



STATUTORY INSTRUMENTS.

S.I. No. 408 of 2007



DISTRICT COURT (CHILDREN) RULES 2007

(Prn. A7/1239)

S.I. No. 408 of 2007

DISTRICT COURT (CHILDREN) RULES 2007

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice, Equality and Law Reform, make the following rules of court:

GIVEN this 14th day of May 2007

MIRIAM MALONE	CHAIRPERSON	UINSIN MAC GRUAIRC
MARY C DEVINS		THOMAS E O'DONNELL
BRIAN SHERIDAN		FIONA TWOMEY
ROY PEARSON		NOEL A DOHERTY
ELIZABETH HUGHES	SECRETARY	

I concur in the making of the foregoing rules

Dated this 29th day of June 2007

BRIAN LENIHAN
Minister for Justice, Equality and Law Reform

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 6th July, 2007.*

S.I. No. 408 of 2007

DISTRICT COURT (CHILDREN) RULES 2007

1. These rules may be cited as the District Court (Children) Rules 2007.

2. These rules shall come into operation on the 27th day of July 2007 and shall be read together with all other District Court rules for the time being in force.

3. Order 37 of the District Court Rules, 1997 (S.I. No.93 of 1997) is hereby amended by the substitution in rule 3 thereof for the words “*Forms No. 37.1 to 37.40, Schedule B may be used in criminal proceedings in the Children Court, and where no suitable Form is provided for in this Order, the Forms provided for in Orders 13 to 36 of these Rules may be used in such proceedings, entitled in the “Children Court” and otherwise modified as required by the circumstances of the case or as provided in this Order.*”

4. Order 96C of the District Court Rules, 1997 (S.I. No.93 of 1997) is hereby amended by—

- (i) the substitution for its title of “*Civil Orders under the Criminal Justice Act 2006, Part 11 and Behaviour Orders under the Children Act 2001, Part 12A*”, and
- (ii) the insertion immediately following rule 6 thereof, of the following—

“7. (1) In this rule:

“the Act” means the Children Act 2001;

“behaviour order” has the meaning given to it by section 257D(1) of the Act, (inserted by section 162 of the Criminal Justice Act 2006).

(2) An application pursuant to section 257D(1) of the Act for a behaviour order may be made at any sitting of the Children Court for the court area in which the respondent resides at the time the application is made.

(3) Notice of an application for a behaviour order shall be in the Form 96C.4, Schedule C and there shall be attached to such notice a copy of the behaviour warning or behaviour warnings or a copy of the written record of the behaviour warning or behaviour warnings issued to the respondent in accordance with section 257B of the Act which are intended to be relied upon in the application. A copy of the notice of application shall be served upon each of the persons referred to in section 257D(8) of the Act not later than fourteen days before the date fixed for the hearing of the application. The original notice of application

and attachments shall be lodged with the Clerk not later than two days before the date fixed for the hearing of the application.

(4) A behaviour order shall be in the Form 96C.5, Schedule C. The applicant shall cause a copy of any such order to be served on each of the persons referred to in section 257D(8) of the Act.

(5) An application pursuant to section 257D(7) of the Act for an order discharging or varying a behaviour order may be made at any sitting of the Children Court for the court area in which the child subject to the behaviour order is residing at the time such application is made. Such an application shall be preceded by the issue of a notice of application in the Form 96C.6, Schedule C. A copy of the notice of application (to which shall be attached true copies of the notice of application for a civil order and attachments thereto and of the civil order) shall be served upon each of the persons referred to in section 257D(8) of the Act not later than four days before the date fixed for the hearing of the application, and the original notice of application and attachments shall be lodged with the Clerk not later than two days before the date fixed for the hearing of the application.

(6) Where the Court varies the terms of the behaviour order, the terms of any such variation may be indorsed upon the behaviour order and re-signed by the Judge. Where an order discharging or varying a behaviour order is made in a Court area different from the Court area in which the behaviour order to which the application relates was made, the Clerk shall send to the Clerk assigned to the Court area wherein the behaviour order was made notice that the behaviour order has been discharged, or a copy of the behaviour order as varied, as the case may be.”

5. The Forms numbered 37.30 to 37.40 inclusive in Schedule 1 hereof shall be added to the Forms in Schedule B of the District Court Rules, 1997 (S.I. No. 93 of 1997).

6. The Forms in Schedule 2 hereof shall be substituted for the Forms bearing those numbers in Schedule B of the District Court Rules, 1997 (S.I. No. 93 of 1997).

7. Forms 37.7 and 37.10 in Schedule B of the District Court Rules 1997 (S.I. No. 93 of 1997) shall be deleted.

8. The Forms numbered 96C.4, 96C.5 and 96C.6 in the Schedule hereof shall be added to the Forms in Schedule C of the District Court Rules 1997 (S.I. No. 93 of 1997).

