

## HOW DOES THE FAMILY LAW ACT APPLY TO GRANDPARENTS?

1. either or both of the child's parents;
2. the child;
3. a grandparent of the child; or
4. any other person concerned with the care, welfare or development of the child.

Accordingly, grandparents are able to make an Application to the Courts for parenting Orders. A parenting Order can be made in relation to where a child is to live, the time they spend with significant people (such as grandparents) and issues such as education, medical treatment, the allocation of parental responsibility and other such issues.

In cases relating to parenting Orders, the paramount consideration of the Court will be what is in the best interests of the child.

### PARENTAL RESPONSIBILITY

Parental responsibility means all the duties, powers, responsibilities, and authority, which, by law, parents have in relation to children.

Unless a Court Order specifically provides to the contrary, each parent of a child under 18 years of age has parental responsibility. However, grandparents do not automatically have parental responsibility. Unlike parents, the Family Law legislation does not make any presumptions in relation to parental responsibility in relation to grandparents.

Each case has unique circumstances, which will be considered by the Courts prior to making an Order about parental responsibility.

### A NOTE ON PRE-COURT PROCEDURES:

In accordance with the changes to the Family Law legislation, all parties (including grandparents) are required to make a genuine effort to resolve their dispute by Family Dispute Resolution (mediation) before they make a Parenting Application in the Family Court, or Federal Magistrates Court. Parties are required to have attended upon, and obtained a certificate (Section 60I certificate) from a Family Dispute Resolution Practitioner, before they can file a Court Application.