

### How Family Law applies to you

The *Family Law Amendment (Shared Responsibility) Act 2006* introduced significant changes to the *Family Law Act 1975* ('the Act'). One of the key changes was intended to better recognise the interests of the child spending time with other important people in their life. Under the Act, this includes grandparents.

The Act recognises that it is in the best interests of the child to spend time with and communicate on a regular basis with not only their parents but also others who are significant to their care, welfare and development, such as grandparents and other relatives.

This does not mean that as a grandparent you have a right, to see your grandchild; your grandchild has a right to see you, if that is in their best interests.

### Making an Agreement with the child's parents

Grandparents should always try to seek agreement with the parents about arrangements for spending time with their grandchildren. This can be done by negotiation. If you need assistance with negotiations you can contact your local Family Relationships Centre to initiate mediation. All parties will be invited to attend a mediation session and if an agreement can be reached, they can enter into a Parenting Plan.

### What is a Parenting Plan?

Parenting Plans are written agreements which deal with issues such as where the child lives and who the child communicates or spends time with. A Parenting Plan can include a grandparent but the plan must be agreed to and signed by both parents, so grandparents can only be included if all the parties, including both parents, agree.

Parenting Plans are not binding or enforceable but the courts will take them into consideration if the matter ends up in court.

### Consent Orders

If you have reached agreement and you want to formalise that agreement and make it binding, you can apply to the Court for Consent Orders. These orders provide some protection and can be enforced.

### Court Orders

If there is no agreement, grandparents can seek an order from the Family Court of Australia or the Federal Circuit Court as "a person concerned with the care, welfare and development of the child" to spend time with or communicate with their grandchildren. Each matter will be decided on the individual facts and circumstances but the Court must consider first and foremost what is in the best interests of the child.



*DISCLAIMER: This fact sheet is for information purposes only and is not to be taken as legal advice.*