

GRANDPARENTS' FAMILY LAW INFORMATION GUIDE



FIFTH EDITION

AS AT 13th MAY, 2013

FAMILY LAW REFORM ASSOCIATION
NSW Inc.

This Guide, compiled by Coral Slattery, Secretary, Family Law Reform Association NSW Inc., was originally compiled as our contribution to Grandparents during NSW Seniors Week 2008.

Special thanks to Andrew Corish, our honorary Accredited Family Law Solicitor, for his contribution on the law applying to grandparents denied access to their grandchildren and his research on previous cases and their outcomes. Special thanks also to Fiona Blane, Co-ordinator of MIDSS (Mums in Distress Support Services) and her helpers, who assisted with updating information.

The guide now includes all known support groups who provide various services for grandparents raising their grandchildren, as well as other kinship carers.

The information contained in the Guide is current as at 13th May, 2013. It will be updated from time to time, as further information comes to hand.

Family Law Reform Association NSW Inc.
PO Box 807, Sutherland 1499
Phone 02 9542 2459
Fax 02 9521 3790
Email flra@comcen.com.au
www.familylawreform.org.au

© Family Law Reform Association NSW Inc. 2013

All rights reserved. No part of this book may be reproduced for commercial purposes without permission from the Family Law Reform Association NSW Inc. P.O. Box 807, Sutherland, 1499, phone 02 9542.2459. Please contact the association if you would like to reproduce multiple copies for distribution at forums. Family Relationship Centres and Children's Contact Centres may download copies for grandparents and kinship carers at will.

Disclaimer: All care has been exercised in the compilation of this book. The content is general information only and should not be considered as personal professional advice. Please consult a suitably qualified professional for your individual circumstances. The authors and publishers expressly disclaim any liability to any person in respect of any actions taken or not taken in reliance on the contents of this book.

A word from the President

We live in a society and in an era with a high rate of marital and relationship breakdown. This fact is all the more unfortunate when children are involved and especially when one of the parent's ability to maintain a meaningful and healthy relationship with their children is diminished.

Sadly, another area of family alienation which is not always adequately recognised is the relationship of grandparents and their grandchildren. Grandparents bring a wealth of life experience, affection, stability and wisdom to the family structure. They broaden and enhance the dimension of family and are valued by children for their unique qualities. It is therefore a tragedy when an otherwise healthy relationship between grandparents and their grandchildren becomes part of the "collateral damage" from the parents' estrangement.

Another unfortunate aspect of modern life is the increasing number of grandparents who have become the primary care giver of their grandchildren due to the inability of the parents, for various reasons, to continue in that role. This imposes special challenges and commitments at a stage of life when most of us would like to enjoy a more relaxed lifestyle and to be able to enjoy the fruits of our working life.

This handbook is meant to be a valued resource for those in such circumstances and to be a guide to the areas where assistance and advice may be obtained. I congratulate Coral Slattery for her diligence and commitment to putting it all together and to all those individuals and organisations who assisted her.

Brian Fisher
President
Family Law Reform Association NSW Inc
16th April, 2013

WHAT IS A GRANDPARENT?

(A child's view)

Grandparents are a lady and a man who have no little children of their own. They like other people's little girls and boys.

A grandfather is a man grandmother.

Grandparents don't have to do anything except to be there. They're old, so they shouldn't play hard or run. It is enough if they take us to the market where the pretend horse is and have lots of coins ready. Or if they take us for walks, they slow down past things like pretty leaves and caterpillars. They never say "hurry-up".

Usually grandmothers are fat, but not too fat to tie your shoes. They wear glasses and funny underwear. Grandfathers sleep a lot and always have some spare dollars for us when no-one's looking. Some can take their teeth and gums off.

Grandparents don't have to be smart, only answer questions like, "Why isn't God married?", "How come dogs chase cats?" and "Why is the moon always different?"

Grandparents don't talk baby-talk like visitors do, because it is hard to understand. When they read to us, they don't skip any pages or mind if it is the same story over again.

Everybody should try to have grandparents, especially if you don't have a television.

Grandparents need grandchildren to keep the changing world alive for them.

Grandchildren need grandparents to help them know who they are and to give them a sense of human experience in a world they cannot know.

(author unknown – every endeavour has been made to get permission to print)

Contents

Introduction – Andrew Corish, Accredited Family Law Specialist	5
What is Mediation?	12
What is Collaborative Law?	12
Need some legal information?	13
Need to go to court?	14
Need urgent help?	15
Need information about substance abuse?	18
Need some family assistance?	18
NSW Education Family Law and the Schools Policy	18
Grandparents Raising Grandchildren Support Groups NSW/ACT (including Kinship Carers).....	19
Not being treated fairly?	23
Government Supported Counselling and Mediation Services	24
Family Relationship Centres in NSW/ACT.....	25
Children’s Contact Centres in NSW/ACT	26
Family Law Reform groups.....	27

GRANDPARENTS AND FAMILY LAW March 2012

I am contacted by many Grandparents. Generally it concerns their anguish and grief about being deprived of a relationship with their beloved grandchildren: The Grandparents are often the forgotten victims of a relationship breakdown. I feel for them. Their anguish and grief is palpable. They ask me what they can do.

I first wrote an article in 2002 for the Family Law Reform Association as a guide for grandparents. I focussed on two cases. .

The first case was **Stevens & Lee (1991) FLC 92-201**. In that case the paternal grandmother was being denied any relationship with her five year old grandson. Her only son had died in an act of arson. In the years since then, great hostility had developed between the grandmother and the mother. The grandmother seemed to be partially at fault for this and could not control her anger, perhaps blaming the mother in part for the death of her son. She saw fit to take out an AVO against her ex-daughter in law. The judge in that case sympathised with the Grandmother. Plainly her grandchild was the remaining link with her son and she was desperate to maintain contact. The judge considered it important for children to have links with their biological history and with as many persons as possible who could love and support them. But in the circumstances of the case, with the level of animosity between the mother and the grandmother, he denied the grandmother any direct contact with her grandchild.

