

What is an Independent Children's Lawyer?



FAMILY VIOLENCE LAW HELP

www.familyviolencelaw.gov.au

An Independent Children's Lawyer is a lawyer who helps the court decide what is in the best interests of your children. They come up with their own position about what is in the best interests of your children and don't have to agree with either parent's position.

They may talk to your children and will gather evidence to give the Court. For example, from your children's school or doctor. Children don't usually give evidence at court.

When is an Independent Children's Lawyer used?



Independent Children's Lawyers are not used in all cases.

An Independent Children's Lawyer may be used if there are serious allegations of domestic and family violence, child abuse, neglect, mental health issues or other complicated issues in your case.

They can also be used if your children are older and have strong views about what they want.



Does an Independent Children's Lawyer have to do what my child wants?

If your children have strong views about what they want, the Independent Children's Lawyer may tell the court what their views are, but they don't have to agree with them.

They don't have to do what your children ask. The Independent Children's Lawyer makes their own decision and tells the court what they consider to be in the best interests of your children based on the evidence in your case.

Who pays for an Independent Children's Lawyer?

The Independent Children's Lawyer may be paid for by the parents or Legal Aid.

Sometimes, each parent will be asked to pay a financial contribution towards some of the costs of the Independent Children's Lawyer.

It will depend on the financial situation of each parent.

