



ANDERSONS
S O L I C I T O R S

LawTalk Blog



Can the Police intervene in Family Law childrens issues?

Date: Tuesday July 19, 2016

Scenario

Kylie and Max have two children, Leo and Steve. Kylie and Max separated and went to mediation. At mediation they reached agreement about the children and entered into a [Parenting Plan](#).

The Parenting Plan, although not legally binding, had been working really well between them and they had followed it for almost a year.

When Max got a new girlfriend Louise, Kylie was not impressed. Kylie didn't like Louise and didn't want Louise around when the children spent time with their father.

Kylie requested that Max ensure that Louise was not around when he had the kids. Max didn't agree with this and told Kylie to stop interfering with his relationship with his kids.

Kylie didn't appreciate this and decided that she was not going to let Max see the children until he agreed to her conditions about Louise.

Under the Parenting Plan, Max was to collect the boys on Friday from school but when he got to the school he found out that Kylie had taken them early so that he couldn't see them.

"Police can attend at the home at which a child is living to conduct what is known as a 'Welfare Check'."

On Saturday morning Max decided to call the Police to ask if they could assist him with getting his children back for his time that weekend.

So what can the Police do?

Police can attend at the home at which a child is living to conduct what is known as a 'Welfare Check'. If Police identify any risks during that check they are then obliged to make a report to the relevant authority, such as Families SA. It is then in the hands of the relevant authority to determine what action needs to be taken.

What many people don't realise is that the State Police do not have jurisdiction or authority to remove a child from one parent and provide them to the other parent.

Generally the response from Police in situations such as this will be for the parent(s) to seek advice from a [Family Law](#) solicitor or to apply to the Family Court as a remedy.

If you are in a situation like Max you should contact one of our Family Law team members to obtain legal advice.

Did you enjoy this article? Maybe you'd find the following interesting:

• [How do separated parents arrange school pickup?](#)

• [Our "Sharing the Children" infographic](#)

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to Australian Federal legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.