
- (b) the applicant shall comply with the directions of the Court as to service of the originating notice of motion and any affidavit or other document (together with any order made on the application) on any respondent or other person.

8. (1) The following information to be given to the Court in respect of a child who is the subject of special care proceedings shall unless the Court permits the same to be given orally at the hearing concerned, be given in by letter or by electronic mail addressed to the Registrar, and such letter or electronic mail shall be placed on the file concerning the special care proceedings:

- (a) information for the purposes of section 23D(4) of the 1991 Act;
- (b) information for the purposes of section 23E(3), section 23E(4) section 23E(5), section 23E(8), section 23E(11), section 23E(12) and section 23E(13) of the 1991 Act;
- (c) information for the purposes of section 23NF(10) of the 1991 Act.

(2) The Court may direct that a copy of any communication made or may be liable to be made by the Agency to the Court under sub-rule (1) be delivered by the Agency to any other party to the special care proceedings.

9. (1) Where the Court so permits, an application or withdrawal of an application to the Court referred to in sub-rule (3) may be made in writing by letter or by electronic mail addressed to the Registrar (which letter or electronic mail shall be placed on the file concerning the special care proceedings), a copy of which shall, subject to the provisions of the 1991 Act, or any order of the Court

made under the 1991 Act, concerning the giving of notice of applications (or information concerning applications) or the withholding of notice, be delivered by the Agency to each of the respondents to the application for the special care order or interim special care order concerned.

(2) Neither the moving party nor any respondent to an application referred to in sub-rule (3) shall attend at the hearing of the application or (as the case may be) its withdrawal, unless the Court otherwise directs.

(3) The applications, or withdrawal of applications to the Court referred to in sub-rules (1) and (2) are-

- (a) a withdrawal by the Agency of an application for a special care order or an interim special care order in accordance with section 23E(7) of the 1991 Act;
- (b) an application by the Agency to discharge a special care order or interim special care order in the circumstances prescribed by section 23E(9) of the 1991 Act;
- (c) an application by the Agency to discharge a special care order or interim special care order in the circumstances prescribed by section 23E(10) of the 1991 Act.

10. (1) The following applications to the Court shall, unless the reliefs concerned have been sought in an originating notice of motion or originating motion *ex parte* issued under rule 3, and unless the Court otherwise orders, be made by motion *ex parte*:

- (a) an application for a direction under section 23G(5) of the 1991 Act;
- (b) an application for an order under section 23NA(1) or section 23NA(2) of the 1991 Act;
- (c) an application under section 23J(10) or section 23N(10) of the 1991 Act.

(2) The following applications to the Court shall, subject—

- (i) to any relevant provision of the 1991 Act, or any other order of the Court made under the 1991 Act concerning the giving of notice of applications (or information concerning applications) or withholding of notice, and
- (ii) to any order or direction of the Court,
be made by motion on notice—
- (iii) to each of the respondents in the special care proceedings or, as the case may be, to the Agency and each other respondent and
- (iv) such other person as the Court may direct:

- (a) an application by the Agency under section 23J(1) of the 1991 Act to extend the period for which a special care order has effect for the purpose of continuing the provision of special care to the child;
 - (b) an application by the Agency under section 23N(1) of the 1991 Act to extend the period for which an interim special care order has effect for the purpose of continuing the provision of special care to the child;
 - (c) an application by the Agency under section 23NA(5) of the 1991 Act for an order to require a parent, or both parents, to pay to the Agency a sum of money as a contribution towards the cost of maintaining the child, or an application to vary or discharge such an order;
 - (d) an application to vary or discharge a special care order under sections 23D(6)(b), 23I(5), 23J(7), 23NE(1), 23NE(4), 23NF(1) or 23NG(1) (as the case may be) of the 1991 Act or an interim special care order under sections 23D(6)(b), 23N(6), 23NE(1), 23NE(4), 23NF(1) or 23NG(1) (as the case may be) of the 1991 Act;
 - (e) an application for directions under section 23NB(2) of the 1991 Act (and the issuing of the notice of motion shall, be taken to satisfy the obligation of notification in section 23NB(1) of the 1991 Act provided it is done as soon as practicable after expiry of the three day period referred in that subsection);
 - (f) an application for a stay pending appeal under section 23NC of the 1991 Act;
 - (g) an application to vary a special care order or interim special care order in the circumstances prescribed by section 23NF(2)(d) or (e) of the 1991 Act;
 - (h) an application for directions or an order under section 23NK of the 1991 Act (including an application to vary or discharge such directions or order).
- (3) Notwithstanding sub-rule (2) and save where notice is required to be given under the 1991 Act, the Court may permit the making of any application referred to in sub-rule (2) without notice (including at the hearing of another application in respect of the child or at another hearing concerning the child), where it is satisfied that it is just to do so.
11. (1) An application under section 23NI(4) of the 1991 Act for an order directing a person to deliver up a child to the custody of the Agency shall be made by information on oath of a person duly authorised in that behalf by the Agency, in Form No. 7.
- (2) An application under section 23NI(6) of the 1991 Act for the issue of a warrant under that subsection shall be made by information on oath of a person duly authorised in that behalf by the Agency, in Form No. 8.

