

# WHAT SAY DO STEP-PARENTS HAVE?

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A successful blended family isn't always easy, but many step-parents form a close bond with their non-biological children.

If that couple later separates, the step-parent may wish to keep that close relationship with their step-child, but what rights do step-parents have?

The court considers step-parents to be a person who is interested in the child's care, welfare and development and an agreement on time arrangements can often be reached between a step-parent and a biological parent.

In a recent case, a child's biological mother was killed in a car accident and the child's step-father started court proceedings to ensure the child would live with him primarily, rather than the biological father.

The child had lived with his mother and step-father since he was 12-months-old. He had spent irregular time with his biological father for a number of years, until he started spending alternate weekends and half of the school holidays with his biological father a few years before his mother died.

The child also had a half-brother, who was the son of his step-father and late mother.

The time and custody arrangements continued after the mother died, however the biological father wanted these arrangements reversed, so that the child would live with him and spend alternate weekends with the step-father.

One weekend, the biological father refused to return the child to the step-father as agreed, causing the step-father to start court proceedings seeking a recovery order, that the child be returned to his primary care.

At trial, the step-father was initially unsuccessful, as the court considered it was in the child's best interest to live with the father.

However on appeal, the court reversed the trial judge's decision and ordered that the child live with the step-father and spend alternate weekends with the father, as he had done for many years prior to the mother's death.

The court formed the view that the trial judge mistakenly favoured the father merely because he was a biological parent.

The court also highlighted the importance of maintaining stability in the child's living arrangements as well as the child having a meaningful relationship with his half-brother.

Step-parents certainly do have a "say" about their step-children, however the court will consider all of the circumstances of the case, including the relationship between the child and their biological parent/s before making a decision.