9. The District Court Rules (Children) 2004 (S.I. No. 539 of 2004) are hereby amended by the substitution for rule 5 of those Rules of the following—

“The Forms numbered 37.1, 37.2 and 37.8 in Schedule 2 hereof shall be substituted for the Forms bearing those numbers respectively in Schedule B of the District Court Rules, 1997 (S.I. No. 93 of 1997). The Forms numbered 37.16 to 37.18 inclusive are hereby deleted from the Forms in Schedule B of the District Court Rules, 1997 (S.I. No. 93 of 1997). The Forms numbered 37.16 to 37.26 inclusive in Schedule 3 hereof shall be added to the Forms in Schedule B of the District Court Rules, 1997 (S.I. No. 93 of 1997).”

SCHEDULE 1

SCHEDULE B.
O.37, r.1.

No. 37.30.

CHILDREN ACT 2001, SECTION 111

PARENTAL SUPERVISION ORDER

Children Court Area of

District No.

.....of.....

Prosecutor

.....of.....

Accused

Whereas A.B., hereinafter called the accused, being a child, has been this day found guilty for that he/she on the day of 20..., at within the Court (area and) district aforesaid did:

And whereas the Court is of the opinion that wilful failure of C.D (and E.F.) the parent(s) of the said accused, to take care of or to control the accused contributed to the accused’s criminal behaviour

And having obtained and considered information about the said parents’ family and social circumstances and the likely effect of this order on those circumstances

And having *heard the said parents *given the said parents an opportunity to be heard

It is ordered that C.D., (and E.F.) the parent(s) of the accused do:

*[undergo treatment for *alcohol *substance abuse at, where facilities for such treatment are available for a period of].

*[participate in the course of..... at for the improvement of his/her/their parenting skills for a period of.....]

*[adequately and properly control or supervise the said accused to the best of his/her/their ability, in particular by.....]

[insert any further instructions given under section 111(6)(d) of the Act]

And it is ordered that G.H., a probation and welfare officer, be and is hereby appointed to supervise the said C.D. (and E.F.), to assist him/her/them in complying with this order and to monitor compliance with this order.

And this Order shall remain in force for a period of from theday of 20.... to theday of 20....

Dated this.....day of 20...

Signed.....
Judge of the District Court

CHILDREN ACT 2001, SECTION 118

ORDER FOR COMMUNITY SANCTION — DAY CENTRE ORDER

Children Court Area of

District No.

E.F. of
Prosecutor

A.B.
Accused

Whereas A.B., the accused, being a child, has this day been before the Court charged that he/she on the day of 20..., at within the Court (area and) district aforesaid did [insert particulars of offence] and the Court is satisfied of the accused's guilt

THE COURT

having considered *the report of....., a probation and welfare officer *the report of..... made for the purposes of Part 9 of the Children Act 2001

having heard the evidence adduced

having given the child's *parents *(guardian/spouse/adult relative) an opportunity to give evidence

having explained in open Court and in language appropriate to the level of understanding of the accused (a) why a community sanction is being imposed, (b) the terms of the sanction and any conditions to which it is being made subject, (c) the expectation of the Court that the accused will be of good conduct while the community sanction is in force and the possible consequences for the accused of his/her failure to comply with the sanction and any such conditions and *(d) the expectation of the Court that the * parents *guardian of the accused will help and encourage the accused to comply with the sanction and any such conditions and not commit further offences

IT IS HEREBY ORDERED that the accused attend for a total of days at the Day Centre at for the purpose of participating in an occupation or activity, or receiving instruction which is suitable and beneficial for him/her, beginning on theday of 20..., when the accused shall first report to the said Day Centre at o'clock a.m./p.m. and continuing to attend there for a period of.....

*IT IS FURTHER ORDERED that the accused undertake at the said Day Centre [specify any programme of occupation, activity or instruction specified under section 118(8)(i) of the Act]

*AND IT IS FURTHER ORDERED that *[specify any other matter with respect to the accused's attendance at the Day Centre determined under section 118(8)(ii) of the Act]*

*IT IS A CONDITION OF THIS ORDER THAT *[specify any condition to which the order is made subject under section 117 of the Act]*

Dated this.....day of.....20....

Signed.....
Judge of the District Court

To: (person in charge)

AtDay Centre

And to:.....

Probation and Welfare Officer

At

And to: [Parent/guardian of the accused]

At.....

And to: Judge..... (being the Judge for the time being assigned to the district in which the accused resides)

At the District Court Office at.....

CHILDREN ACT 2001, SECTION 124

ORDER FOR COMMUNITY SANCTION — PROBATION (TRAINING OR ACTIVITIES PROGRAMME) ORDER

Children Court Area of

District No.

E.F. of
Prosecutor

A.B
Accused

Whereas A.B., the accused, being a child, has been this day been before the Court charged that he/she on the day of 20..., at within the Court (area and) district aforesaid did [insert particulars of offence] and the Court is satisfied of the accused's guilt

THE COURT

having considered *the report of....., a probation and welfare officer *the report of..... made for the purposes of Part 9 of the Children Act 2001

having heard the evidence adduced

having given the child's *parents *(guardian/spouse/adult relative) an opportunity to give evidence

having explained in open Court and in language appropriate to the level of understanding of the accused (a) why a community sanction is being imposed, (b) the terms of the sanction and any conditions to which it is being made subject, (c) the expectation of the Court that the accused will be of good conduct while the community sanction is in force and the possible consequences for the accused of his/her failure to comply with the sanction and any such conditions and *(d) the expectation of the Court that the * parents *guardian of the accused will help and encourage the accused to comply with the sanction and any such conditions and not commit further offences