12. An appeal to the Court under section 23NN(7) of the 1991 Act shall be commenced and conducted in accordance with Order 84C, save that the appeal shall be entitled

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In the matter of A.B, a child”

and the party appealing against the decision referred to in section 23NN(6)(d) of the 1991 Act shall be named as the appellant and the Agency or (as the case may be) the person who appealed under section 23NN(4) of the 1991 Act the decision of the Agency shall be named as the respondent.

13. (1) A person referred to in section 29(5) of the 1991 Act intending to attend any special care proceedings in the Court to which the 1991 Act applies or to seek access to any relevant court documents, for the purpose of the preparation of a report of such proceedings, the publication of a report prepared in accordance with section 29(5)(a) and, where relevant, section 29(5A), of the 1991 Act or the publication of a decision of the Court in any such proceedings in accordance with section 29(5) and, where relevant, section 29(5A), shall, prior to or at the commencement of the hearing of any special care proceedings at which such person wishes to attend, identify himself or herself to the Court and apply for such directions as the Court may give under section 29(5) or section 29(5A) of the 1991 Act.

(2) On any such application, the Court, if satisfied that the applicant is a person referred to in section 29(5) of the 1991 Act, and that the applicant intends to attend the special care proceedings for the purpose of the preparation of a report of such proceedings or to seek access to any relevant court documents, the publication of a report prepared in accordance with section 29(5)(a) and, where relevant, section 29(5A), of the said Act or the publication of a decision of the Court in any such proceedings in accordance with section 29(5) and, where relevant, section 29(5A), and having heard any submission made by or on behalf of any party to the proceedings or on behalf of any child to whom the special care proceedings relate, may:

- (a) give such directions as seem appropriate as to the terms upon which the applicant may attend the proceedings (or any part of the proceedings),
- (b) give directions as to the access which such person may have to court documents relevant to the proceedings, and
- (c) give directions in accordance with section 29(5A)(b) of the 1991 Act.

Where the Court, in the special circumstances of the matter, directs that such person may not attend the special care proceedings or have access to relevant court documents, the reasons shall be specified on giving such direction.

(3) The Court may, of its own motion or on the application of any party or person, vary or modify any such directions given under section 29(5) or section 29(5A) of the 1991 Act during the course of the special care proceedings.

(4) Where any question concerning access to relevant court documents arises otherwise than during the course of the special care proceedings, a person referred to in section 29(5) of the 1991 Act or a party to the proceedings concerned or a person on behalf of a child to whom the special care proceedings relate may apply to the Court, on notice to such person (if not the applicant) and the parties or other parties, for any further directions or to vary or modify any directions given under section 29(5) or section 29(5A) of the 1991 Act.”

Schedule 2

Appendix LL
Special Care of Children

No. 1

O.65A, r. 3

HIGH COURT
SPECIAL CARE

In the matter of a child

..... Applicant

..... Respondent

SPECIAL CARE ORDER

CHILD CARE ACT 1991, SECTION 23H

UPON APPLICATION made to the Court today by the Child and Family Agency (hereinafter, “the Agency”) for a special care order under section 23H of the Child Care Act 1991 in respect of the above-named child (hereinafter, “the child”) who appears to the Court to be aged years having been born *(so far as has been ascertained) on the day of 20..... and who *resides *has been found at in the presence of [*insert as appropriate*]