I contrasted that case with a second case of **Bright (1995) FLC 92-570**. In that case it seems the Grandparents had fallen out with their own son and his wife for no particular reason specified. The Grandparents had managed to build a relationship with their two and a half year old grandson and wanted to continue it. They obtained interim orders to see him once a month for a weekend with an overnight stay. This had been successful. The parents lived a few hundred kilometres away from the Grandparents and the Grandparents applied for orders for the current arrangements to continue and for the parents to share the driving. The judge agreed Grandparents had a good relationship with their grandson and that the orders should continue and he was very critical of the harsh attitude of the parents. However, he ordered that the Grandparents had to do all the driving.

I noted in the first article that there had been a review of the *Parenting Section of the Family Law Act (Part 7) in 1995*. There was some increased recognition of the importance of the relationship of Grandparents with their grandchildren. I commented that perhaps the Grandmother in Stevens and Lee case may have succeeded if she had been able to bring her application under the new legislation and that there was a likelihood of Grandparents making more applications to the court with greater success under the new legislation.

I think this occurred and there was an increasingly push and recognition of the importance of Grandparent/grandchild relationship. This was one of the impetuses to a second major review of the Part 7 Parenting Section of the Family Law Act in **2006**. In the new amendments Grandparents were specifically mentioned for the first time in the Act and in fact were mentioned in 11 separate sections of the Family Law Act. These sections are 4, 13C, 60B (3 times), 63C, 64B, 65C, 65G, 66F, 66(7), 66T and 69C. The most significant mentions are as follows:

1. **s60B** - sets out the objects and principles underlying the Parenting Section of the *Family Law Act* and now includes specifically a mention of Grandparents, that a child has a right to spend time on a regular basis and communicate on a regular basis with both parents and other persons significant to their care, welfare and development, “*such as **grandparents and other relatives***”;
2. **s60CC(3)** sets out amongst the “Additional considerations” the court must consider in parenting matters, “*the nature of the relationship of the child with..parents and other persons including any **Grandparent** or other relative of the child*” and at (d) ..“*the likely effect of any changes in the child’s circumstance including the effect of separation from a parent or another person including any **Grandparent** or other relative of the child*”. Further at (f), the court must consider “*the capacity of each of the child’s parents and any other person, including any **Grandparent** or other relative of the child*” to provide for the needs of the child.
3. **s65C** – defines who may apply for a Parenting Order and includes specifically “*a **grandparent of the child***”;
4. **s65G** – provides for special conditions prior to a Court making a Parenting Order, including the parties must first see a counsellor but notes that this doesn’t apply if the applicant is a parent or a **grandparent** or other relative of the child;
5. **s66(7)** – includes a **grandparent** amongst persons who can apply for a “**Location Order**”, to locate a child who has been taken away;
6. **s66T** – similarly provides for **grandparents** to apply for a “**Recovery Order**” for the immediate location and return of a child who has been improperly taken away;

The new Amendments also brought in a new structure as to how the court should approach parenting matters. Basically in each case the court must follow a “**pathway**”. The court must consider the objectives and principles as set out in the front of the section. In each case, **the best interests of the child is the paramount consideration**. To determine the child’s best interests, the court first considers **primary considerations** relating to the child having a *meaningful relationship* with both parents and the need to protect the child from harm, abuse, neglect and violence. The court must consider approximately 12 **additional considerations** as appropriate including the views of the child and other issues. In most cases, unless there is violence or abuse, there is a presumption of **equal shared parental responsibility** between the parents which means responsibility to make major decisions together concerning the child. The court in each case must then consider the child spending “*equal time*” with each parent if *practical* or if not, *substantial time* with the other parent, if *practical* or not make appropriate orders.

So what was the effect of the changes of the law in Part 7 upon the relationship of Grandparents with their grandchildren?

A summary of the current law was provided in a carefully considered judgment by a judge in a Family Court in Tasmania, Justice Benjamin, in the case of **Church & Church (2008) FamCA 953** relating to the position of Grandparents in family law disputes.

In that case the grandfather had fallen out of contact with his three daughters and his various grandchildren and had not had any relationship with the grandchildren for about eight years following his divorce from the daughter's mother. He then applied to see them for a period of hours once a month and other communication. He gave evidence of having remarried and now having a warm and loving relationship with his new family and step-grandchildren. He asserted in his case that the changes in the Family Law Act in 2006 gave Grandparents a "**special place**" which entitles them to spend time and communicate with their grandchildren.

Justice Benjamin posed the question: "**Do Grandparents have special entitlements to see or communicate with grandchildren?**"

He went through the changes to the Parenting Section of the Family Law Act. He noted that the Family Law Act **clearly gave a "special position" to parents**. However they were the only persons who were given a special position. The importance of Grandparents was mentioned on a number of occasions. He went into the background of the Bill and explanatory memoranda, as well as speeches in Parliament where it was emphasised that one of the objectives was to support the Grandparents' relationship with grandchildren. Nevertheless the clear wording of the section specified that Grandparents were a prime example but in the same position as other relatives. Grandparents clearly had a right to make applications to the Court to see their grandchildren. But they didn't have any special position.

The two most important paragraphs of the judgement are at 60 and 61 which are as follows:

60 *If a Court is satisfied that an approach to the upbringing of a child by a parent or parents in whatever way is contrary to the child's best interests, then the Court should interfere by putting in place appropriate orders. In the absence of substantive issues as to the child's best interest, it is not the role of the Court to peer over the shoulders of functional parents and second guess the decisions they make regarding the upbringing of their children. A Court should only intervene in such decision-making in a cautious, careful and thoughtful manner and consider whether a better approach is to make no order at all.*

61 *That is not to say that a parent who acts capriciously in isolating a child from a Grandparent with whom the child had a meaningful relationship or not be the subject or orders, nor should this derogate from the role of any parents or relatives who have taken up the care of children in circumstances where the parents were unable or unwilling to care for them".*

He seems to be saying that in a "functional family", the court would not ordinarily interfere with the decisions of the parents about spending time with Grandparents and would be reluctant to "peer over the shoulder" or "second guess" parents. There are two broad exceptions. One is where the parents are acting capriciously ("guided by whim, inconstant, irregular") and if there is a good existing relationship between

Grandparent and grandchildren and the other is where the Grandparents have been acting as “parents” because of the inability or unwillingness of the parents. .

In this case the judge said there was a long history of a very bad relationship between the grandfather and his children and there had been many years in which he had not had any relationship or taken any particular interest in his grandchildren, who did not know him. For him now to seek to have a relationship with them against the strong wishes of each of his three children and their partners was something the judge was not prepared to support. He dismissed the Grandfather’s application saying that the Grandfather had a right to send letters which the parent could decide to handover to the children when they were of an age to understand.

