

WHICH SCHOOL IS THE RIGHT SCHOOL?

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Which school a child attends can be a difficult question for a court, as the facts of each case are always different. An Appeal Court recently considered such a case.

The Facts

- The question was, what school the 6 year old child should commence Grade 1 at?
- The father wanted the child to continue at the school where he had attended kindergarten and preschool. The school was 500 metres from the father's residence and 5.7 km from the mother's residence.
- The mother wanted the child to attend a school 1.9 km from her residence and 5.1 km from the father's residence.
- The consent order in place provided for the child to spend 9 days a fortnight with the mother, with 7 of those days being weekdays. The school that the father proposed had slightly higher academic results than the school that the mother proposed.
- The trial judge had decided that the child should attend the school proposed by the mother, finding that the considerable saving in travelling time for the child over a 7 year period slightly outweighed the father's argument that his proposed school had higher academic results.
- The father appealed the decision claiming that the judge had failed to consider the father's financial circumstances



would have financial implications for him.

- To expedite the matter, the Appeal Judge exercised his discretion to re-determine the matter rather than having the matter remitted for re-hearing.

Appeal Court Held

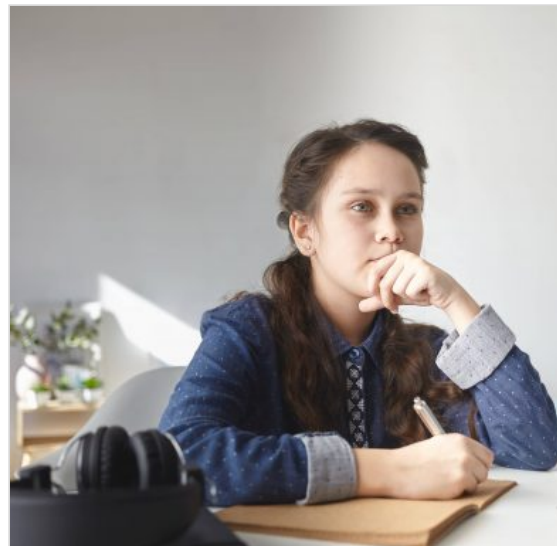
- The convenience of the parents was a factor but both were inconvenienced. In the absence of any compelling factors, it would be inappropriate for the court to focus on the small levels of inconvenience to either parent.
- The child to remain at the school selected by the mother.

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