AND THE COURT BEING SATISFIED (a) that a programme which is suitable for and reasonably accessible to the accused is available, (b) that the accused would benefit from it *(and (c) the person/body managing the programme has agreed to admit the accused to it)

THE COURT being of the opinion that it was expedient to apply a community sanction within the meaning of Part 9 of the Children Act 2001 and to release the accused on probation, and ordered that he/she be discharged conditionally on his/her entering into a recognisance *(with

sureties), in the sum of €..... each, to be of good behaviour and to appear for conviction and sentence when called on at any time during..... and conditionally on his/her compliance with the further provisions of this order

IT IS A CONDITION OF THIS ORDER THAT that the accused undertake and complete the programme ofat.....which has been recommended to the Court by.....a probation and welfare officer as being suitable for the development of the accused and as helping to prevent the accused from committing further offences through the attainment of positive social values

*IT IS A CONDITION OF THIS ORDER THAT [specify any condition to which the order is made subject under section 117 of the Act or section 2 of the Probation of Offenders Act 1907]

IT IS ORDERED THAT the accused first report to the said programme by reporting to.....at.....on the.....day of 20.... at o'clock a.m./p.m.

IT IS ORDERED THAT the accused shall comply with any instructions or directions given by or under the authority offor the duration of the programme.

And this Order shall remain in force from the.....day of 20...to theday of 20....

[Note: recognisance in Form 28.1 to be entered.]

Dated this.....day of.....20....

Signed.....
Judge of the District Court

To: (Programme Manager)
At

And to:.....
Probation and Welfare Officer
At

And to: [Parent/guardian of the accused]
At

CHILDREN ACT 2001, SECTION 125

ORDER FOR COMMUNITY SANCTION — PROBATION (INTENSIVE SUPERVISION) ORDER

Children Court Area of

District No.

E.F. of
Prosecutor

A.B
Accused

Whereas A.B., the accused, being a child, has been this day been before the Court charged that he/she on the day of 20..., at within the Court (area and) district aforesaid did [insert particulars of offence] and the Court is satisfied of the accused’s guilt

THE COURT

having considered *the report of....., a probation and welfare officer *the report of..... made for the purposes of Part 9 of the Children Act 2001

having heard the evidence adduced

having given the child’s *parents *(guardian/spouse/adult relative) an opportunity to give evidence

having explained in open Court and in language appropriate to the level of understanding of the accused (a) why a community sanction is being imposed, (b) the terms of the sanction and any conditions to which it is being made subject, (c) the expectation of the Court that the accused will be of good conduct while the community sanction is in force and the possible consequences for the accused of his/her failure to comply with the sanction and any such conditions and *(d) the expectation of the Court that the * parents *guardian of the accused will help and encourage the accused to comply with the sanction and any such conditions and not commit further offences

AND THE COURT BEING SATISFIED (a) that a probation and welfare officer is available for the intensive supervision of the accused, and (b) that the accused would benefit from that supervision and the programme or course of treatment referred to in this order

THE COURT being of the opinion that it was expedient to apply a community sanction within the meaning of Part 9 of the Children Act 2001 and to release the accused on probation, and ordered that he/she be discharged conditionally on his/her entering into a recognisance *(with

sureties), in the sum of €..... each, to be of good behaviour and to appear for conviction and sentence when called on at any time during..... and conditionally on his/her compliance with the further provisions of this order

IT IS A CONDITION OF THIS ORDER THAT for the period offrom the.....day of 20...to theday of 20...

the accused shall

- (a) remain under the intensive supervision ofof....., a probation and welfare officer,
- (b) reside at the residence of.....at.....being the residence of *the parents of the accused *an adult recommended for that purpose by the probation and welfare service, and
- (c) undertake and complete *(the person or body managing the programme having agreed to admit the accused to it) the *education or training programme/course of treatment, ofat.....which has been recommended to the Court by.....a probation and welfare officer

*IT IS A CONDITION OF THIS ORDER THAT [*specify any condition to which the order is made subject under section 117 of the Act or section 2 of the Probation of Offenders Act 1907*]

IT IS ORDERED THAT the accused shall comply with any instructions or directions given by his/her supervising probation and welfare officer for the duration of this order.

*AND IT IS FURTHER SPECIFIED for the purposes of this Order that [*insert any provisions specified under section 125(9)(d) of the Act*]

And this Order shall remain in force from the.....day of 20...to theday of 20....

[Note: recognisance in Form 28.1 to be entered.]

Dated this.....day of.....20....

Signed.....
Judge of the District Court

To: (person in charge of any relevant programme)
At.....

And to:.....
Probation and Welfare Officer
At

And to: [Parent/guardian of the accused]
At.....

SCHEDULE B.
O.37, r.1.

No. 37.34

CHILDREN ACT 2001, SECTION 126

ORDER FOR COMMUNITY SANCTION — PROBATION
(RESIDENTIAL SUPERVISION) ORDER

Children Court Area of

District No.

E.F. of

Prosecutor

A.B.

