

MEDIA NOW ALLOWED IN PRIVATE FAMILY LAW COURT CASES



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Q. My ex-wife is bringing me to court for maintenance. I have lost a lot of money over the past year in bad business decisions and genuinely can't afford to pay any more maintenance than I'm already paying. I'm not going to get a solicitor for the case as I can't afford one. A friend told me that a new law now allows journalists in the court room for what was before a private hearing. My fear is that private information regarding my business and financial affairs will be printed in the local newspaper. Even if they don't print the name of my business, if enough information was given, couldn't readers guess it was mine. What is the law on this?

A. Up until the 13th of January this year, all family law proceedings were held in private. This is called the "in camera" rule. The only people allowed in the courtroom would have been the Judge, the district court clerk, you, your ex-partner or ex-spouse and both of your legal representatives (should you have one). The reason all family law court proceedings were heard in private was in order to prevent disclosure of confidential and intimate details of the parties' family life and their personal relationships.

However, Minister Shatter signed the Courts and Civil Law (Miscellaneous Provisions) Act 2013 (Part 2) (Commencement) Order 2014 commencing Part 2 of the Courts and Civil Law (Miscellaneous Provisions) Act 2013 with immediate effect from the 13th of January, 2014.

The new laws provide for the amendment of the "in camera" rule so as to allow for:

- (a) the preparation and publication of a report of family law proceedings, or
- (b) the publication of the decision of the court in such proceedings, provided that the report or judgment does not contain any information which would enable the parties to the proceedings, or any child to which the proceedings relate, to be identified.

Making the announcement, the Minister said, "We are now implementing important changes to the long-standing in camera rule in family law and child care proceedings. It is in the public interest that there be greater knowledge of the administration of the law in this important area and in this context that the



media have access to and be able to report on family law and child care cases. These reforms will provide valuable information to the public, judiciary and legal professionals on the operation of the law by our courts. However, the public's right to know has to be balanced with a family's right to privacy. It will

be strictly prohibited to report any information likely to identify the parties to the proceedings or any child to whom the proceedings relate.”

The court still has the power to prevent the media from being present and/or from reporting on certain details such as sensitive personal information, and nothing can be published or broadcast which might lead members of the public to identify the parties and/or children involved in the proceedings. You or your solicitor can also make an application to the court to have the media removed from the hearing but a special reason would have to be given. Journalists will need to be very careful not to print any information which could lead to a reader guessing it was your business they were writing about. If they do, this will constitute a criminal offence and those found guilty of the offence may be liable to a fine to a maximum limit of €50,000 and/or a term of imprisonment up to 3 years.

To ease your concern, I can tell you that since this law was introduced, I have been to two local family law courts and there were no members of the media present. I can't say however that this will always be the case.

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