



Seeking Parenting Orders? Changes to the Family Law Act

On 6 May 2024, a raft of new changes to the Family Law Act 1975 (Cth) (“the Act”) were introduced as a consequence of the Family Law Amendment Act 2023 (Cth) (“the Amendment Act”).

The amendments are designed to:

- Make it simpler and safer for separating families to navigate;
- Ensure that the best interests of children remain paramount; and
- Address the recommendations from the Australian Law Reform Commission’s “Final Report No. 135: Family Law for the Future – An Inquiry into the Family Law System”

The amendments provide for significant changes to the objects of the Act which are:

- To ensure that the best interests of the children are met, by ensuring their safety; and
- To give effect to the Convention on the Rights of the Child.

The amendments provide for changes to how a Court determines what is in a child’s best interests. As

opposed to primary and additional considerations in the previous legislation, there are now six general considerations.

In summary, the Court must consider the following:

1. What arrangements would promote the safety of the child and each person who has the care of the child;
2. Any views expressed by the child;
3. The developmental, psychological, emotional and cultural needs of the child;
4. The capacity of each person who has or is proposed to have parental responsibility for the child to provide for the child's needs;
5. The benefit to the child of being able to have a relationship with the child's parents, and other people who are significant to the child where it is safe to do so; and
6. Anything else that is relevant to the particular circumstances of the child.

In taking into account the abovementioned general considerations, the court must include consideration of:

1. Any history of family violence, abuse or neglect involving the child or a person caring for the child; and
2. Any family violence order that applies or has applied to the child or a member of the child's family.

How Can Andersons Help?

If you have separated from your partner and seeking parenting orders, our team of [family lawyers](#) can provide you with advice and assistance. Please [contact us here](#).