

# **FAS Data Migration Project**

## **Circuit Court Procedures for the lodgement of new Minor / Ward funds in the Accounts Office**



**COURTS SERVICE**  
*An tSeirbhís Chúirteanna*

## **New cases – procedures for lodgement**

### *Lodgement*

1. The Local Court Office prepares the Investment Court Order<sup>1</sup> which is signed by the Court / Registrar
2. The Local Court Office sends a copy of the signed Investment Court Order<sup>1</sup> to both:
  - a. The Accountants Office – no more than five (5) working days after signature. Postal address: Accountants Office, 15-24 Phoenix Street North, SMITHFIELD, DUBLIN 7; and
  - b. The Plaintiff Solicitor – to allow for the Order to be served by registered post on the defendant or other party required to make the lodgement within fourteen (14) days of the making of the order in accordance with the Rules
3. The Defendant (or Other Party directed to make a lodgement of funds in court) sends the Accountants Office a cheque (made payable to: Accountant of the Courts of Justice) in the amount prescribed by the Investment Court Order<sup>1</sup>, together with a copy of the Investment Court Order<sup>1</sup>, within twenty eight (28) days of service of the Investment Court Order<sup>1</sup> upon that party as prescribed by the Rules. Postal address: Accountants Office, 15-24 Phoenix Street North, SMITHFIELD, DUBLIN 7
4. Upon receipt of the monies, the Accountants Office matches the lodgement amount against the case details previously recorded on the system and posts a receipt of the monies received to both:
  - a. The Local Court Office; and
  - b. The party who issued the cheque (i.e. Solicitor or Insurance Company)
5. The Accountants Office prepares a report each month identifying late lodgements, if any. A Letter of Request for Payment is sent to the Plaintiff Solicitor directly, requesting immediate payment of the overdue monies
6. The Plaintiff Solicitor is responsible for contacting the Defendant / Defendant Solicitor regarding the non-lodgement or late lodgement of funds.
7. If by the next month end monies remain unpaid and there has been no response from the Plaintiff Solicitor, the Accountants Office contacts the Local Court Office, who refers the matter back to Court

### *Additional Charges*

8. If the case is referred back to Court and a penalty payment is required to be made by the party at fault for failure to lodge on time then the Local Court Office prepares the Additional Charges Court Order<sup>2</sup> which is signed by the Court / Registrar.
9. The Local Court Office sends a copy of the signed Investment Court Order<sup>1</sup> to both:
  - a. The Accountants Office – no more than five (5) working days after signature. Postal address: Accountants Office, 15-24 Phoenix Street North, SMITHFIELD, DUBLIN 7; and
  - b. The Plaintiff Solicitor – to allow for the Order to be served by registered post on the defendant or other party required to make the lodgement within fourteen (14) days of the making of the order in accordance with the Rules

10. The Accountants Office sends the Local Court Office confirmation of receipt of the order
11. The party required to pay the penalty sends the Accountants Office a cheque (made payable to: Accountant of the Courts of Justice) in the amount prescribed by the Investment Court Order<sup>1</sup>, together with a copy of the Additional Charges Court Order<sup>2</sup>, within twenty eight (28) days of service of the Additional Charges Court Order<sup>2</sup> upon that party as prescribed by the Rules. Postal address: Accountants Office, 15-24 Phoenix Street North, SMITHFIELD, DUBLIN 7
12. Upon receipt of the monies, the Accountants posts a receipt of the monies received to both:
  - a. The Local Court Office; and
  - b. The party who issued the cheque

### *Payout*

The Plaintiff / Plaintiff Solicitor may make a request for a payout of funds for two reasons:

- a. Interim payment prior to reaching the Age of Maturity (18 years old)
- b. Final payment upon reaching the Age of Maturity (18 years old or more)

### Interim Payment

13. The Plaintiff / Plaintiff Solicitor contacts the Local Court Office
14. The Local Court Office prepares an Interim Payout Court Order<sup>3</sup> which is signed by the Court / Registrar.
15. The Local Court Office sends a copy of the signed Interim Payout Court Order<sup>3</sup> to the Accountants Office no more than five (5) working days after signature. Postal address: Accountants Office, 15-24 Phoenix Street North, SMITHFIELD, DUBLIN 7)
16. Upon receiving the Interim Payout Court Order<sup>3</sup> the Accountants Office organises payment as directed and issues a cheque direct to the Payee within seven (7) working days of receiving the Interim Payout Court Order<sup>3</sup>

### Final Payment

An application can be made in two ways:

- a. Direct to the Accountants Office; or
- b. Via an application to Court

### *Direct to the Accountants Office*

17. The Plaintiff / Plaintiff Solicitor contacts the Accountants Office and provides sufficient proof of age of maturity (signed affidavit and a birth certificate)
18. Upon receiving the sufficient proof of age of maturity the Accountants Office organises payment as directed and issues a cheque direct to the Payee within twenty eight (28) working days of receiving the request
19. The Accountants Office sends the Local Court Office confirmation that the case has closed

*Via an application to Court*

20. The Plaintiff / Plaintiff Solicitor makes an application to Court for the payout of funds upon reaching the Age of Maturity
21. The Local Court Office prepares a Final Payout Court Order<sup>4</sup> which is signed by the Court / Registrar.
22. The Local Court Office sends a copy of the signed Final Payout Court Order<sup>4</sup> to the Accountants Office no more than five (5) working days after signature. Postal address: Accountants Office, 15-24 Phoenix Street North, SMITHFIELD, DUBLIN 7)
23. Upon receiving the Final Payout Court Order<sup>4</sup> the Accountants Office organises payment as directed and issues a cheque direct to the Payee within twenty eight (28) working days of receiving the Final Payout Court Order<sup>4</sup>
24. The Accountants Office sends the Local Court Office confirmation that the case has closed

<sup>1</sup> = Investment Court Order Details - this order is the initial documentation containing information required by the Accountants Office for the take on of new minor / ward cases

<sup>2</sup> = Additional Charges Court Order - in the event that lodgement of funds are not made within the required timeframe and the case is referred back to court this order captures the information regarding any penalties (e.g. interest) imposed by the Judge for late lodgement / failure to lodge required by the Accountants Office

<sup>3</sup> = Interim Payout Court Order - where an application for a payout (prior to age of maturity) is made to court, this order captures the information regarding that payout as approved by the Judge required by the Accountants Office

<sup>4</sup> = Final Payout Court Order - where an application for a final payout (upon reaching the age of maturity) is made to court (as opposed to direct application to the Accountants Office), this order captures the information regarding that payout as approved by the Judge required by the Accountants Office