Is this case a setback to “Grandparents”?

Some recent case involving grandparents are summarised below:

- In ***Cowles & Cowles & Madden (2008) FMCAfam 1091***, the maternal Grandparents had been the primary carers and stable force in the life of their grandchildren now aged ten and eight for significant periods of time. The Grandparents had done what they could to support their daughter as a parent. However the final straw came when she reinvolved herself with an unsuitable partner with a long criminal history and was not sending the child regularly to school. The Grandparents thought they had to do something to protect their grandchildren. The children were in the care of the mother at the time they went to the Court. Nevertheless, considering parenting history and the mother’s failures, the Court considered the children were not likely to receive a proper upbringing with the mother and ordered that the children be returned to the Grandparents and spend alternate weekends and half holiday periods with their mother. This is an example of a case where Grandparents have had a significant parenting role as a result of the failure of their child to be a proper parent in the past and continuing and whilst the fact of parenthood was an important factor, the Court determined that the best interest of the child were for the Grandparents to take over the primary role.
- ***Irwin & Irwin (2011)*** was a dispute between sisters, but similar principles apply. The mother entrusted her child then aged 2, to live with her sister, his maternal aunt, and he did so for four years with the mother having no communication during that period, due to the mother suffering from and coping with mental illness. After she recovered she sought to re-establish her parenting role with her son. By that stage the child was closely bonded with the maternal aunt. Although the fact of parenthood was an important factor to be taken into account, in the end the Court considered the child’s best interests lay remaining with his current stable arrangement in the primary care of his aunt, with the mother spending significant, regular time with him at weekends and holidays.
- In ***Bemert & Swallow (2009)*** the court dismissed and struck out an application by a Grandparent at a summary (preliminary) stage. The Grandparent had a

long history of litigation in the Family Court and other courts and there were allegations of abuse, violence and AVOs against the Grandparent by his children. The Grandparent was found to be a “vexatious litigant” and obsessed with his rights and entitlements rather than the welfare of his grandchildren. Sadly by his past behaviour, the Grandparent was such a disruptive influence that the court wouldn’t countenance even allowing him to pursue his case.

- In ***Sampson and Jack (2008)*** there was a dispute between a mother and her parents in respect of two children aged 10 and 8. The grandchildren had not seen the Grandparents for 6 years, although the grandchildren had some positive memory of them. There were allegations by the mother of sexual abuse against the Grandparents and the mother was strongly opposed to the grandchildren having any relationship with their Grandparents. The abuse allegations were determined to be unfounded. The Grandparents were allowed limited “supervised” time initially to be expanded to unsupervised time each third weekend and some holiday time for day periods of 4 hours to start in 2 years time.
- In ***Ni and Zang (2008)*** the paternal Grandparents, father and mother were ethnically Chinese with the father working regularly in China whilst the Grandparents and mother resided in Sydney. The Grandparents were separate applicants in the case with their son. There was one 2 year old child. The mother wished to relocate to New Zealand against the wishes of the father and Grandparents. She was permitted but the Grandparents and son were each given time, together or separately, to spend with the grandchild 3 times a year for one week in Sydney or New Zealand.
- Whilst preparing this paper, two new “Grandparents” cases were published on the Federal Magistrates Court Website of ***Oldfield (2012)*** and of ***Sykes and Agnes (2012)***. In both cases the Grandparents were denied orders to spend time with their grandchildren because of the past and present history of conflict and disharmony between the Grandparents and the parents.
- The case I would like to end on is one of ***N & LS (2004)***. It was a decision of Her Honour Justice Ryan at Wollongong when she was a Federal Magistrate. I ran the case myself as solicitor advocate. The background facts were that the father of a four year old child could not have any contact with his child now or in the future for certain reasons. His parents the Grandparents were the applicants. They had a close relationship and involvement with their grandchild and wished

to continue it. The mother strongly objected in view of the history and emotional trauma caused to her if the grandparents were to have any contact with the child. Principally she blamed them because they did not support her in her accusations against their son. This was true. But importantly the Grandparents had made every effort to maintain as good a relationship as possible with the mother, despite the difficulties. In the end, in view of their previous close relationship and involvement with the grandchild, Her Honour ordered that it was in the grandchild's interest to continue the relationship with her paternal grandparents and allowed them one day a month for about 6 hours, on the basis that they did all the travelling and upon strict conditions including that the grandparents allow no communication or involvement with the child's father. I am pleased to say that I am aware that the relationship with the Grandchild had flourished over the 8 years since the judgement.

There are many reported cases involving Grandparents seeking time with their Grandchildren. Many are successful. The principles to be taken from these cases include the following:

- The cases where the Grandparents have been acting effectively as parents because of the unwillingness or inability of the parents or either of them to care for the child, whether because of drug problems, mental health issues, lack of interest and commitment or other reasons, are in a separate category. The court will look carefully at orders to protect the children's best interests often by continuing the care of the Grandparents or giving them great involvement.
- There are many intermediate cases where the care of the parent or parents is questionable but they claim to be providing effective care. The Grandparents may have had an exceptional involvement with their grandchildren for various reasons. The Court puts great emphasis on "parenthood" and will generally support parents over Grandparents if there is a dispute and particularly where the Grandparent is perhaps overstepping their role and starting to interfere in parenting decisions with insufficient justification. Parents will tend to be given every opportunity to be good parents. However the Grandparent may well have a good case to continue significant involvement with their grandchild to monitor the situation and ensure the grandchild's welfare.
- However where the parents have been acting as functional parents and there is no real issue as to this, then the situation is different. Generally Grandparents should see their grandchildren at the same time as their own child and allow the parents to divide time between them. They should not make their own applications. However there are exceptions to this for a variety of reasons. This is particularly the case where their own child is unable or unwilling to spend time

with the child for a variety of reasons and where the Grandparent had a significant involvement with the grandchild in the past which should continue.

