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## CHANGES TO FAMILY LAW THAT COULD AFFECT YOUR FAMILY!

On 1 July 2006, the Family Law Act 1975, was substantially amended by the introduction of the Family Law Amendment (Shared Parental Responsibility) Act 2006.

The most striking change under the new legislation is that when making an Order about children, the Court must apply a presumption that the parents of a child have equal shared parental responsibility for that child except where there is:

- Child abuse, either of the subject child or another child within the family;
- Family violence;
- Where the Court thinks that applying the presumption would not be appropriate in the circumstances; or
- Where the application of the presumption would on the evidence not be in the best interests of the child.

There has never been a presumption of this type in Family Law in Australia before now.

The application of the presumption represents a substantial shift in the ideology of parental responsibility in Family Law in Australia. Prior to the changes, orders in relation to children were made by

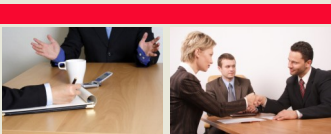


the Courts on a discretionary basis, having regard to what is in the best interests of the child. In the Orders the Court makes, the Court must

now consider taking into account the circumstances of that child's life.

Where the presumption of equal parental responsibility is to form part of the Orders the Court makes, the Court must now consider making Orders requiring the child to spend an equal amount of time in each parent's household where such Orders are considered to be:

- In the best interests of the child; and
- Reasonably practicable in the circumstances of the child's life.



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