

Grandparents And Other Carers | Empower Family Law & Mediation

Canonical: <https://staging-empowerfamilylaw.yottadigital.net/grandparents-and-other-carers/>

Details:

Services

Grandparents and Other Carers

Grandparents and other carers often play an important role in a child's life. At Empower Family Law & Mediation we understand the importance of those relationships.

We regularly advise grandparents and other carers who seek a relationship with the children in their lives or to assume the care of a child on an interim or more permanent basis. We are experienced in this area, and we will listen and support you every step of the way.

The Family Law Act 1975 recognises the benefits to a child in having a meaningful relationship with significant people in their life, including grandparents. A person who can demonstrate an interest in the 'care, welfare and development' of a child can make an application to the Federal Circuit and Family Court of Australia for orders providing for the child to spend time in their care. The amount of time the child will be ordered to spend with the grandparents or carer depends on the circumstances and what is necessary to ensure the child's best interests are met. In many cases it is possible to achieve a negotiated or mediated outcome, without the need to go to Court.

If you have found yourself unable to see your grandchild(ren), please contact us on (03) 7020 6542 to discuss your options.

Speak with us

Your first 30-minute consultation is free. Call (03) 7020 6542 or contact our team to discuss your circumstances and next steps.

Phone : (03) 7020 6542

Email : info@empowerfamilylaw.com.au

Let us be your voice in troubled times.

Contact Us

More Services

Binding Financial Agreements (including Prenuptial Agreements)› Child Relocation› Child Support› Consent Orders› De Facto Relationships› Divorce› Family Mediation› Family Violence and Intervention Orders› Parenting and Child Custody› Property Settlement› Separation› Spousal Maintenance› Superannuation› Urgent Family Law Issues›

Can a grandparent or other carer apply for parenting orders?

A grandparent or another person concerned with a child's care, welfare or development may be able to apply for parenting orders. The applicant's label does not create an automatic entitlement to time or

care. The Court considers the child's best interests and the evidence about the relationship, the child's needs, safety and the practical arrangement proposed. A proposed order might address time, communication or, in some cases, the child living with the applicant. The appropriate scope depends on the history of care and the problem that needs to be solved. Keep records showing the relationship and involvement with the child, attempts to maintain safe contact and any concern about welfare. Advice is useful before filing because standing to apply and the orders ultimately made are different questions.

What evidence can help explain a grandparent's or carer's role?

Useful evidence may include the history and regularity of care, school or medical involvement, financial or practical support, communications with the parents, the child's routine and the effect of any interruption to the relationship. Where the person has provided substantial day-to-day care, documents and witnesses can help explain what that looked like over time. The evidence should remain child-focused. Avoid drawing a child into adult conflict or asking the child to choose sides. If there are concerns about neglect, violence, substance use or another safety issue, record the facts and obtain advice about the appropriate protective pathway. The amount of past involvement does not determine the outcome by itself; the Court assesses what arrangement now serves the child's best interests.

Can these disputes be resolved without a contested Court case?

Many matters can be explored through direct negotiation, lawyer-assisted negotiation or family dispute resolution. A carefully structured proposal may include staged contact, communication, transport, supervision or other measures suited to the child's circumstances. Mediation can help identify misunderstandings and practical barriers, provided the process is safe and suitable. An agreement may be recorded in a parenting plan or formalised through consent orders, depending on the level of enforceability and certainty required. Court proceedings may still be necessary where contact has stopped, safety is disputed, urgency exists or agreement cannot be reached. Advice can help a grandparent or carer propose orders that are realistic, child-focused and no broader than required.

What if the child may need to live with a grandparent or carer urgently?

Seek prompt advice, particularly where the child's safety, accommodation or current care is unstable. Explain who presently has the child, what has changed, any existing parenting or intervention orders, involvement of police or child-protection authorities, and the immediate arrangement you can safely provide. Preserve relevant messages, records and a clear chronology. The correct response may involve urgent family law orders, state child-protection processes, an intervention order or practical support, depending on the facts. Do not breach an existing order or remove a child without understanding the legal position unless emergency action is needed to protect immediate safety. If anyone is in immediate danger, call 000.