- Grandparents should do everything possible to avoid becoming embroiled with a dispute with or between the parents. It is so important not to be involved in a dispute and not to get involved in the emotions of Family Law and particularly not take out AVOs or seek unhelpful orders. Their applications to the court should be as positive as possible, emphasising the benefits they can bring to their grandchildren by continuing their relationship, rather than criticising the parents and asserting their rights. Grandparents as with parents don't have rights to their grandchildren. It is the children and grandchildren who have the rights to know and spend time with both parents and grandparents and other persons significant to their welfare, if that is in the child's best interests.
- Grandparents should make every effort to show you have acted reasonably and supportively of the parent. This often includes trying to fit in with the parents' and children's arrangements, including the activities of the children are doing on weekend and the grandparents doing the transporting to and fro to make it as easy as possible for the parents. Hopefully the parents can look positively upon the opportunity of having a break. .
- It is much better if you already have a strong and loving relationship with the grandchild which the court will want to continue. If this is not the case, it is harder but not hopeless. If it has not been possible to establish or maintain a relationship with the grandchild for good reason, particularly because the grandchild is a baby or because of distance or other reason, there may still be a basis to see grandchildren regularly, provided the Grandparent can show they are acting reasonably.
- As to the amount of time the Grandparents should seek, this depends on the circumstances. But it should generally be less than a parent would seek. I note overnight time was allowed in the case of Bright for a weekend a month and overnight night time allowed in other cases. However often the sort of time which a Grandparent will be granted will be daytime periods once of fortnight, three weeks or a month, similar to the orders in **N & S**, to allow a pleasant outing to maintain the relationship. If the Grandparent previously had much greater involvement which they suggest for reasons should continue, they may well have a case for greater time. Holiday times could be possible as children get older and particularly if the child is keen.

In terms of practical arrangements of what Grandparents should do, who are being deprived of a relationship with their grandchild, the answer is that they need to tread carefully. Obviously court proceedings are a last resort. It is very helpful that they first get some good advice from a family lawyer as to how to go about it. Even if the Grandparent cannot afford to have a lawyer represent them and attend with them at the Court, they still should seek legal advice.

It is best to try to resolve disputes informally. Things often improve with time and Christmas and birthdays are excellent opportunities. However you can't allow the relationship to fade away and delay can affect prospects of success in undermining what was a close relationship.

Grandparents can and should seek to convene **Mediation** in appropriate cases, through a **Family Relationship Centre** or a community mediation organisation such as **Unifam, Relationships Australia or Centacare**. They will provide a lot of assistance. Indeed it is a condition that prior to starting parenting proceedings at a Court, an attempt must usually be made to convene and participate in mediation and it is necessary to produce a Certificate that you have done so, when you file court proceedings.

If court is necessary, do it wisely and well. The Courts are supportive and helpful to Grandparents who can show they are acting reasonably and in their grandchildren's best interest. It is helpful to have legal representation. However many Grandparents can't afford this. They can certainly represent themselves effectively if they put the effort in and find out how to do this. Generally the application would be made in a **Federal Magistrates Court** by filing an Initiating Application and an Affidavit. Forms can be obtained from the website www.fmc.gov.au. or www.familycourt.gov.au.

The important thing is never to give up. Always attempt to maintain communication and attempt to make sure the grandchildren know that your door is open and phone number is available to be called.

Andrew Corish
Accredited Specialist Family Law
Staunton & Thompson Lawyers
North Sydney and Manly
02 9929 7799
email arc@stlegal.com.au
website www.stlegal.com.au

What is Mediation?

Mediation is an alternative to litigation via the courts. Litigation is an adversarial system in an open court which can be stressful and costly and where there is a winner and loser.

Mediation seeks to settle disputes between parties amicably in an informal and confidential forum without strict legal rules under the guidance of a skilled mediator. The mediator's role is to assist the parties to discuss, negotiate and achieve a solution in an atmosphere of cooperation and good faith.

(Law Society of N.S.W. 2001)

What is Collaborative Law?

The phone numbers of lawyers practicing in collaborative law and an explanation of collaborative law are only available by accessing the website.

www.collabprofessionalnsw.org.au/family/collaborative-lawhtml

Need some legal information?

Law Access NSW – 1300 888 529 TTY 1300 889 529

LawAccess NSW is a free government service that provides legal information, advice and referrals for people who have a legal problem in NSW. Call 1300 888 529 for the cost of a local call between 9am and 5pm, Monday to Friday (excluding public holidays). You can also get plain language information about the law on LawAccess Online at www.lawaccess.nsw.gov.au

Older Persons Legal and Education Program – 02 9281.3600 or 1800.424.079 (country callers only)

A joint initiative of Legal Aid NSW and the Aged-care Rights Service (TARS), launched on Monday 7 April, 2008. The program will provide free legal advice, assistance, legal education and representation to older people.

www.tars.com.au

Legal Aid NSW – Head Office – 02 9219 5000 TTY – 02 9219 5126 or call the National Relay Service on 133 677.

Legal Aid NSW provides a range of services to people who need advice, assistance and representation, and who qualify for legal aid.

www.legalaid.nsw.gov.au

Aboriginal Legal Service (NSW/ACT) – Ltd – 02 9318.2122 – Free legal advice and assistance

www.alsnswact.org.au

Child Support Service of the Legal Aid Commission – 02 9633.9916 or 1800 451 784 (toll free for regional areas)

This service gives free independent legal advice for child support payers and payees.

www.legalaid.nsw.gov.au (click on specialist services and then child support service)

Pro Bono Scheme – 02 9926.0364

Pro Bono work is legal work done by solicitors, either free or at a reduced cost, to members of the public who have limited incomes.

www.lawsociety.com.au (click on “Information for the Public – Pro Bono Scheme”)

Law Society of NSW – 02 9926.0333

The Solicitor Referral Service of the Law Society of New South Wales provides members of the public with the names of private solicitors or accredited specialists in specific areas of law. www.lawsociety.com.au (click on “Information for the Public – Solicitor Referral Service”)

Macquarie Legal Centre – 02 8833.0911

Macquarie Legal Centre is a Community Legal Centre in Western Sydney. There are other Community Legal Centres throughout the State. They provide free legal advice and assistance to some clients who can't afford private representation and who live within their geographical area. www.macquarielegal.org.au

Women’s Legal Resource Centre – 02 8745.6988 or 1800 801 501 (outside Sydney) Free legal advice about family law and other legal problems affecting women. www.womenslegalnsw.asn.au

Self Represented Litigants (SLR) Resources – Self Represented Litigants (SLR) Resources www.srl-resources.com is a not for profit organisation set up to help SRLs better navigate and understand the minefield of the Family Courts. www.familylawwebguide.com.au

Lone Parent Support Network – Ray Lenton **0401.811.010**
The Lone Parent Support Network is a volunteer organisation which can assist parents and grandparents to navigate family law and child support systems. They can assist you to connect with Advocacy, Mentoring, Court Support and Legal Resources.
Email – oneparent@live.com.au

South West Sydney Legal Centre – 02 9601.7777
Free Legal Advice, seminars, phone advice and Outreach.

