

# How does the family law system work?



FAMILY VIOLENCE LAW HELP

[www.familyviolencelaw.gov.au](http://www.familyviolencelaw.gov.au)

Family law is the area of law that deals with families, relationships and children.

It covers things like divorce, arrangements for your children, your property, spousal or de facto maintenance and child support.

Family law is different to child protection law - see [www.familyviolencelaw.gov.au](http://www.familyviolencelaw.gov.au) for more information.



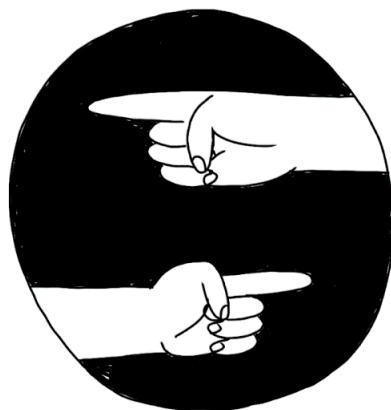
## Which laws apply?

Most family law issues in Australia are covered by the *Family Law Act 1975* (Cth).

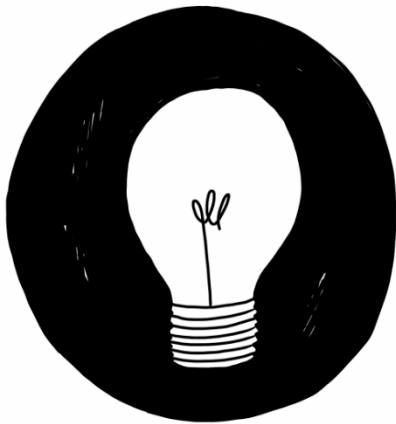
If you are in Western Australia, the family law system is a bit different and you should get legal advice and see our information about Western Australia.

If you were married or in a de facto relationship, the *Family Law Act 1975* (Cth) will cover any disagreements you have about:

- your children
- property and spousal or de facto maintenance.



If you were not married or in a de facto relationship the *Family Law Act 1975* (Cth) will only cover disagreements you have about your children.



## Western Australia

In Western Australia, the *Family Law Act 1975* (Cth) covers:

- married people who want to divorce or make arrangements for children, property or spousal maintenance
- unmarried parents whose children are not in Western Australia.

The *Family Court Act 1997* (WA) covers:

- unmarried people who have disagreements about:
  - children
  - property and de facto maintenance.

If you, your ex-partner or your children live in Western Australia, you should get legal advice from a lawyer in Western Australia.

## Which courts decide disputes between parents?

Family law disputes are usually dealt with in the Family Courts and the Local or Magistrates' Court. We refer to these courts as 'Family Courts':

- the Federal Circuit Court of Australia
- the Family Court of Australia
- the Family Court of Western Australia.

If you start your case in the Local or Magistrates' Court it will often be transferred to the Family Courts.

The Local or Magistrates' Court can also change or stop Parenting Orders when it makes a Domestic Violence Order. If you have Parenting Orders and experience domestic and family violence, it's important to get legal advice. If you aren't sure which court to start a case in, get legal advice.

*While we have tried to make the information here as up-to-date and accurate as possible, the law is complex and always changing. All legal problems are different. You should see a lawyer to get advice about your problem. Legal Aid NSW, National Legal Aid and the Commonwealth Attorney-General's Department are not liable for any errors or omissions, or for any loss or damage that arises from any person who relies on any information on this factsheet. This factsheet was developed in 2019.*