THE COURT

*having read the affidavit of

*having heard the evidence given herein

having heard what was submitted by [*insert as appropriate*]

being satisfied that

- (a) the child has attained the age of 11 years
- (b) the behaviour of the child poses a real and substantial risk of harm to *his/
*her life, health, safety, development or welfare
- (c) having regard to that behaviour and risk of harm and the care requirements of the child—
 - (i) the provision, or the continuation of the provision, by the Agency to that child of care, other than special care, and

- (ii) treatment and mental health services under, and within the meaning of, the Mental Health Act 2001

will not adequately address that behaviour and risk of harm and those care requirements,

- (d) having regard to paragraph (c), the child requires special care to adequately address—

- (i) that behaviour and risk of harm, and

- (ii) those care requirements,

which the Agency cannot provide to the child unless a special care order is made in respect of that child

- (e) *the Agency has carried out the consultation referred to in section 23F(3) of the Child Care Act 1991/ *it is in the best interests of the child not to have carried out the consultation referred to in section 23F(3) of the Child Care Act 1991 having regard to the grounds provided in accordance with section 23F(9) of that Act

- (f) in respect of the family welfare conference referred to in section 23F(5) of the Child Care Act 1991, *the Agency has convened the family welfare conference and the Agency has had regard to the recommendations notified in accordance with section 12 of the Children Act 2001/*it is in the best interests of the child that a family welfare conference as referred to in section 23F(5) of the Child Care Act 1991was not convened having regard to the information and grounds provided in accordance with section 23F(10) of that Act

- (g) for the purposes of protecting the life, health, safety, development or welfare of the child, the child requires special care

- (h) having regard to paragraphs (a) to (g), the detention of the child in a special care unit, as it is required for the purpose of providing special care to him or her, is in the best interests of the child

*and being satisfied that notice of the application was duly served

and having directed that the application be made otherwise than on notice to a parent having custody of the child *a guardian of the child * a person acting in loco parentis with respect to the child

HEREBY MAKES A SPECIAL CARE ORDER in respect of the child, and

ORDERS that the child be and is hereby committed to the care of the Agency for the period of (being a period not exceeding three months) from the date hereof.

DIRECTS the Agency to detain the child in the special care unit at, which unit the Agency considers appropriate for the child, for the purpose of providing the child with special care

DIRECTS the Agency to provide special care to the child and to generally care for and maintain the child

AND, having regard to all the circumstances of the child, the Court considering it necessary and in the best interests of the child, THE COURT FURTHER PROVIDES AND DIRECTS under section 23H(2) of the Child Care Act 1991, as follows:-

[insert as appropriate]

AND IT IS FURTHER DIRECTED in accordance with section 23I of the Child Care Act 1991 that this matter be re-listed for the purposes of the reviews referred to in section 23I(4) of that Act on the following date*[s] and at the following time*[s]-

The day of 20..... at.....o'clock at.....

The day of 20..... at.....o'clock at.....[.etc.]

Dated this day of 20.....

.....
Registrar

*delete where inapplicable

[Title as in Form No. 1]

INTERIM SPECIAL CARE ORDER

CHILD CARE ACT 1991, SECTION 23L

UPON APPLICATION made to the Court today by the Child and Family Agency (hereinafter, “the Agency”) for an interim special care order under section 23L of the Child Care Act 1991 in respect of the above-named child (hereinafter, “the child”) who appears to the Court to be aged years having been born *(so far as has been ascertained) on the day of 20..... and who *resides *has been found at

in the presence of [*insert as appropriate*]

THE COURT

*having read the affidavit of.....

*having heard the evidence given herein

having heard what was submitted by [*insert as appropriate*]

being satisfied that

- (a) the child has attained the age of 11 years,
- (b) the Agency is taking all steps reasonably open to it to make a determination under section 23F of the Child Care Act 1991 in respect of the child
- (c) the behaviour of the child poses a real and substantial risk of harm to *his/*her life, health, safety, development or welfare
- (d) the risk of harm, referred to in paragraph (c), is immediate
- (e) having regard to that behaviour and risk of harm and the care requirements of the child—
 - (i) the provision, or the continuation of the provision, by the Agency to the child of care, other than special care, and
 - (ii) treatment and mental health services under, and within the meaning of, the Mental Health Act 2001

will not adequately address that behaviour and risk of harm and those care requirements

(f) having regard to paragraph (e), the child requires special care to adequately address—

