



Registered TM 1227576

Dean R. Love & Associates

Barristers & Solicitors
DRL Legal Pty Ltd (ACN 123 034 846)

FAMILY LAW – CIVIL LAW – CRIMINAL LAW

ABN 34 123 034 846

Perth Office:
1st Floor, 231 Adelaide Terrace
PERTH WA 6000

Postal:
PO Box 3263
PERTH WA 6832

Tel: (08) 9218 9993
Fx: (08) 9218 9557
enquiries@drlegal.com.au
www.drlegal.com.au

PARENTAL RESPONSIBILITY AND PARENTING ORDERS

The law makes it clear that each parent has full parental responsibility for each and every child who is under 18. Parental responsibility is not affected by any change in the parents' relationship, for example, if the parents separate or remarry.

Each parent has the responsibility for their child's welfare, either in the long term or on a day-to-day basis. This includes matters such as where the child will live and with whom the child will have contact.

It is only when the parents cannot decide these matters themselves that the Family Court may make orders that stipulate which parent has what responsibilities.

These orders are called Parenting Orders. There are four types of Parenting Orders the Court can make, if necessary:

- Residence Order – an order to say with whom the child lives.
- Contact Order – an order to say with whom the child will have contact.
- Child Maintenance Order – an order that provides for financial support of the child.
- Specific Issues Order – an order about any other aspect of parental responsibility.

Residence, contact and specific issues orders replace the orders that were made by the previous law for guardianship, custody and access.

Applying for a parenting order

A Parenting Order may be applied for by:

- a parent of the child;
- the child itself; or
- any other person concerned with the care, welfare and development of the child.

The orders you may seek

The orders you may need to seek concerning your children will depend on the particular circumstances of your family. You may need legal advice about this, but here are some examples as a general guide:

- If you believe it is in the best interests of the child that the child lives with you and that you have the sole responsibility for the child's day-to-day care, welfare and development, you may apply for an order that the child reside with you and that you have sole responsibility for the child's day-to-day care, welfare and development.

THIS IS A RESIDENCE ORDER AND A SPECIFIC ISSUES ORDER.

- If you believe it is in the child's best interests to reside with you for part of the time and with the other parent for part of the time and that you both retain full parental responsibility for the child, you may apply for an order that the child reside with you for (specify the period of time) and with the other parent for (specify the period of time).

HIS IS A RESIDENCE ORDER FOR BOTH PARENTS AND BOTH PARENTS WILL RETAIN FULL PARENTAL RESPONSIBILITY FOR THE CHILD.

- If you believe it is in the child's best interests that the child reside with you and have contact with the other parent for specified times, you may apply for an order that the child reside with you and have contact with the other parent for specified periods of time.

THIS IS A RESIDENCE ORDER AND A CONTACT ORDER. BOTH PARENTS WILL RETAIN FULL PARENTAL RESPONSIBILITY FOR THE CHILD TO THE EXTENT NECESSARY.

- If you wish to have orders made about any specific areas of parental responsibility for the child such as schooling, health care and other matters, you will need to apply for

these by seeking an order, for example, that you be responsible for all decisions relating to the child's schooling and health care, etc.

SUCH ORDERS ARE SPECIFIC ISSUES ORDERS

What if we agree about what should happen for the child?

The Family Court encourages parents to agree about what arrangements should be made for children after separation. Agreements can be worked out between yourselves or with the help of family and child counselors or lawyers. If you want the agreement to be made an Order of the Court, you can apply for Consent Orders to be made without having to actually go to Court. You can ask the registry staff at your closest Family Court to give you the Application for Consent Orders (Form 11 Kit). This can be completed by yourself or with the assistance of your lawyer.

Further information

If you want more information you may contact any registry of the Family Court of Australia or, if in Western Australia, the Family Court of Western Australia. Contact details are listed below. If you want more information on your legal rights or obligations or you wish to obtain independent legal advice, you need to contact a lawyer. If you have any difficulty obtaining independent legal advice, you might get assistance from a law society, a legal aid office or a community legal centre. Contact numbers for some of these are listed below.

Contact Details

CHIEF JUSTICE'S CHAMBERS

GPO Box 9991 ~ Melbourne, VIC 3001

CHIEF EXECUTIVE OFFICER

GPO Box 9991 ~ Canberra, ACT 2601

ADELAIDE (08) 8205 2666

25 Grenfell St, Adelaide, SA 5000

ALBURY (02) 6021 8944

463 Kiewa Street, Albury, NSW 2640

ALICE SPRINGS (08) 8952 8222
Centrepont Building, Hartley St
Alice Springs, NT 0870

BRISBANE (07) 3248 2200
119 North Quay, Brisbane, Qld 4000

CAIRNS (07) 4041 2377
104 Grafton St, Cairns, Qld 4870

CANBERRA (02) 6267 0511
Cnr University Ave & Childers St, Canberra, ACT 2600

DANDENONG (03) 9767 6200
53-55 Robinson St, Dandenong, Vic 3175

DARWIN (08) 8981 1488
80 Mitchell St, Darwin, NT 0800

DUBBO (02) 6841 5000
Cnr Macquarie & Wingewarra Sts, Dubbo, NSW 2830

HOBART (03) 6232 1725
39-41 Davey St, Hobart, Tas 7000

LAUNCESTON (03) 6334 2111
Level 3, ANZ Building, Cnr Brisbane & George Sts,
Launceston, Tas 7250

LISMORE (02) 6621 8977
29-31 Molesworth St, Lismore, NSW 2480

MELBOURNE (03) 8600 3777
Commonwealth Law Courts, 305 William St
Melbourne, Vic 3000

NEWCASTLE (02) 4926 1255
61 Bolton St, Newcastle, NSW 2300

PARRAMATTA (02) 9893 5555
1-3 George St, Parramatta, NSW 2150

ROCKHAMPTON (07) 4921 2939
Cnr East & Fitzroy Sts, Rockhampton, Qld 4700

SYDNEY (02) 9217 7111
97-99 Goulburn St, Sydney, NSW 2000

TOWNSVILLE (07) 4722 9333
143 Walker St, Townsville, Qld 4810

WOLLONGONG (02) 4226 8200
43 Burelli St, Wollongong, NSW 2500

WESTERN AUSTRALIA (08) 9224 8222
FAMILY COURT OF WESTERN AUSTRALIA
150 Terrace Rd, Perth, WA 6000

Law Societies

ACT (02) 6247 5700
NSW (02) 9926 0333
NT (08) 8981 5104
QLD (07) 3842 5888

SA (08) 8229 0222
TAS (03) 6234 4133
WA (08) 9322 7877
Law Institute of VIC (03) 9607 93