Drummoyne Community Centre (covering Drummoyne, Five Dock & Concord Areas – 02 9719.8102 –Community Information www.dcc.org.au

Need to go to court?

Family Court of Australia – 1300 352 000 (national – except for W.A.)
The Family Court now focuses mainly on the determination of the most complex family law disputes. www.familycourt.gov.au

Family Court Hotline – 1300 352 000

Federal Magistrates Court – 1300 352 000 (national – except for W.A.)
The FMC now handles most family law matters. . www.fmc.gov.au

Children’s Courts –
NSW Children’s Courts deal with matters related to the care and protection of children and young people, and also criminal cases concerning children and young people.

Bidura Children’s Court – 02 8667.2100
Broadmeadow – 02 4915.5200
Campbelltown – 02 4629.9777
Illawarra (Port Kembla) – 02 4274.0735
Parramatta – 02 8688.1888
Woy Woy – 02 4344.0111
Wyong – 02 4350.3010
www.lawlink.nsw.gov.au/chilrencourt

Local Courts – (Also known as Magistrates’ Court)

Local Courts in New South Wales have jurisdiction to deal with some urgent family law matters, or by consent of both parties. www.lawlink.nsw.gov.au (click on courts & tribunals – local courts – location)

Need urgent help?**NSW Department of Community Services –**

Phone **132 111** to report suspected child abuse and neglect **24 hours a day, 7 days a week**

Phone **1800 656 463** – free anywhere in NSW - domestic violence line **24 hours 7 days**

Metro Central Regional Office	8303 7600	8303 7611
Northern Sydney Network Office	9815 0723	9815 0790
Community Service Centres in this region: Burwood, Central Sydney, Chatswood, Eastern Sydney, Epping, Lakemba, St George, Sutherland		
Metro South West Regional Office	9781 5555	9781 5500
Macarthur Network Office	9765 6288	9765 6197
Community Service Centres in this region: Bankstown, Bowral, Campbelltown, Fairfield, Ingleburn, Liverpool		
Metro West Regional Office	9354 1800	9354 1801
Blacktown/Baulkham Hills Network Office	9852 3303	9208 4508
Nepean Network Office	4722 7400	4722 7499
Community Service Centres in this region: Auburn, Blacktown, Hawkesbury, Katoomba, Mount Druitt, Parramatta, Penrith, St Marys		
Hunter Central Coast Regional Office	4985 1666	4985 1696
Hunter Network Office	4985 1666	4985 1696
Central Coast Network Office	4336 2401	4336 2402

Community Service Centres in this region: Cessnock, Charlestown, Edgeworth, Gosford, Maitland, Mayfield, Muswellbrook, Raymond Terrace, Wyong		
Northern Regional Office	6686 1907	6686 1966
Mid North Coast Network Office	6561 6561	6561 6560
New England Network Office	6738 8100	6738 8155
Community Service Centres in this region: Armidale, Ballina, Clarence Valley, Coffs Harbour, Glen Innes, Inverell, Kempsey, Lismore, Moree, Narrabri, Port Macquarie, Tamworth, Taree, Tweed Heads		
Southern Regional Office	6229 7202	6229 7203
Illawarra Network Office	4222 8400	4222 8499
Community Service Centres in this region: Batemans Bay, Bega, Cooma, Goulburn, Nowra, Queanbeyan, Shellharbour, Ulladulla, Wollongong, Yass		
Western Regional Office	6937 9400	6937 9409
Central West Network Office	6361 6990	6361 6969
Orana Far West Network Office	6826 7400	6826 7499
Community Service Centres in this region: Albury, Bathurst, Bourke, Brewarrina, Broken Hill, Cobar, Condobolin, Coonabarabran, Coonamble, Cootamundra, Cowra, Dareton, Deniliquin, Dubbo, Griffith, Leeton, Lithgow, Mudgee, Nyngan, Orange, Parkes, Tumut, Wagga Wagga, Walgett, Wilcannia		

To report suspected child abuse or neglect, call the Child Protection Helpline on 132 111 (24 hours/7 days)

www.community.nsw.gov.au

After Hours Emergency Child Protection and Family Crisis Service
1800 066 777

Suicide Prevention of Australia – 13 11 14

Lifeline – 13 11 14

The Lifeline network provides 24 hour telephone counselling service.

Child Abuse Prevention Service (C.A.P.S.) - 1800 688 009

(9 a.m. to 5 p.m. Monday to Friday)

Mensline Australia - 1300 78 99 78

Specialist, professional counsellors providing **24 hour, 7 day a week** support. Mensline Australia is a national telephone support service for men with family or relationship concerns

Centrelink – 132 468 (Business hours)

Child Support Agency – 131 272 (Business hours)

Domestic Violence Line – 1800 656 463 (24 hours – 7 days)

Family Drug Support – 1300 368 186 (24 hours – 7 days)

Family Relationship Advice Line - 1800 050 321 (8 a.m. to 8 p.m. Mon. to Fri)

Interpreter Service – 13 14 50 (24 hours – 7 days)

Kids Help Line – support for children – 1800 551 800 (24 hours – 7 days)

Police - 000

Public Interest Advocacy Centre – (includes Indigenous advice) – 02 8898.6500

Victims Access Line – 02 8688.5511 or 1800 633 063

Youth Line – support for youth -02 9318.1531 (24 hours – 7 days)

NSW Department of Housing – 1300 468 746

NSW Prisons – 02 8346.1333

NSW Department of Education – 02 9561.8000

Carers NSW – 1800 242 636 (freecall)

Families NSW – 1800 789 123 (freecall)

Restoration Community Centre Broadway - Prisoner restoration with families – 02 9288.8700

PCYC in NSW – 02 9625.9111

Aboriginal Medical Services – 02 9515.9288

Lady Gowrie Child Care Centres – 02 8571.9700

Need information about substance abuse?