(i) that behaviour and risk of harm, and

(ii) those care requirements,

which the Agency cannot provide to the child unless an interim special care order is made in respect of the child

(g) for the purposes of protecting the life, health, safety, development or welfare of the child, the child requires special care,

(h) having regard to paragraph (d), the child requires special care immediately and it is required to be provided before the determination under section 23F of the Child Care Act 1991 is made in respect of the child, and

(i) having regard to paragraphs (a) to (h), the detention of the child in a special care unit, as it is required for the purpose of providing special care to *him/*her, is in the best interests of the child,

*and being satisfied that notice of the application was duly served

and having directed that the application be made otherwise than on notice to a parent having custody of the child *a guardian of the child * a person acting in loco parentis with respect to the child

†and being satisfied that the interests of justice †the welfare of the child †the protection of the life, health, safety, development or welfare of the child so require

HEREBY MAKES AN INTERIM SPECIAL CARE ORDER in respect of the child, and

ORDERS that the child be and is hereby committed to the care of the Agency for the period of (being a period not exceeding †8 days *14 days) from the date hereof.

DIRECTS the Agency to detain the child in a special care unit, which the Agency considers appropriate for the child, for the purpose of providing the child with special care

DIRECTS the Agency to provide special care to the child and to generally care for and maintain the child

AND, having regard to all the circumstances of the child, the Court considering it necessary and in the best interests of the child, THE COURT FURTHER PROVIDES AND DIRECTS under section 23L(2) of the Child Care Act 1991, as follows:—

†AND IT IS FURTHER DIRECTED

†in accordance with section 23M(1)(a) of the Child Care Act 1991 that the hearing of an application for an interim special care order on notice to the persons referred to in section 23G(1) of the Child Care Act 1991 be appointed for the day of 20..... ato'clock at.....

† in accordance with section 23M(1)(b) of the Child Care Act 1991 that a copy of this interim special care order and notice of the said hearing be served onof.....†andof....., being a person referred to in section 23G(1) of the Child Care Act 1991, in accordance with paragraphs (a) and (b) of that sub-section

† in accordance with section 23M(1)(c) of the Child Care Act 1991 that a copy of this interim special care order and notice of the said hearing be served onof....., who *is hereby/*has been appointed under section 26 of the Child Care Act 1991 as guardian *ad litem* of the child in respect of the proceedings

† in accordance with section 23M(1)(d) of the Child Care Act 1991 thatof.....†andof....., being a person referred to in †section 23G(2) †section 23G(5) of the Child Care Act 1991, be informed of the making of this interim special care order and of the said hearing

Dated this day of 20.....

.....
Registrar

† only applicable in a case where an interim special care order is made ex parte; in any such case, delete any option which is inapplicable

*delete where inapplicable

No. 3

[Title as in Form No. 1]

ORDER TO DELIVER CUSTODY OF A CHILD IN RESPECT FOR THE PURPOSES OF EXECUTING *A SPECIAL CARE ORDER *AN INTERIM SPECIAL CARE ORDER

CHILD CARE ACT 1991, *SECTION 23H(3)(a) * SECTION 23L(4)(a)

WHEREAS UPON APPLICATION made to this Court *today/*on the day of 20..... by the Child and Family Agency (hereinafter, the "Agency") for an order under *section 23H *section 23L of the Child Care Act 1991 in respect of the above-named child (hereinafter, the "child")

THE COURT on theday of20..... made *A SPECIAL CARE ORDER *AN INTERIM SPECIAL CARE ORDER in respect of the child and ORDERED that the child be committed to the care of the Agency for the period of (being a period not exceeding three months) from the date of said order and DIRECTED the Agency to detain the child in a special care unit *[at.....], which the Agency considers appropriate for the child, for the purpose of providing the child with special care

AND WHEREAS the child is not in the custody of the Agency

IT IS HEREBY ORDERED that *of do deliver the child into the custody of the Agency *[at the special care unit at] *not later thano'clock on the day of 20.....

* And if you the within named A.B. neglect to obey this order *by the time herein limited, you will be liable to process of execution including imprisonment for the purpose of compelling you to obey this order.

Dated this day of 20.....

