

**Public Information Leaflet**

**on**

**Declarations of Parentage Applications in the Magistrates' 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 Magistrates' Court?**

The Matrimonial and Family Proceedings (Northern Ireland) Order 1989

The Magistrates' Courts (Declaration of Parentage) Rules (Northern Ireland) 2002 as amended by the Magistrates' Courts (Declaration of Parentage) (Amendment) Rules (Northern Ireland) 2012, referred to as the "2002 Rules as amended"

**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 Magistrates' 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 Attorney General for Northern Ireland when giving notice of an application?**

Under the 2002 Rules as amended, notice of the application is provided by the clerk of petty sessions to the Attorney General.

Rule 5 of the Magistrates' Courts (Declarations of Parentage) Rules (Northern Ireland) 2002 as amended makes provision for the filing of documents in court and the service of documents on the Attorney General.

*“5.—(1) An application by way of complaint to a justice of the peace or clerk of petty sessions for a declaration of parentage under Article 31B of the Order shall be made in Form FL1 and shall be supported by a statement which is signed and declared to be true. Provided that if the applicant is under the age of 18, the statement shall, unless otherwise directed, be made by his next friend.*

*(2) An applicant shall file the documents referred to in paragraph (3) together with sufficient copies for one to be served, not less than 21 days prior to the date fixed for hearing, on each respondent.*

*(3) The documents to be filed under paragraph (2) are—*

*(a) any summons issued in consequence of the application, which shall be in Form FL2; and*

*(b) Form FL1 and the supporting statement; and*

*(c) where available to the applicant, a certified copy of the entry in the Register of Births relating to the birth of the person whose parentage is in issue; and*

*(d) Form FL3 for giving notice of the proceedings to the Attorney General.*

*(4) A statement under paragraph (1) may contain statements of information or belief with the sources and grounds thereof.*

*(5) The clerk of petty sessions shall send the Form FL3, together with a copy of the application and every document accompanying it, to the Attorney General and if the Attorney General intends to intervene in the proceedings, the clerk of petty sessions shall be notified within 14 days of receipt of the FL3 and other documents.”*

Accordingly, the following documents should be forwarded by the clerk of petty sessions to the Office of the Attorney General for Northern Ireland:

- A copy of form FL3 which should be completed in full with details of the court and when the application will be heard;
- A copy of the signed form FL1;
- A supporting statement which must be signed and declared to be true;
- A signed and completed form FL2; and
- A copy of the birth certificate for the subject child/children.

#### **5. 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.

The decision as to whether or not the Attorney intends to intervene in the proceedings will be communicated to the clerk of petty sessions within 14 days of receipt of all the documents required by Rule 5. The Applicant's solicitor will be notified at the same time.

**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.**