The Mirabel Foundation – Phone **03 9527 9422**

The Foundation was established in 1998 to assist children who have been orphaned or abandoned due to parental illicit drug use. This resource book was written specifically to assist kinship carers address and identify some of the issues and concerns that may arise in this situation. It recognises the impact of taking on the care of these children and the ramifications of a loved one's substance abuse.

www.mirabelfoundation.org.au

Alcohol and other Drugs Information Service – 02 9361.8000 or 1800 422 599 (regional areas) www.yourroom.com.au

Most public hospitals have Drug and Alcohol Centres.

Need some family assistance?

Salvo Care Line – 1300 363 622 (outside Sydney)

www.salvationarmy.org.au

St. Vincent de Paul – 02 9560.8666

www.vinnies.org.au

Uniting Care Burnside - 02 9768.6866 www.burnside.org.au

Chinese Migrant Welfare Association – 02 9716.0612 www.cmwa.org.au

The Hills Holroyd Parramatta Migrant Resource Centre – 02 9687.9901 – program to develop a sense of place and belonging in which all Australians can come together to learn, understand and contribute to Australia's cultural diversity.

www.thhppmrc.org.au

Sutherland Shire Information & Community Service – 02 9521.8280 – Emergency Relief Program provides financial assistance and information about other services.

Miscellaneous Information

NSW Department of Education - Unless schools are informed otherwise (eg by being provided with a copy of court orders), they will assume that both parents retain a shared and equal parental responsibility for their children. This means that the school will recognise that each parent has equal duties, obligations, responsibilities and opportunities in relation to matters involving their children's education at the school. Grandparents are mentioned in the policy. The Policy is not available in hard copy, but can be viewed at www.schools.nsw.edu.au/gotoschool/familylaw/index.php

GRANDPARENTS RAISING GRANDCHILDREN SUPPORT GROUPS NSW/ACT

Grandparent advisers are here to help

Grandparents who care for their grandchildren can access one-on-one specialist assistance through the Department of Human Services' grandparent advisers. Grandparent advisers provide information about Centrelink, Child Support and Medicare services and payments, as well as state government and local support services. Grandparent advisers can also help relatives and foster carers.

To speak to a grandparent adviser, please call **Freecall™ 1800 245 965**. You can also visit **humanservices.gov.au/grandparentadvisers** for more information.

Support groups (in no particular order)

GRANS

Contact person: Di Underwood
Phone number: 0418.622.120

GRANDfamilies raising GRANDchildren

Contact person: Marilyn O'Neill
Area covered: Port Macquarie, Forster, Taree, Wauchope, Kempsey and Macksville
Phone number: 02 6584.1855
Email: moneill9@tpg.com.au

Clarence Valley Kindred Carers Children's Support Group –

Contact person: Margaret Bowles
Phone number: 02 6649.7057

Mission Australia Grandparents Raising Grandchildren Support Program

Contact person: Liz Baillie
Area covered in NSW: Shoalhaven
Phone number: 0244220455
Email: nswcsadmin.nowra@missionaustralia.com.au

Service provided for the grandparents - Weekly support group meetings at Nowra (term time only) Fortnightly meetings in Ulladulla (term time only); case management; social activities; family weekend camp

Service provided for the grandchildren - Mentoring program (adolescents); learning centre & tutoring (yrs 3 – yr 10); school holiday activities

Samaritans Kinship Care Support

Contact person: Karen Lizasoain
Area covered: 11 groups across the Hunter region NSW
Phone number: 0429 914553
Email address: klizasoain@samaritans.org.au

Support group for grandparents and kinship carers who are primary carers of children. Groups are informal, confidential and with no cost but provide an emotional support and connection to community services.

Ballina-Byron Grandparents as Parents Support Group

Contact: Lisa Fensom
Area covered: Ballina Byron
Phone number: 02 6686.4109
Email: admin@bbfc.com.au

Meets first Friday of each month between 10 a.m. and 11.30 a.m.

Meeting dates for 2013 are 1st February, 1st March, 5th April, 3rd May, 7th June, 2nd August, 6th September, 1st November and 6th December

Blacktown Grandparents Support Group

Contact: Amy Lawton or Judy Nicolson
Area covered: Blacktown
Phone number: 02 9839.6287
Email: council@blacktown.nsw.gov.au

Grandparent carer support group to share stories and have a bit of social time. Meetings are held on the 1st Thursday of each month.

Grandparent And Family Foster Carers Inc

Contact Person: John O'Connor, President
Area Covered: Goulburn and Surrounding Areas
Phone Number: 0408440093
Email: goulburngrandparents@live.com.au

No website at this point in time but have a group on Facebook

<https://www.facebook.com/groups/306039576077113/>

About us - GAFFC offers support and understanding to grandparent and relative carers in Goulburn and surrounding areas, who have fulltime care of their grandchildren or family children.

Sutherland Shire Community Centre

Contact Person: Luba Munro or Elizabeth O'Neill
Area covered: Sutherland Shire – situated at 3a Stapleton Avenue, Sutherland
Phone Number: 02 95218280
Email: ssics@bigpond.com

Our Grandparents support group is held the last Thursday of each month starting at 10 am. where we ask what topics grandparents would like discussed. We have guest speakers usually professional eg solicitors re wills, Centrelink staff, Medicare staff.

We try and have a social morning at least once every 3 months where we go to a local cafe. What a great group of grandparents.

Grandparents Raising Grandchildren Support Groups 2013



Email: allison@ccfss.com.au

Gosford Group: My Time for Grandparents

Meets last Monday of the month except for the school holidays 9:30am – 11:30am at

Phillip House 21 Old Mt Penang Rd Kariong

Contact: Sarah Grey (02) 4340 1585

Wyong Group: My Time for Grandparents

Meets first Thursday of the month except School holidays 9.30am – 11.30am at Wyong Public School (SACCS – School as Community Centres) Cutler Drive, Wyong

Contact: Sarah Grey (02) 4340 1585

Bateau Bay Group: meets every Wednesday 10.00am – 12.30pm Cynthia Street Neighbourhood Centre Cynthia Street Bateau Bay Contact Kathy (02) 4389 1523 Lu (02) 4332 0801

Louise House : Support in the LakeHaven area

Meets last Thursday of the month

12.00 – 2.00pm at 126 Dudley Street Lakehaven
(02) 4392 7255

Kanwal Group one: meets each Monday

10.00am – 12.00 noon (a project of Samaritans)

Back of Anglican Church, Wallarah Road, Gorokan
(02) 4392 7255

Kanwal Group two: meets each Monday

10.00am – 12.00 noon (except school holidays)

Lakelands Community Centre (just behind Kanwal shops)

Woy Woy

This is an opportunity to meet other caregivers, to relax and take time out, and to receive support and information about other services.

