

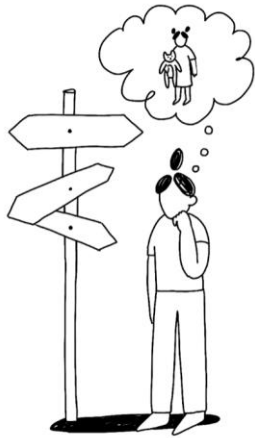
How does the court make decisions about children?



FAMILY VIOLENCE LAW HELP

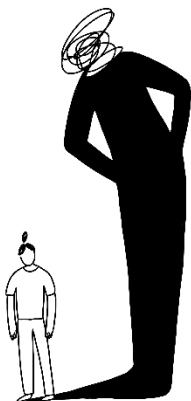
www.familyviolencelaw.gov.au

If you have experienced domestic and family violence, it's important to get legal advice about what decisions the court may make about your children in your case.



A Parenting Order is an order made by the Family Courts which can cover things like:

- who your children live with and spends time with
- who will make big long-term decisions about your children (called parental responsibility)
- how parents will communicate with each other
- how your children will communicate with the parent they aren't with—for example by phone, Skype or email
- where your children will go to school, changing your children's name or overseas travel.



When making Parenting Orders, the court considers what is in your child's best interests by considering a number of factors. Protecting your child from harm including from domestic and family violence is the main thing the court considers.

The court also considers whether there has been any domestic and family violence and any Domestic Violence Orders, as well as other factors. Every case is different, so it's important to get legal advice about your situation.



Parenting Orders are binding on the parents and can be enforced by the Family Courts. Parents (including same-sex parents), grandparents or anyone concerned about your children's welfare can apply for Parenting Orders.

It is important to get legal advice before you start a case in the Family Courts for Parenting Orders to find out if this is a good option for you.

Orders about Parental Responsibility



Parental Responsibility means the big long-term decisions about your children. For example—decisions about where your children go to school, what their religion should be and decisions about their health. Parental responsibility is different to how much time your children spend with each parent.

The court will usually start with the view that both parents should make big long-term decisions about your children together. This is called ‘equal shared parental responsibility’.

However sometimes—for example if there has been domestic and family violence, child abuse or if it’s not in the best interests of the child—the court may decide that one parent should make these decisions by themselves. This is called ‘sole parental responsibility’.

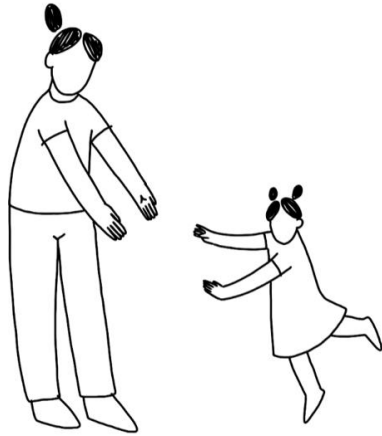
Orders about who the child lives with and spends time with



The Family Courts will look at what is in the best interests of the child when they decide where your children will live and how much time they spend with the other parent.

This includes looking at your children’s safety and whether there has been any domestic and family violence.

Every case is different so it’s important to get legal advice about your situation.



What does the 'best interests of the child' mean

If you have experienced domestic and family violence, it's important to get legal advice about what the court may consider to be in the best interests of your child.

The Family Courts decide what is in a child's best interests when they make Parenting Orders. To do this they look at:

- the benefit of your children having a meaningful relationship with both parents
- the need to protect your children from harm including from physical or psychological harm, domestic and family violence, child abuse or neglect. This is the main thing the Family Courts look at.



The Family Courts also look at other things like:

- whether there has been domestic and family violence
- any Domestic Violence Orders
- the wishes of your children
- your children's relationship with each parent
- each parent's ability to care for your children
- if your children are Aboriginal or Torres Strait Islander— their right to enjoy their culture
- as well as other factors.



Every case is different, so it's important to get legal advice about your situation.