

Public Information Leaflet

on

Declarations of Parentage Applications in the
County Court or High Court

1. What is a Declaration of Parentage Application?

Any person may apply to the High Court, a county court or a court of summary jurisdiction for a declaration as to whether or not a person named in the application is or was the parent of another person so named.

2. What is the relevant legislation pertaining to Declaration of Parentage Applications in the County Court or High Court?

The Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (“the 1989 Order”)

The Family Proceedings Rules 1996 as amended by the Family Proceedings (Amendment) Rules 2002 (“the 1996 Rules”)

3. What is the role of the Attorney General for Northern Ireland with regards to applications for Declarations of Parentage?

The role of the Attorney General is to ensure that all interested persons have the opportunity to be heard in an application for a Declaration of Parentage and that the public interest will be protected. These Declarations are binding. The Attorney is a notice party in any application to the County Court or High Court for a Declaration of Parentage. If he considers it necessary or expedient, he can intervene in the court proceedings.

4. What must be provided to the Court when making an application for a Declaration of Parentage?

An application for a Declaration of Parentage in the County Court or High Court must be commenced by petition, and contain the information set out in Rule 3.24 of the 1996 Rules (see annex 1):

This petition must be supported by an affidavit from the petitioner verifying the petition and giving particulars of any other person whose interest may be affected by the proceedings, including their relationship to the petitioner (rule 3.27).

5. What must be provided to the Attorney General for Northern Ireland when giving notice of an application?

A copy of the petition and every document accompanying it must be served on the Attorney General for Northern Ireland by the petitioner.

6. When should notice of the application be given to the Attorney General for Northern Ireland?

Notice of the above must be served on the Attorney General at least one month before the petition is filed (rule 3.28).

On filing the petition, notice of this filing is then served on the Attorney General.

6. What happens after notice of proceedings has been served on the Attorney General for Northern Ireland?

The papers will be considered and a decision will be made as to whether it is necessary or expedient for The Attorney General to intervene in the proceedings. It may be necessary to obtain copies of documents filed or

lodged in the Court offices which relate to any other matrimonial proceedings referred to in the proceedings.

If The Attorney General decides to intervene he must enter an Appearance within 14 days of service of the petition. The Applicant's solicitor will be notified at the same time by way of copy letter.

If the Attorney decides not to intervene, the Applicant's solicitor will also be notified.

While this Information Leaflet has been prepared primarily for the assistance of legal advisers it is hoped all readers will find it of assistance. However if any further clarification is required please contact the Office of the Attorney General for Northern Ireland.

Annex 1 – Rule 3.24 of the 1996 Rules

3.24.—(1) An application under Article 31B of the Order of 1989 for a declaration of parentage shall be commenced by petition which, unless otherwise directed, shall state—

- (a) the full name and the sex, date and place of birth and residential address of the petitioner (except where the petitioner is the Department);
- (b) where the case is not an excepted case within Article 31B(4) of the Order of 1989, either the petitioner's interest in the determination of the application or that Article 28(2) of the Order of 1991 applies;
- (c) if they are known, the full name and the sex, date and place of birth and residential address of each of the following persons (unless that person is the petitioner)—
 - (i) the person whose parentage is in issue;
 - (ii) the person whose parenthood is in issue; and
 - (iii) any person who is acknowledged to be the father or mother of the person whose parentage is in issue;
- (d) if the petitioner, the person whose parentage is in issue or the person whose parenthood is in issue, is known by a name other than that which appears in the certificate of his birth, that other name (which shall also be stated in any decree made thereon);
- (e) if it is known, the full name of the mother, or alleged mother, of the person whose parentage is in issue, at the date of—
 - (i) her birth;
 - (ii) her first marriage;
 - (iii) the birth of the person whose parentage is in issue; and
 - (iv) her most recent marriage;if it was at any of those times different from her full name at the date of the presentation of the petition;

- (f) the grounds on which the petitioner relies and all other material facts alleged by him to justify the making of the declaration;
- (g) whether there are or have been any other proceedings in any court, tribunal or authority in Northern Ireland or elsewhere relating to the parentage of the person whose parentage is in issue or to the parenthood of the person whose parenthood is in issue, and, if so—
 - (i) particulars of the proceedings, including the court, tribunal or authority before which they were begun, and their nature, outcome or present state;
 - (ii) the date they were begun;
 - (iii) the names of the parties; and
 - (iv) the date or expected date of any trial in the proceedings;
- (h) that either the person whose parentage is in issue or the person whose parenthood is in issue—
 - (i) is domiciled in Northern Ireland on the date of the presentation of the petition; or
 - (ii) has been habitually resident in Northern Ireland throughout the period of one year ending with that date; or
 - (iii) died before that date and either was at death domiciled in Northern Ireland or had been habitually resident in Northern Ireland throughout the period of one year ending with the date of death; and
- (i) the nationality, citizenship or immigration status of the person whose parentage is in issue and of the person whose parenthood is in issue, and the effect which the granting of a declaration of parentage would have upon the status of each of them as regards his nationality, citizenship or right to be in the United Kingdom.

(2) Unless otherwise directed, there shall be annexed to the petition a copy of the birth certificate of the person whose parentage is in issue.

(3) The respondents to the application shall be—

(i) the person whose parentage is in issue; and

(ii) any person who is, or who is alleged to be, the mother or father of the person whose parentage is in issue;

excluding the petitioner.

(4) The prescribed officer for the purposes of Article 31B(7) of the Order of 1989 shall be the chief clerk or proper officer, as the case may be.