Accused

Whereas A.B., the accused, being a child, has been this day been before the Court charged that he/she on the day of 20..., at within the Court (area and) district aforesaid did [insert particulars of offence] and the Court is satisfied of the accused's guilt

THE COURT

having considered *the report of....., a probation and welfare officer *the report of..... made for the purposes of Part 9 of the Children Act 2001

having heard the evidence adduced

having given the child's *parents *(guardian/spouse/adult relative) an opportunity to give evidence

having explained in open Court and in language appropriate to the level of understanding of the accused (a) why a community sanction is being imposed, (b) the terms of the sanction and any conditions to which it is being made subject, (c) the expectation of the Court that the accused will be of good conduct while the community sanction is in force and the possible consequences for the accused of his/her failure to comply with the sanction and any such conditions and *(d) the expectation of the Court that the * parents *guardian of the accused will help and encourage the accused to comply with the sanction and any such conditions and not commit further offences

*(being satisfied that the hostel residence specified in this order is reasonably close to the accused's usual place of residence or to a place, namely....., where the accused is receiving education or training or is employed) *(being of the opinion that it would be in the interests of the accused to specify a hostel residence which is not reasonably close to the accused's usual place of residence)

And having regard to the accused's age, sex, means of access to his/her usual residence or any place where the accused is receiving education or training or is employed and other relevant circumstances

THE COURT being of the opinion that it was expedient to apply a community sanction within the meaning of Part 9 of the Children Act 2001 and to release the accused on probation, and ordered that he/she be discharged conditionally on his/her entering into a recognisance *(with sureties), in the sum of €..... each, to be of good behaviour and to appear for conviction and sentence when called on at any time during..... and conditionally on his/her compliance with the further provisions of this order

IT IS A CONDITION OF THIS ORDER THAT that for the period offrom the.....day of 20...to theday of 20...the accused shall *(the person or body managing the hostel having agreed to admit the accused to it) reside at the hostel residence at

and there be subject to the control, direction and supervision of, being the person in charge of the said hostel residence,

*IT IS A CONDITION OF THIS ORDER THAT [*specify any condition to which the order is made subject under section 117 of the Act or section 2 of the Probation of Offenders Act 1907*]

And this Order shall remain in force from the.....day of 20...to theday of 20....

[Note: recognisance in Form 28.1 to be entered.]

Dated this.....day of.....20....

Signed.....
Judge of the District Court

To: (person in charge of the hostel)
At.....

And to:.....
Probation and Welfare Officer
At

And to: [Parent/guardian of the accused]
At.....

CHILDREN ACT 2001, SECTION 129

ORDER FOR COMMUNITY SANCTION — SUITABLE PERSON
(CARE AND SUPERVISION) ORDER

Children Court Area of

District No.

E.F. of

Prosecutor

A.B.

Accused

Whereas A.B., the accused, being a child, has been this day before the Court charged that he/she on the day of 20..., at within the Court (area and) district aforesaid did [insert particulars of offence] and the Court is satisfied of the accused's guilt

THE COURT

having considered *the report of....., a probation and welfare officer *the report of..... made for the purposes of Part 9 of the Children Act 2001

having heard the evidence adduced

having given the child's *parents *(guardian/spouse/adult relative) an opportunity to give evidence

having explained in open Court and in language appropriate to the level of understanding of the accused (a) why a community sanction is being imposed, (b) the terms of the sanction and any conditions to which it is being made subject, (c) the expectation of the Court that the accused will be of good conduct while the community sanction is in force and the possible consequences for the accused of his/her failure to comply with the sanction and any such conditions and *(d) the expectation of the Court that the *parents *guardian of the accused will help and encourage the accused to comply with the sanction and any such conditions and not commit further offences

And the *parents *guardian of the accused having consented in writing to the making of this order

IT IS HEREBY ORDERED that the accused shall ordinarily reside between the.....day of, 20...and the.....day of 20... with..... (being a suitable person within the meaning of section 129 of the Children Act 2001), at

.....

and there be subject to the control of the said suitable person as if the said suitable person were the accused's parent or guardian.

IT IS FURTHER ORDERED that the accused shall remain under the supervision ofof, probation and welfare officer, while this order shall remain in force.

And this Order shall remain in force from the.....day of, 20...to theday of, 20...

*IT IS A CONDITION OF THIS ORDER THAT [*specify any condition to which the order is made subject under section 117 of the Act.*]

Dated this.....day of.....20...

Signed.....
Judge of the District Court

To:
Probation and Welfare Officer
At

And to: [Parent/guardian of the accused]
At.....

And to: Judge (being the Judge for the time being assigned to the district in which the suitable person resides)
At the District Court Office at

CHILDREN ACT 2001, SECTION 131

ORDER FOR COMMUNITY SANCTION — MENTOR (FAMILY
SUPPORT) ORDER

Children Court Area of

District No.