The Salvation Army – grandparent group

Contact: person

Marilyn Dunn

Area covered:

Wollongong

Phone:

02 4229.1079

Email:

Marilyn.Dunn@ae.salvationarmy.org

Karitane connecting carers NSW

Support carers at meetings, courts, offer advice and information.

Organise ongoing training family camps, conferences for carers.

24 support line 1300794653

Regional coordinators and local coordinators across the state

Manager Rita Fenech Carramar 02 9794 2352

Manager@connectingcarersnsw.com.au

Regional coordinators :

Met southwest / Metwest / southern

Sue Oconnor 0439 476 234 metwest@connectingcarersnsw.com.au

Met centralSandra Kessler 0409989344

metcentral@connectingcarersnsw.com.au

WesternJill De-Ath 0448 450 964

western@connectingcarersnsw.com.au

Northern....Kim Hawkin 0412 144 911

northern@connectingcarersnsw.com.au

Hunter & central coast Astrid Hocking 0488490892

Hunter@connectingcarersnsw.com.au

Lower part of southern

Margaret Davis 0400 356 309

Southern@connectingcarersnsw.com.au

Grandparents Support Group

Contact person: Glenn Power

Area covered: St George Area

Phone number: 02 91536300

Email address: admin@qrlifecare.org.au

Support group for grandparents raising their grandchildren. All welcome - meetings held 2nd Tuesday of each month 10 a.m. – 12 noon

Grandparents As Parents Again (GAPA)

Contact Person: Paul Bickford

Areas covered: Taree Manning, Port Macquarie Hastings, and Kempsey
Macleay Shires

Phone Number: Paul 02 65821869, Beverley 02 65822237

Email: gapaorgau@tpg.com.au

We offer many services to help Grandparents who are raising their grandchildren

Rainbow Region Grandcarers

Contact Person: Jan Backhouse

Area covered: Northern Rivers Region (Lismore and surrounding areas)

Phone number: 0416 281 701

Email address: janbackhouse@bigpond.com

We are a support group for grandparents who are raising their grandchildren in the Northern Rivers region of NSW. We meet once a month for morning tea, talk about our situation, have a laugh and enjoy the company of others who are in the same position.

Grandparents ACT & Region – Marymead Grandparents’ Group

Contact Person: Sandra Bowe
Area covered: ACT & regions
Phone: 02 6162.5846
Email address: sandra.bowe@marymead.org.au

Monthly meetings provide a chance to meet with other grandparents in a similar situation, learn about organisations and services that can be of assistance, discuss issues, share a free meal and some social time with other grandparents, and participate in presentations by guest speakers

Many other groups are available from COTA NSW (Council on the Ageing) on their website www.cotansw.org.au – click on Programs and Initiatives and then Grandparents Raising Grandchildren

If your group is not included in this edition, The Family Law Reform Association NSW Inc would be pleased to add your details to our next edition in 12 month’s time if you wish. Please contact Coral Slattery, Secretary, on 9542.2459 or email flra@comcen.com.au

Not being treated fairly?

Commonwealth Ombudsman – 1300 362 072

The Commonwealth Ombudsman will consider and investigate complaints about Australian Government departments and agencies, such as the Child Support Agency, Centrelink, etc. www.ombudsman.gov.au

**NSW Ombudsman – 02 9286.1000 or toll free (outside Sydney) 1800 451 524
TTY 02 9264.8050**

The NSW Ombudsman will consider and investigate complaints about NSW Government departments and agencies, such as the Department of Community Services, Department of Housing, etc. www.ombo.nsw.gov.au

Administrative Decisions Tribunal - The Administrative Decisions Tribunal (ADT) is responsible for reviewing administrative decisions made by certain New South Wales government agencies, including freedom of information decisions.

The ADT cannot review every decision made by a New South Wales government department or agency. Your right to request a review of a decision by the ADT is set out in the law under which the government agency made the decision. If you have a right to request a review of the decision by the ADT, the person who made the decision or agency must tell you this when you are informed of the decision. In most cases, you are required to ask for an internal review of the decision by the government agency before applying to the ADT for a review.

In some cases the ADT can review a decision without an internal review being undertaken. This occurs when:

- a decision is exempt from an internal review; or
- an urgent review of the decision is needed to protect your interests

You can ask the government agency or the ADT if your decision is exempt. If you do not agree with the internal review decision or you haven't received a response from the government agency after 21 days, the next step is to make an application to the ADT to review the decision.

Application [Forms](#) are available on the ADT website, however, you cannot lodge the application via the internet. Please post or bring your application to the ADT registry.

Contact:

Street address: Level 10, John Maddison Tower, 86 Goulburn Street, SYDNEY NSW 2000

Telephone (02) 9391.2400 or 1300 366 700 – 9.00am to 4.00pm Mon-Fri

TTY: (02) 133 677

Web page: <http://www.lawlink.nsw.gov.au/adt>

For more information on the Administrative Decisions Tribunal you can contact LawAccess NSW 1300 888 529 or LawAccess Online www.lawaccess.nsw.gov.au/

Office of Legal Services – 02 9377.1800 Free call 1800 242 955 (Australia only)
TTY 02 9377.1855

The Office of the Legal Services Commissioner (“OLSC”) receives complaints about professional solicitors and barristers in NSW. The OLSC works as part of a co-regulatory system, together with the Law Society of NSW (professional body for solicitors) and the NSW Bar Association (professional body for barristers) to resolve disputes and investigate complaints about professional conduct.

