



Young Parents

If I'm not in a relationship with the other parent, who makes decisions about our child?

You are welcome to make your own informal arrangements, if possible. But if you're arguing with the other parent, or with another relative like a grandparent, free dispute resolution services are available to help you mediate and negotiate an agreement (see Help points on the back of this page). If you're having trouble reaching agreement you can apply to the Family Court or Local Court for a Parenting Order, but generally you are required to try to solve the dispute yourselves first.

There are exceptions to this requirement, such as urgency, or situations where domestic violence or child abuse are involved. If an exception applies, you can go straight to court. See Help points for legal advice.

There is no rule saying which parent a child should live with. Each family is different and the law treats each case individually, as long as all arrangements meet the best interests of the child. Children have the right to protection from abuse, neglect or exposure to family violence. Children's rights also include – in most cases – to know and be cared for by both parents; to regularly spend time with and communicate with both parents; to have a relationship with other important people such as siblings and grandparents; and to enjoy their own culture.

Unless it is not in the child's best interests, both parents are usually expected to share responsibility for the child's long-term care, welfare and development, regardless of which parent the child mainly lives with.

What if the other parent runs off with my child or won't return my child?

If you've already got a Parenting Order (or negotiated "Consent Order"), you can apply to court for a Recovery Order, including a police warrant, for the return of the child.

If there are no orders in place, then technically-speaking the other parent has as much right as you do to have the child with him/her. In this situation you can apply to court for an urgent Parenting Order, stating that the child is to live with you. Whether or not this will be granted depends on the court's view of the child's best interests.

What if the child's father is not on the birth certificate?

The father's name can't appear on the certificate unless he has signed the birth registration form. If he denies he's the father, this can create problems – e.g in claiming and receiving child support payments. These paternity disputes may be resolved through a court application and DNA testing, although the testing is expensive. See Help points for legal advice.

Teenagers with separated parents

When can I decide who to live with?

Generally speaking both parents continue responsibility for you, including deciding where you live, until you turn 18. But you do have a right to have your wishes listened to and considered if you want to propose a change in your current living arrangements. See also Leaving Home next page.

Years ago my parents got family law court orders that no longer suit my life, especially my weekends. Do I have to keep going along with the old arrangements?

Your parents have a legal obligation to try to stick to the court order. But if its terms are no longer in your best interests, you might suggest to both parents that they file an agreement ("consent order") to have the order changed or overturned.

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My parents are in legal proceedings now about me. Do I get to have a say?

You don't necessarily have the final say, but your views should be at least taken into account. If you feel you aren't being listened to, you can seek advice from the Help points listed below. You don't have to actually appear in court to have your wishes expressed in the case.

Out-of-Home Care

Children and young people (under 18 years) who are at risk of harm in their family home may be placed in out-of-home care, also known as foster care, by an order of the Children's Court. Some children are placed with relatives, others with trained foster carers. If you are in out-of-home care you have rights set out in a document called the "Charter of Rights for children and young people in care". Your rights include, for example:- to maintain a relationship with your birth family if this is in your best interests; to freely express your views and wishes and have these taken into account in decisions about you; and to receive continuing assistance from Community Services NSW (or other specialist community organisations) after leaving care and up to the age of 25. If you want more information about your rights, or if you aren't happy with an aspect of your current situation, you can contact your caseworker, or seek free legal advice (see Help points).

Leaving Home

There is no law setting a particular age for the right to leave home, but generally your parents or guardian have responsibility for you until you turn 18. However, in practice the legal system is unlikely to force a teenager to return home against her/his strong wishes, especially if there is a risk of violence or abuse in the home. You have a right to health, safety and security wherever you live. If you need to leave home early, you can approach a youth service, school counsellor or other community support service for help with arranging things like income, accommodation and counselling.

HELP POINTS

Kids' Help Line

24 hour telephone and online counselling service.
1800 55 1800 or www.kidshelp.com.au

Family Relationship Centres (*information and dispute resolution*)

Nowra, Ulladulla, Moruya, Bega **4424 7150**

www.familyrelationships.gov.au

(*includes information for children and teenagers*)

Family Court

www.familycourt.gov.au

(*includes information for children*)

Shoalcoast Community Legal Centre

www.shoalcoast.org.au

4422 9529 (*Shoalhaven*)

1800 229 529 (*Eurobodalla and Bega Valley*)

Legal Aid NSW

Nowra office **4422 4351**

Lawstuff

www.lawstuff.org.au

LawAccess NSW

www.lawaccess.nsw.gov.au or **1300 888 529**

My useful numbers