E.F. of
Prosecutor

A.B
Accused

Whereas A.B., the accused, being a child, has been this day been before the Court charged that he/she on the day of 20..., at within the Court (area and) district aforesaid did [insert particulars of offence] and the Court is satisfied of the accused's guilt

THE COURT

having considered *the report of....., a probation and welfare officer *the report of..... made for the purposes of Part 9 of the Children Act 2001

having heard the evidence adduced

having given the child's *parents *(guardian/spouse/adult relative) an opportunity to give evidence

having explained in open Court and in language appropriate to the level of understanding of the accused (a) why a community sanction is being imposed, (b) the terms of the sanction and any conditions to which it is being made subject, (c) the expectation of the Court that the accused will be of good conduct while the community sanction is in force and the possible consequences for the accused of his/her failure to comply with the sanction and any such conditions and *(d) the expectation of the Court that the *parents *guardian of the accused will help and encourage the accused to comply with the sanction and any such conditions and not commit further offences

And a probation and welfare officer having informed the Court that a mentor is available

And the accused and his/her *parents *guardian having consented to the making of this order and agreed to co-operate with the mentor in accordance with its terms

IT IS HEREBY ORDERED that the accused be assigned to
of

who the Court is satisfied is a suitable person to be and is hereby appointed to be a mentor to the accused's family within the meaning of section 131 of the Children Act 2001, and that the mentor help, advise and support the accused and the accused's family in its efforts to prevent the accused from committing further offences and monitor the accused's behaviour generally.

IT IS FURTHER ORDERED that the accused shall remain under the supervision ofof, probation and welfare officer, who shall additionally help and advise the mentor in supporting the accused and the accused's family in its efforts to prevent the accused from committing further offences, while this order shall remain in force.

And this Order shall remain in force from the.....day of, 20...to theday of, 20....

*IT IS A CONDITION OF THIS ORDER THAT *[specify any condition to which the order is made subject under section 117 of the Act]*

Dated this.....day of.....20....

Signed.....
Judge of the District Court

To:
Probation and Welfare Officer
At.....

And to: [Parent/guardian of the accused]
At

CHILDREN ACT 2001, SECTION 137

ORDER FOR COMMUNITY SANCTION — DUAL ORDER

Children Court Area of

District No.

E.F. of
Prosecutor

A.B
Accused

Whereas A.B., the accused, being a child, has been this day been before the Court charged that he/she on the day of 20..., at within the Court (area and) district aforesaid did [insert particulars of offence] and the Court is satisfied of the accused's guilt

THE COURT

having considered *the report of....., a probation and welfare officer *the report of..... made for the purposes of Part 9 of the Children Act 2001

having heard the evidence adduced

having given the child's *parents *(guardian/spouse/adult relative) an opportunity to give evidence

having explained in open Court and in language appropriate to the level of understanding of the accused (a) why a community sanction is being imposed, (b) the terms of the sanction and any conditions to which it is being made subject, (c) the expectation of the Court that the accused will be of good conduct while the community sanction is in force and the possible consequences for the accused of his/her failure to comply with the sanction and any such conditions and *(d) the expectation of the Court that the * parents *guardian of the accused will help and encourage the accused to comply with the sanction and any such conditions and not commit further offences

being of the opinion that neither supervision by a probation and welfare officer nor attendance at a day centre, including any conditions to which such supervision or attendance would be made subject, would of itself adequately reduce the likelihood of the accused committing further offences.

*THE COURT being of the opinion that it was expedient to apply a community sanction within the meaning of Part 9 of the Children Act 2001 and to release the accused on probation, and ordered that he/she be discharged conditionally on his/her entering into a recognisance *(with sureties), in the sum of €..... each, to be of good behaviour and to appear

for conviction and sentence when called on at any time during..... and conditionally on his/her compliance with the further provisions of this order

*[IT IS HEREBY ORDERED that the accused attend for a total of days at the Day Centre at for the purpose of participating in an occupation or activity, or receiving instruction which is suitable and beneficial for him/her, beginning on theday of 20..., when the accused shall first report to the said Day Centre at o'clock a.m./p.m. and continuing to attend there for a period of.....

*IT IS FURTHER ORDERED that the accused undertake at the said Day Centre [*specify any programme of occupation, activity or instruction specified under section 118(8)(i) of the Act*]

*AND IT IS FURTHER ORDERED that [*specify any other matter with respect to the accused's attendance at the Day Centre determined under section 118(8)(ii) of the Act*]

*[IT IS HEREBY ORDERED that the accused shall remain under the supervision ofof....., a probation and welfare officer, while this order shall remain in force.]

AND IT IS FURTHER HEREBY ORDERED that the accused between the.....day of, 20...and the.....day of, 20....

*REMAIN AT the residence ofat between the hours of p.m. each day anda.m. on the following day

STAY AWAY from(between the hours of and)*(ondays)

And this order shall remain in force from the.....day of, 20...to theday of, 20....

*IT IS A CONDITION OF THIS ORDER THAT [*specify any condition to which the order is made subject under section 117 of the Act or section 2 of the Probation of Offenders Act 1907*]

[Note: recognisance in Form 28.1 to be entered.]

Dated this.....day of.....20....

Signed.....
Judge of the District Court

To:
AtDay Centre

And to:
Probation and Welfare Officer
At

And to: [Parent/guardian of the accused]

At.....

And to: Judge (being the Judge for the time being assigned to the district in which the accused resides)

At the District Court Office at.....

