



# Teenhelp



## Separation - Common terms explained

### Relationship/Marriage Counselling

Before deciding to separate, some parents might go to counselling to attempt to solve their relationship problems. The counsellor is a trained professional who helps the couple to understand and work at resolving their relationship problems.

In some situations, a couple might work with a counsellor to plan their separation in a co-operative way.

### Mediation

Many couples that decide to separate do so with the help of a family mediator. The mediator's role is to help the couple to discuss and agree together the details of how they will separate. The aim is to separate in a cooperative, respectful and fair way. Most mediations end with a written document that sets out all the details of the couple's agreement (including decisions about how they will share the parenting of their children, financial matters, family home and properties etc...). This can then be taken to solicitors to be drawn into a Legal Contract or Legal Deed of Separation and/or used as the basis for a Decree of Divorce.

### Solicitor

Solicitors have legal training and advise couples on legal issues relating to separation or divorce. They will also represent their clients in court proceedings. Usually each parent hires their own solicitor to represent their interests in the separation.

### Collaborative Law Solicitor

Some couples go to solicitors who have trained in Collaborative Law. This is a method of helping separating couples to resolve disputes and reach agreements on all issues relating to their separation, without the need to go to court (except to legalise their separation agreement).

### Family Law Court

In Ireland, separation and divorce cases are usually heard by judges in the Circuit Family Courts. This usually happens when parents are unable to agree the terms of the separation themselves. These cases are always carried out in private. You are not allowed to be present in court for the hearing. Judges are required by law to make decisions they believe to be in your best interests. In some situations judges might speak to you directly or ask someone to speak with you on their behalf.

*(Adapted from 'When Parents Split - Support, Information and Encouragement for Teenagers' , by Glynis Good. (2008) Blackhall Publishing).*

### Other terms you might have heard:

## Access

Access is the contact a parent has with the child he or she is not living with. Access usually involves an agreed arrangement for spending time together. It can also refer to other forms of communication such as phone calls, e-mail and letters.

Supervised access involves having another adult present when you have time with a parent. In exceptional circumstances, this is put in place for your protection

## Barrister

A barrister is an advocate who 'pleads the cause' of their clients in the circuit or higher courts. He or she is usually instructed by a parent's solicitor, who is taking the case before the courts.

Usually, both parent's cases are represented by separate barristers.

## Custody

Custody is the physical day-to-day care and control of a child. In Ireland, the courts have the power to make an order for joint custody so that the child can spend time with each parent, even in cases where primary care is agreed or given to one parent only.

## Divorce

This is the legal ending of a marriage. In Ireland, a Decree of Divorce can only be granted when the couple has lived apart for four years and where proper provision has been made for the children of the marriage and both parents. A Decree of Divorce does not affect the legal rights of any child of that marriage. Being divorced allows people to remarry, should they wish to do so.

## Judicial Separation

A judicial separation can be granted by the Circuit (Family) Court or the High Court. It signals the legal separation of the couple. When the court grants a judicial separation it must consider the needs of both parents and the needs of the children in relation to financial and other resources available to the family. The rights of a child remain unaffected by a judicial separation being given.

## Maintenance

Maintenance is the amount of money paid at specified intervals from one parent to another for the care and support of that parent and their dependent children.

## Residence

Your 'residence' is simply the place where you live.

## Separation Agreement

This is a written document that sets out all the details of a couples' agreement to separate. It can be drawn into a Legal Contract or Legal Deed of Separation by their solicitors and/or used as the basis for a Decree of Divorce.

## Legal terms usually related to situations of domestic abuse or violence:

(See also section on [Domestic Abuse](#)).

- **Protection Order**  
A protection order is a temporary legal order that forbids someone from making any threats or carrying out acts of violence, but still allows him or her to stay in the home, pending an application for a safety order.
- **Safety Order**  
A safety order is a legal order that forbids someone from making any threats or acts of violence, but allows him or her to stay in the home. A protection order is similar to a safety order, but is granted for a shorter period of time.
- **Barring Order**  
A barring order is a court order that prevents a violent person from remaining to live in the family home. It forbids the person from threatening to use violence and can also ban him or her from watching or being around the area of the family home.