Signed..... Registrar

To A.B. of

*Delete words inapplicable

[Title as in Form No. 1]

ORDER TO SEARCH FOR AND DELIVER A CHILD FOR THE PURPOSES OF EXECUTING *A SPECIAL CARE ORDER *AN INTERIM SPECIAL CARE ORDER

CHILD CARE ACT 1991, *SECTION 23H(3)(b) * SECTION 23L(4)(b)

WHEREAS UPON APPLICATION made to this Court *today/*on the day of 20..... by the Child and Family Agency (hereinafter, the "Agency") for an order under *section 23H *section 23L of the Child Care Act 1991 in respect of the above-named child (hereinafter, the "child")

THE COURT on the day of 20..... made *A SPECIAL CARE ORDER *AN INTERIM SPECIAL CARE ORDER in respect of the child and ORDERED that the child be committed to the care of the Agency for the period of (being a period not exceeding three months) from the date of said order and DIRECTED the Agency to detain the child in a special care unit *[at.....], which the Agency considers appropriate for the child, for the purpose of providing the child with special care

AND WHEREAS the child is not in the custody of the Agency

THIS ORDER DIRECTS the Garda Síochána to search for and find the child, and to deliver the child into the custody of the Agency at the special care unit *[at.....] specified by the Agency.

Dated this day of 20.....

Signed.....
Registrar

To the Commissioner of the Garda Síochána

*Delete words inapplicable

No. 5

[Title as in Form No. 1]

WARRANT TO EXECUTE *A SPECIAL CARE ORDER *AN INTERIM SPECIAL CARE ORDER

CHILD CARE ACT 1991, *SECTION 23H(3)(c) *SECTION 23L(4)(c)

WHEREAS UPON APPLICATION made to this Court *today/*on the day of 20..... by the Child and Family Agency (hereinafter, the “Agency”) for an order under *section 23H *section 23L of the Child Care Act 1991 in respect of the above-named child (hereinafter, the “child”)

THE COURT on the day of 20..... made *A SPECIAL CARE ORDER *AN INTERIM SPECIAL CARE ORDER in respect of the child and ORDERED that the child be committed to the care of the Agency for the period of (being a period not exceeding three months) from the date of said order and DIRECTED the Agency to detain the child in a special care unit *[at.....], which the Agency considers appropriate for the child, for the purpose of providing the child with special care

AND WHEREAS the child is not in the custody of the Agency

THIS IS TO AUTHORISE YOU

a member of the Garda Síochána of

accompanied by such other members of the Garda Síochána or such other persons as may be necessary, to enter (if need be by force) the • at where the child is, or where there are reasonable grounds for believing that the child is, and to deliver the child into the custody of the Agency at the special care unit *[at.....] in which the child is to be detained.

Dated this day of 20.....

Signed.....
Judge of the High Court

To the above-named member of the Garda Síochána at

• Name the house or other place specified in the warrant, including any building or part of a building, tent, caravan, or other temporary or moveable structure, vehicle, vessel, or aircraft as set out in section 23H(3)(c) or, as the case may be, section 23L(4)(c) of the Child Care Act 1991 (as substituted by section 10 of the Child Care (Amendment) Act 2011).

*Delete words inapplicable

[Title as in Form No. 1]

ORDER TO SEARCH FOR AND DELIVER A CHILD IN RESPECT OF WHOM *A SPECIAL CARE ORDER *AN INTERIM SPECIAL CARE ORDER HAS BEEN MADE

CHILD CARE ACT 1991, SECTION 23NA(1)

WHEREAS UPON APPLICATION made to this Court *today/*on theday of20..... by the Child and Family Agency (hereinafter, the “Agency”) for an order under *section 23H *section 23L of the Child Care Act 1991 in respect of the above-named child (hereinafter, the “child”) and for an order pursuant to section 23NA(1) of the Child Care Act 1991

THE COURT on theday of20..... made *A SPECIAL CARE ORDER *AN INTERIM SPECIAL CARE ORDER in respect of the child and ORDERED that the child be committed to the care of the Agency for the period of (being a period not exceeding three months) from the date of said order and DIRECTED the Agency to detain the child in a special care unit *[at.....], which the Agency considers appropriate for the child, for the purpose of providing the child with special care

THIS ORDER DIRECTS for the duration of the period for which the said * special care order *interim special care order has effect, the Garda Síochána, when requested by the Agency, to search for and find the child and to deliver the child to the custody of the Agency at a special care unit specified by the Agency *[at.....] where the child—

- (a) is, without lawful authority or the consent or knowledge of the Agency, removed from the custody of the Agency or from a special care unit
- (b) absconds from a special care unit or the custody of the Agency
- (c) fails to return, or is prevented from returning to—
 - (i) a special care unit, or
 - (ii) the custody of the Agency

or

- (d) is missing or is otherwise absent, without the consent or knowledge of the Agency, from a special care unit or place to which he or she has been released under section 23NF or section 23NG of the Child Care Act 1991.