CHILDREN ACT 2001, SECTION 151

ORDER FOR DETENTION AND SUPERVISION

Children Court Area of

District No.

E.F. of
Prosecutor

A.B.
Accused

Whereas A.B., the accused, being a child, has been this day been before the Court charged that he/she on the day of 20..., at within the Court (area and) district aforesaid did [insert particulars of offence] and the Court is satisfied of the accused's guilt

IT IS ORDERED pursuant to the Children Act 2001, that the accused be sent to the Children Detention School atin the county (or borough) of, to be there detained for the period of.....commencing from and after the.....day of 20....

It is further ordered that upon his/her release from the said Children Detention School (and during any period of temporary release therefrom) the accused shall remain under the supervision of of....., probation and welfare officer, while this order shall remain in force.

**IT IS A CONDITION OF THIS ORDER THAT [specify any condition to which the order for supervision is made subject under section 117 of the Act]*

and it is further ordered that the said accused be taken to the place of detention at (or to the custody of.....a fit person who is willing to receive him), and to be (there) (by him) detained until he is sent to a Children Detention School in pursuance of this order, or is otherwise discharged in due course of law.

And this Order shall remain in force from the.....day of, 20...to theday of, 20....

Dated this.....day of.....20....

Signed.....
Judge of the Children Court

CHILDREN ACT 2001

NOTICE OF APPLICATION FOR *REVOCATION *VARIATION OF
ORDER IMPOSING A COMMUNITY SANCTION

Children Court Area of

District No.

E.F. of
Prosecutor

A.B
Accused

.....
Applicant

WHEREAS this Court on theday of20... made an order imposing a community sanction on the above-named accused, namely [*specify the nature of the community sanction order made and the provision of the Children Act 2001 under which it was made*]

TAKE NOTICE that the above-named applicant of will apply as [*state capacity in which the applicant applies, e.g. probation and welfare officer, etc*] at the sitting of the Children Court to be held aton the day of20... ata.m./p.m. for an order

*varying the said order

*revoking the said order *and making an order for [*insert details of any alternative order sought*]

on the following grounds:

Dated thisday of.....20...

Signed.....
Applicant/Solicitor for applicant

To.....
of.....

AND TAKE NOTICE that under section 91(2) of the Children Act 2001, unless excused by the Court, the parents or guardian of a child are required to attend at all stages of any proceedings against the child for an offence and where the parents or guardian fail or neglect without reasonable excuse to so attend, the Court may adjourn the proceedings and issue a warrant for the arrest of the parents or guardian.

AND FURTHER TAKE NOTICE that under section 91(3) of the Children Act 2001, failure by the parents or guardian, without reasonable excuse, to

attend at all stages of proceedings against a child for an offence shall, subject to subsection (5) of section 91, be treated for all purposes as if it were a contempt in the face of the court.

*Delete words inapplicable

CHILDREN ACT 2001, SECTION 76A

Children Court Area of

District No.

E.F. of
Prosecutor

A.B
Accused

Whereas the above-mentioned accused child has been charged that.....and has been remanded *on bail *in custody

And it appears to the Court that the Health Service Executive may be of assistance to it in dealing with the case. On the day of 20... the Court adjourned the criminal proceedings in respect of the above accused child.

Now the Court under section 76B of the above-mentioned Act requests the Health Service Executive to be represented in the proceedings, due next to appear before the Court at the sitting of the Children Court to be held at on the day of20... ata.m./p.m.

Dated this day of 20...

Signed.....
Judge of the Children Court

To: the Health Service Executive
At.....

SCHEDULE 2

No. 37.3

SCHEDULE B.
O.37, r.1

CHILDREN ACT 2001, SECTION 88(1)(a)

COMMITTAL TO REMAND CENTRE FOR PROBATION AND
WELFARE OFFICER'S REPORT

Children Court Area of

District No.

C.D. of
Prosecutor

A.B. of
Accused

To the Superintendent of the Garda Síochána at.....

and his/her Assistants, and all other Peace Officers of the said District
No..... and to the Occupier of the Remand Centre
at..... A.B., hereinafter called the accused, being a child,
being brought before the Court sitting at, charged with having

And the Court being satisfied of the guilt of the accused but deferring its
decision pending the preparation of reports requested under Part 9 of the
Children Act 2001 and the case being adjourned until theday of.....20., at
.....o'clock in thenoon.

You, the said Superintendent, are therefore hereby commanded to convey the
accused to the said Remand Centre, and there to deliver him/her to the
occupier thereof, together with this warrant, and you, the occupier of the said
Remand Centre, to receive the accused into your custody and keep him/her
until the day of.....20., and on that day you the said Members of the
Garda Síochána are required to convey him/her before the Children Court
sitting at at the hour of.....in the.....noon, to be further
dealt with according to law.

Dated this.....day of 20...

Signed.....
Judge of the Children Court

CHILDREN ACT 2001

SECTION 88(1)(b)

COMMITTAL WARRANT ON SENDING FORWARD FOR TRIAL

Children Court Area of

District No.