www.lawlink.nsw.gov.au/olsc

GOVERNMENT SUPPORTED COUNSELLING AND MEDIATION SERVICES

Community Justice Centres – free call 1800.990.777

www.cjc.nsw.gov.au

Unifam Counselling and Mediation – 02 8830.0700

www.unifamcounselling.org

Catholiccare - 02 9390.5377

www.catholiccare.org

Relationships Australia – Counselling 1300.364.277 – Mediation 02 8874.8010

Website – Relationships Australia

FAMILY RELATIONSHIP CENTRES IN NSW/ACT

Albury/Wodonga , 282 Beechworth Road.....	02 6057 5300
Bankstown , Ground Floor, 8 Jacobs Street.....	02 9707 8555
Bathurst , 91 Seymour Street.....	02 6333 8888
Blacktown , Level 2, 125 Main Street.....	02 8811 0000
Campbelltown , Level 2, Shop L105, Macarthur Square, Gilchrist Drive	02 4629 7000
Canberra , 15 Napier Close, Deakin.....	02 6122 7190
Coffs Harbour , 24 Park Avenue, Coffs Harbour.....	02 6659 4100
Dubbo, (includes Indigenous Advisor) 138 Darling Street, Dubbo.....	02 6815 9600
Erina , 213 The Entrance Road, Erina	02 4363 8000
Fairfield , Shops 1 – 4, 28 Hamilton Road.....	02 9794 2000
Lismore, (includes Indigenous Adviser) Market Street Community Centre, Level 1, 5 Market Street	02 6223 2700
Newcastle , 495 Hunter Street.....	02 4016 0566
North Ryde , Unit 1, North RydeLink Business Park, 277 Lane Cove Road.....	02 8874 8088
Northern Beaches , First Floor, 651 Pittwater Road, Dee Why.....	02 9981.9799
Nowra, (includes Indigenous Advisor) 47 West Street, Nowra	02 4424 7150
Parramatta , Level 3, 16 Parkes Street.....	02 9895 8144
Penrith , Ground Floor, 27 Lawson Street (Cnr Henry Street).....	02 4720 4999
Sutherland , Shop 1c,383-385 Port Hacking Road South, Caringbah.....	02 8522 4400
Sydney City , 118 Sussex Street, Sydney.....	02 8235 1500
Tamworth , V. Guy Kable,201 Marius Street	02 6762 9200
Taree , 146 Victoria Street.....	02 6551 1200
Wagga Wagga , 129 Fitzmaurice Street	02 6923 9100
Wollongong , 336 Keira St.....	02 4220 1100

For other States please refer to www.familyrelationships.gov.au

Family Relationship Advice Line – 1800 050 321

For confidential in-depth advice over the phone.

www.familyrelationships.gov.au

CHILDREN'S CONTACT CENTRES

Children's Contact Centres (funded by FAHCSIA) were established to assist parents in high conflict to handover their children during access times in an appropriate, neutral venue. Supervised access is also provided by the centres, where necessary. Centres are located at:

Albury/Upper Murray	02 6058 0704
Bankstown , Ground Floor and Level 2, 8 Jacobs Street.....	02 8709 9333
Blacktown , 26 Swinson Road.....	02 9671 3900
Campbelltown , 35a Cordeaux Street	02 4628 0044
Canberra , 255 Goyder Street, Narrabundah	02 6295 2755
Caringbah , 383 Port Hacking Road South.....	02 8522 4400
Coffs Harbour , 24 Park Avenue	02 6659 4150
Dubbo , 138 Darling Street	02 6815 9650
Fairfield , Level 2, 25 Smart Street.....	02 8723 2222
Gosford/Wyong , 213 The Entrance Road, Erina	02 4363.8050
Harris Park/Parramatta , 13 Marion Street, Harris Park	02 9893 7949
Lismore , 5 Market Street.....	02 6623 2750
Lewisham , Mary Potter Wing, Level 2, 2c West St (cnr Thomas St)	02 9509 1111
Liverpool , Level 2, 45-47 Scott Street.....	02 8778 4222
Newcastle , 4 Heddon Road, Broadmeadow	02 4940 1500
Nowra , 68 Shoalhaven Street	02 4254 7777
Orange , 108 – 110 McLachlan Street	02 6360 0895
Penrith , 340 High Street, Penrith.....	02 4728 4802
Port Macquarie , 119 Lake Road	02 5525 3200

Sydney City , Level 10, 13/133 Liverpool Street.....	02 9390 5366/5377
Sutherland , Level 3, Kirkby House, 33-35 Belmont Street.....	02 8536 0855
Tamworth , Jumbuck Cottage, Kable Avenue.....	02 6763 3650
Wagga Wagga , 55a Gurwood Street.....	02 6921 8844
Wollongong , 25-27 Auburn Street.....	02 4254 7777

The majority of the ACS contacts were updated from The Australian Children’s Contact Services Association site. <http://accsa.org.au/>

ACCSA is a non-profit association which promotes the development and analysis of Children’s Contact Services.

The Association is voluntary and independent.

ACCSA provides information to the general community and acts as a network for those involved in the establishment and operating of a Children’s Contact Service.

ACCSA’s current activities include the facilitation of national conferences and training forums, the delivery of quarterly newsletters to CCS service providers, regular consultation with [FaHCSIA](#) and the [Australian Government Attorney-General’s Department](#) and the revision of CCS service delivery guides and standards.

Family Law groups throughout NSW/ACT

FAMILY LAW REFORM ASSOCIATION NSW Inc.

Phone: 02 9542.2459 Fax: 02 9521.3790

Email: flra@comcen.com.au

www.familylawreform.org.au

LONE FATHERS OF AUSTRALIA

Phone: 02 6239 Fax: 02 6239.4635

Email: president@lonefathers.com.au

www.lonefathers.com.au

SHARED PARENTING COUNCIL OF AUSTRALIA –

Wayne Butler, Executive Secretary – 0411.850.677

www.familylawwebguide.com.au/spca

NON-CUSTODIAL PARENTS' PARTY (EQUAL PARENTING)

John Flanagan, Deputy Registered Officer - 0415 899 574.

Email: noncustod@yahoo.com.au

<http://www.equalparenting.org.au>

DIDSS (Dads in Distress Support Service) – 02 1300 853 437

MIDSS (Mums in Distress Support Service)- 0419 753 723

Dads on the Air – 02 9822.8893

FAMILY LAW WEB GUIDE

www.familylawwebguide.com.au

If you provide a relevant community service, have not been listed and would like to be, please contact the Family Law Reform Association NSW Inc. on the phone number above. Updates will be provided from time to time as more information comes to hand.