Dated this day of 20.....

Signed.....
Registrar

To the Commissioner of the Garda Síochána

*Delete words inapplicable

No. 7

[Title as in Form No. 1]

O.65A, r. 11(1)

INFORMATION FOR ORDER FOR DELIVERY OF CHILD TO THE
CUSTODY OF CHILD AND FAMILY AGENCY

CHILD CARE ACT 1991, SECTION 23NI(4)

THE INFORMATION OF
of.....
who says on oath-

I am duly authorised by the Child and Family Agency to make this application,
being so authorised by.....(*specify how authorised*).....

I believe that there are reasonable grounds for believing that
.....ofcan produce the above-named child,
being a child referred to in section 23NI(1) of the Child Care Act 1991

And I hereby apply for and order under section 23NI(4) of the said Act directing
the said to deliver up the said child to the custody of
the Child and Family Agency

*and for such directions for the purpose of that order as the Court may consider
necessary and in the best interests of the said child.

The reason*[s] for my so believing *is *are as follows:-

.....
.....

Signed.....
Informant

SWORN before me this day of 20..... at.....

Signed.....
Judge of the High Court

*Delete words inapplicable

[Title as in Form No. 1]

O.65A, r. 11(2)

INFORMATION FOR WARRANT

CHILD CARE ACT 1991, SECTION 23NI(6)

THE INFORMATION OF
of.....
who says on oath-

I am duly authorised by the Child and Family Agency to make this application,
being so authorised by.....(*specify how authorised*).....

I believe that there are reasonable grounds for believing that the above-named
child, being a child referred to in section 23NI(1) of the Child Care Act 1991, is
in a house or other place, including any building or part of a building, tent,
caravan or other temporary or moveable structure, vehicle, vessel or aircraft,
namely..... at.....
.....

And I hereby apply for the issue of a warrant under section 23NI(6) of the said
Act for the issue of a warrant authorising a member of the Garda Síochána,
accompanied by such other members of the Garda Síochána or such other per-
sons as may be necessary, to enter, if need be by force, and to search the said
..... (specify house or other place), where the said child is, or where
there are reasonable grounds for believing that the said child is, and to return
the child to the custody of the Child and Family Agency at the special care unit
specified by the Child and Family Agency *[at].

The reason*[s] for my so believing *is *are as follows:-
.....
.....

Signed.....
Informant

SWORN before me this day of 20..... at.....

Signed.....
Judge of the High Court

*Delete words inapplicable

No. 9

[Title as in Form No. 1]

O.65A, r. 11

WARRANT

CHILD CARE ACT 1991, SECTION 23NI(6)

WHEREAS from the information on oath and in writing sworn before me on this day pursuant to section 23NI(6) of the above-mentioned Act by..... of..... a person duly authorised in that behalf by the Child and Family Agency

I AM SATISFIED THAT there are reasonable grounds for believing that the above-named child, being a child referred to in section 23NI(1) of the Child Care Act 1991, is in a house or other place, including any building or part of a building, tent, caravan or other temporary or moveable structure, vehicle, vessel or aircraft, namely..... at.....

THIS IS TO AUTHORISE of....., a member of the Garda Síochána, accompanied by such other members of the Garda Síochána or such other persons as may be necessary, to enter, if need be by force, and to search the said (specify house or other place), where the said child is, or where there are reasonable grounds for believing that the said child is, and to return the child to the custody of the Child and Family Agency at the special care unit specified by the Child and Family Agency *[at].

Dated this day of 20.....

at.....

Signed.....
Judge of the High Court

To
Garda Síochána at.....

EXPLANATORY NOTE:

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The Rules of the Superior Courts are amended by the insertion of Order 65A and by the insertion of Appendix LL to facilitate the operation of the Child Care Act, 1991, as amended by the Child Care (Amendment) Act, 2011.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€6.60