C.D. of

Prosecutor

A.B. of

Accused

To the Superintendent of the Garda Síochána
at.....

and his/her Assistants, and all other Peace Officers of the said District
No.....

and to the Occupier of the Remand Centre at..... A.B.,
hereinafter called the accused, being a child, being brought before the Court
sitting at, charged with having

The accused being committed for trial:

You, the said Superintendent, are therefore hereby commanded to convey the
accused to the said Remand Centre, and there to deliver him/her to the
occupier thereof, together with this warrant, and you, the occupier of the said
Remand Centre, to receive the accused into your custody and keep him/her
until the next sitting of the Court at....., when
you the said Members of the Garda Síochána are required to convey him/her
before such Court to be further dealt with according to law.

Dated this.....day of 20...

Signed.....
Judge of the Children Court

No. 37.5

SCHEDULE B.
O.37, r.1.

CHILDREN ACT 2001, SECTION 88(1) (c)

COMMITTAL TO REMAND CENTRE ON REMAND

Children Court Area of

District No.

C.D. of.....

Prosecutor

A.B. of

Accused

To the Superintendent of the Garda Síochána at.....

and his/her Assistants, and all other Peace Officers of the said District
No..... and to the Occupier of the Remand Centre
at..... A.B., hereinafter called the accused, being a
child, being brought before the Court sitting at, charged with having

The hearing of the case being adjourned until theday of.....20., at
.....o'clock in thenoon.

You, the said Superintendent, are therefore hereby commanded to convey the
accused to the said Remand Centre, and there to deliver him/her to the
occupier thereof, together with this warrant, and you, the occupier of the said
Remand Centre, to receive the accused into your custody and keep him/her
until the day of.....20., and on that day you the said Members of the
Garda Síochána are required to convey him/her before the Children Court
sitting at at the hour of.....in the.....noon, to be further
dealt with according to law.

Dated this.....day of 20...

Signed.....
Judge of the District Court

CONVICTION OF CHILD (BY CONSENT) FOR INDICTABLE
OFFENCE

Children Court Area of

District No.

C.D. of.....

Prosecutor

A.B. of

Accused

A.B., hereinafter called the accused, being a child agedyears, having been born on theday of, is this day charged for that he/she on theday of20....., atwithin the Court district (and area) aforesaid did:

The accused having been informed of his/her right to be tried by a jury and (having had the assistance of his/her *parent *guardian *adult spouse *adult relative) having consented to be dealt with summarily, is convicted of the said offence:

And it is adjudged that (proceed as in other forms of conviction).

Dated this.....day of 20...

Signed.....
Judge of the District Court

CHILDREN ACT 2001, SECTION 142

ORDER FOR DETENTION IN CHILDREN DETENTION SCHOOL

Children Court Area of

District No.

E.F. of
Prosecutor

A.B
Accused

A.B., of....., hereinafter called the accused, who appears to the Court to be a child, to wit, of the age of..... years, having been born, so far as has been ascertained, on the.....day of, and who resides atin the county of....., is this day convicted *(the accused having been informed of his/her right to be tried by a jury and having had the assistance of his/her * parent *guardian *adult spouse *adult relative having consented to be dealt with summarily) that he/she, on the.....day of.....20..., at

within the court (area and) district aforesaid did (here state the offence).

And it is ordered in pursuance of the Children Act 2001, that the accused be sent to the Children Detention School atin the county of, a place being there available for him/her, and to be there detained for the period of.....commencing on and from *(the.....day of 20....) *(this day) *(the date of his/her reception therein)*, and it is further ordered that the said accused be taken to the place of detention at (or to the custody of.....a fit person who is willing to receive him), and to be *(there) *(by him) detained until he is sent to the said Children Detention School in pursuance of this order, or is otherwise discharged in due course of law.

Dated this.....day of 20....

Signed.....
Judge of the District Court

CHILDREN ACT 2001, SECTION 110

NOTICE OF APPLICATION FOR DEFAULT ORDER

Children Court Area of

District No.

E.F., of
Prosecutor

A.B.,
Accused

.....
Applicant

WHEREAS this Court on theday of20... made an order requiring the accused to pay *a fine of €..... *compensation of €.....*and costs of €.....

Such amount(s) to be paid.....

and whereas the accused has defaulted in payment of same in accordance with the terms of said Order

TAKE NOTICE that the above-named applicant will apply at the sitting of the Children Court to be held at

On the day of20... ata.m./p.m. for an order pursuant to section 110 of the Children Act, 2001:

*[reducing the amount of said fine]

*[extending the time allowed for the payment of said amount(s)]

*[imposing a community sanction under the Children Act, 2001]

Dated thisday of.....20...

Signed.....
Applicant/Solicitor for applicant

To.....
of.....

AND TAKE NOTICE that under section 91(2) of the Children Act 2001, unless excused by the Court, the parents or guardian of a child are required to attend at all stages of any proceedings against the child for an offence and where the parents or guardian fail or neglect without reasonable excuse to so attend, the Court may adjourn the proceedings and issue a warrant for the arrest of the parents or guardian.

AND FURTHER TAKE NOTICE that under section 91(3) of the Children Act 2001, failure by the parents or guardian, without reasonable excuse, to attend at all stages of proceedings against a child for an offence shall, subject

to subsection (5) of section 91, be treated for all purposes as if it were a contempt in the face of the court.

