



# My teen won't comply with our Family Court Orders! What do I do?

As we all know, when children become teenagers, they usually start to display independence and a desire to have control over how they spend their own time. That can be difficult when there are [Family Court Orders](#) in place that dictate who, with and where they live at any given time.

This can start to raise questions for you, as their parent, about what you should do moving forwards. Should you respect their wishes of where they want to be, or do you continue to ensure that everybody is complying with the Orders of the Court?

When parenting orders are made, each parent must comply with the Order to avoid

the consequences that may follow if they contravene the Order (Section 65DA(2) of the Family Law Act 1975 (Cth)).

This extends to each parent having an obligation to ensure a child spends time with the other parent as is specified in their Order. You should take action by positively encouraging your child to comply with the time-spending arrangements as set out in the Orders to avoid any negative inference being made against you.

## Views of teenagers

Every child is different, but usually as a child becomes an adolescent, they start to show more signs of maturity as their life skills develop.

The Family Law Act 1975 (Cth) sets out that a child's best interests should be at the forefront of any decision being made in relation to that child (Section 60CC of the Family Law Act 1975 (Cth)). In determining a child's best interests, the court will consider the child's point of view as part of their decision-making process based on that child's age, maturity, sex and background. Of course, each child is unique, and it largely depends on the child's emotional development, intellectual capacity, and general understanding of the situation they are in.

Therefore, in the eyes of the court, as children become teenagers, their maturity grows, and their wishes carry more weight regarding their own parenting arrangements as opposed to when they were younger (*U v U* (2002) 211 CLR 238).

It is quite common that arrangements made via Court Order when they were younger may not be in the child's best interests as they become a teenager.

## What do I do?

Largely, what you do in this situation, depends on whether you have the support of the other parent.

If you do, then you and the other parent could have a [Parenting Plan](#) prepared that outlines the new arrangements for the care of your teenager.

If you don't, you could attempt to negotiate with the other parent via [Family Dispute Resolution](#) to reach an agreement for a Parenting Plan to be prepared in relation to your teenager's new care arrangements.

However, you should be mindful that if it is you that your teenager wants to remain living with for the majority of the time, and there is no agreement from the other parent, then the other parent may file a Contravention Application in the Federal Circuit and Family Court of Australia, pursuant to Division 13A of Part VII of the Family Law Act 1975 (Cth). Non-compliance with court orders can have ramifications, such as fines and imprisonment in very serious cases.

## What is a Contravention Application?

In this context, Contravention Applications are used to allege a breach of a parenting order.

The Court could make an order that ensures the arrangements as set out in the parenting order are resumed, or even varied. The Court could put a person on notice that if they do not comply with the order, they will be punished or make orders punishing a person by way of a fine, community service or even imprisonment. The possible penalties are listed in Division 13A of Part VII of the Family Law Act 1975 (Cth).

When filing a Contravention Application, you should also be mindful of whether you actually want the other parent to be punished (e.g., by a fine or imprisonment) and if you do not, but you want them to simply comply with the original parenting order, then you should consider filing an Enforcement Application, rather than a Contravention Application.

Before filing of either a Contravention or Enforcement Application, you should seek independent legal advice from an experienced Family Lawyer.

Ultimately, it is important to remember that if your teenager is expressing a wish to be with one parent more than the other, it may simply be a matter of convenience for them. It may be that they want to be geographically closer to their friends and to school, and mum lives in the same suburb but dad does not. This does not necessarily

mean that they view their relationship with dad as a negative one. There are many different reasons why a teenager might display a preference of living with one parent over the other, and it is certainly not always negative.

Nevertheless, if your teenager is resisting time with the other parent, you should continue to encourage your teenager to spend time with them i.e., to follow the provisions as set out in your Orders to avoid the risk of a Contravention, or Enforcement Application being made against you.

## How Can Andersons Help?

If you have a teenager that is resisting the care arrangements as set out in your Family Court Orders (either consent orders or court-ordered arrangements), or you have been served with a Contravention (or Enforcement) Application, you should contact an experienced Family Lawyer to discuss your options as soon as possible.

We're here to help you. Please contact our friendly [Family Law team](#) on 8238 6666 or alternatively, [contact us here](#).