



SIS Support
Information +
Strength

Holistic family violence support for
Aboriginal + Torres Strait Islander people

Fact Sheet: Parenting

The Family Law Act makes the **best interests** of the child the most important thing to consider when making a parenting order. The Court looks at the following two things to start working out what is in a child's best interest (these are called the "primary considerations"):

1

The benefit of the child having a meaningful relationship with both parents

and

2

The need to protect the child from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence.



The **most** important thing is that a child is protected and safe from harm (but remember, the Court might look at the evidence before it and define safety differently from you!)

After looking at these, they will **also** consider:



views of the child (depending on their age and experiences)

the way changes to the child's circumstances could affect them

attitude & involvement of the parents

a child's right to enjoy their Aboriginal &/or Torres Strait Islander culture

#!\$% family violence

capacity of the parents



practical difficulty & expenses of particular parenting arrangements

impact of orders on the child's ability to enjoy their culture

+ any other fact or circumstances the court thinks is relevant



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Parental responsibility

In family law, parental responsibility refers to all the duties, powers, responsibilities and authority that parents have in relation to their children - this means the 'big decisions' about where the child goes to school, their religion and cultural exposure, passports, their health decisions and their name.

Usually, both parents are presumed to have equal say in these decisions. When there has been family violence (or when one of the parents has abused the child), this presumption does not apply, and the protective parent may be able to make these decisions on their own. (The Court may still choose for both parents to have equal say though.)

Formalising your parenting arrangements

There are many tools available to help you formalise an agreement you have reached with the other parent, or to help you reach an agreement if you can't do it without a little help.

Our other factsheets have more information about these tools and processes, or you can call SiS and make an appointment to speak to one of our lawyers.

Lives with/ spends time with:

When there is equal shared parental responsibility, the court must consider whether the child should spend equal time with both parents. They will do this by looking at:

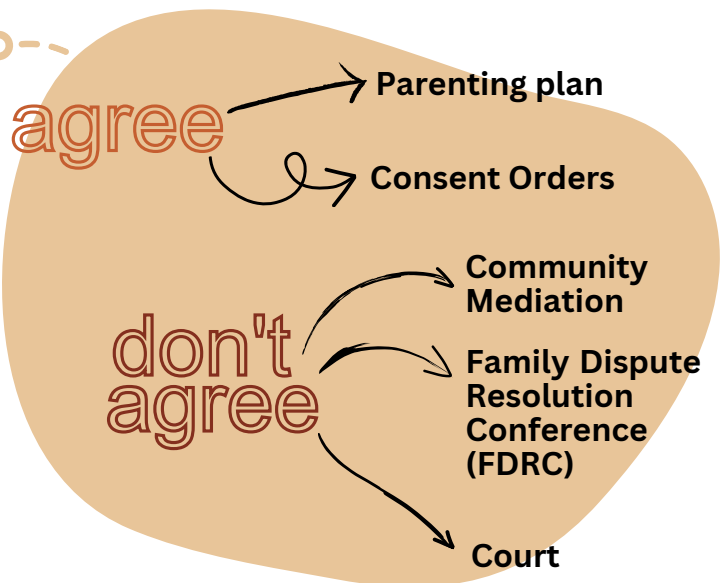
best interest factors,

and

practical difficulties.



If equal time is not in the child's best interests, they will consider whether the child should spend 'substantial and significant time' with each parent. What amount and kind of time the child spends with each parent will vary lots between families., based on the circumstances of the family, the needs of the children, and safety considerations.



SiS Tasmania for legal and non-legal support for Aboriginal or Torres Strait Island Adults and Children who have or are experiencing Family Violence or Sexual Assault. Operates 9am-5pm Monday to Friday.

1800 747 827 sistas.org.au

scan the QR code for more resources and support information

Other support available:

FVCSS:	1800 737 732
1800RESPECT:	1800 727 732
POLICE (non emergency):	131 444
EMERGENCY:	000

The information contained in this factsheet is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.