*Delete words inapplicable

Schedule 3

SCHEDULE C.
O. 96C, r. 6.

No. 96C.4

CHILDREN ACT 2001, SECTION 257D

NOTICE OF APPLICATION FOR BEHAVIOUR ORDER

Children Court Area of

District No.

.....Applicant

.....Respondent

TAKE NOTICE that the above-named applicant, being a member of the Garda Síochána not below the rank of superintendent stationed at.....will apply to the Children Court sitting at.....on theday of.....20.....ata.m./p.m. under section 257D of the above-mentioned Act for a behaviour order in respect of you,, the respondent, being a child of or above the age of 12 years, who resides at.....in the court (area and) district aforesaid.

TAKE NOTICE that the applicant will apply for a civil order prohibiting you the respondent

[Here set out the things to be specified in the order intended to be applied for which the respondent will be prohibited from doing in accordance with Section 257D(1) and/or Section 257D(4) of the Act, e.g. "that the respondent be prohibited from entering, or being in or about High Street between the hours of 8.00 pm and 8.00 am."]

[Here set out also any terms or conditions which it is requested the Court would impose in accordance with Section 257D(3) of the Act.]

The grounds for this application are that—

You the respondent, notwithstanding your participation in the procedures provided for in section 257C of the said Act, have continued and are likely to continue to behave in an anti-social manner;

Such an order is necessary to prevent you the respondent from continuing to behave in that manner;

Having regard to the effect or likely effect of that behaviour on other persons, such an order is reasonable and proportionate in the circumstances;

*You the respondent have been issued a behaviour warning(s) in accordance with section 257B of the above-mentioned Act on20... *a copy of which *a copy of the written record of which is attached to this notice

You the respondent have participated in the procedures provided for in section 257C of the said Act in the following manner:

Dated this..... day of.....20.....

Signed.....
Applicant

To District Court Clerk
District Court Office
At.....

To the Respondent
At.....

To:(parents/ guardian)
At.....

*delete if inapplicable

CHILDREN ACT 2001, SECTION 257D

BEHAVIOUR ORDER

Children Court Area of

District No.

.....Applicant

.....Respondent

WHEREAS UPON APPLICATION made to the Court today by the above-named applicant, being a member of the Garda Síochána not below the rank of superintendent stationed at..... under section 257D of the above-mentioned Act for a behaviour order in respect of the above-named respondent,, being a child of or above the age of 12 years, who resides at.....in the court (area and) district aforesaid

THE COURT

BEING SATISFIED THAT notice of the application was duly served

BEING SATISFIED THAT the respondent notwithstanding *his/her participation in the procedures provided for in section 257C of the said Act, has continued and is likely to continue to behave in an anti-social manner

BEING SATISFIED THAT this order is necessary to prevent the respondent from continuing to behave in that manner

BEING SATISFIED THAT having regard to the effect or likely effect of that behaviour on other persons, this order is reasonable and proportionate in the circumstances

HEREBY ORDERS pursuant to section 257D of the said Act of 2001 that

the respondent be prohibited from.....

IT IS A *TERM *CONDITION OF THIS ORDER that.....

[here insert any terms or conditions imposed in accordance with Section 257D(3) of the Act]

for a period of * *two years from the date this order is made.

Dated this..... day of..... 20.....

Signed
Judge of the District Court

WARNING: A child who, without reasonable excuse, does not comply with a behaviour order to which the child is subject commits an offence and on conviction for such an offence is liable to be fined up to €800 or be detained in a children detention school for a term not exceeding three months or be both fined and detained.

To: The Respondent at.....

*delete if inapplicable

CHILDREN ACT 2001, SECTION 257D

NOTICE OF APPLICATION FOR *VARIATION *DISCHARGE OF
BEHAVIOUR ORDER

Children Court Area of

District No.

.....Applicant

.....Respondent

WHEREAS the Children Court sitting at.....on theday of..... 20.....
made a behaviour order under section 257D of the said Act in respect of the
above-named respondent, being a child of or above the age of 12 years,
....., now residing at.....in the court (area and) district
aforesaid, copies of which said behaviour order and the notice of application
therefor are attached hereto.

TAKE NOTICE that

* being a member of the Garda Síochána not below the rank of
superintendent stationed at.....

*the above-named respondent

*the parents/guardian of above-named respondent

will apply at the sitting of the Children Court to be held at
..... on the day of20... ata.m./p.m. for an
order *discharging *varying the said behaviour order, on the following
grounds:

Dated thisday of.....20...

Signed.....
Moving party/Solicitor for moving party

To District Court Clerk
At.....

*To the Respondent
At.....

*To
(Specify Rank)..... of the Garda Síochána
at.....

*delete if inapplicable

EXPLANATORY NOTE

(This does not form part of the instrument and does not purport to be a legal interpretation)

These rules provide forms under Order 37 in respect of those sections of the Children Act 2001 brought into operation by S.I. No.64 of 2007, and amend Order 96C to provide for proceedings under Part 12A of that Act as inserted by the Criminal Justice Act 2006 and brought into operation by S.I. No.65 of 2007.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
nó tríd an bpost ó
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