



ANDERSONS
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LawTalk Blog



Family Law and “Airport Watch List” orders

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Scenario

Laura and Matty had a whirlwind 12 month relationship. Four months into their relationship, Laura fell pregnant. This was a pleasant surprise for both Laura and Matty.

Both parties were overjoyed at the news of Laura's pregnancy, but unfortunately this was short lived after Matty started to realise that raising a child was something that he was not ready for and did not want to commit to.

Shortly prior to the birth of Matty and Laura's daughter, named Tara, Matty decided to end his relationship with Laura.

Three years later

Laura has been the primary carer of Tara since her birth. The parties' have remained amicable and Matty has developed a close and loving relationship with Tara.

Laura's mother (who lives in England) has been unwell and Matty has heard through his friends that Laura has booked a flight for herself and Tara to travel to England. Matty is worried that Laura has not told him about this trip and he is worried that Laura may remain in England with Tara indefinitely.

What can Matty do to stop Laura leaving the country with Tara?

In our scenario there does not appear to be any current court orders in place regarding the care of the Tara.

If possible, it is preferable that Matty and Laura have a discussion regarding Tara and the possibility of coming to an agreement regarding her future care arrangements which could then be finalised into [Consent Orders](#) and filed with the Family Court of Australia. Final court orders would then be in place regarding the care of Tara.

If Matty and Tara have not been able to meet to discuss the ongoing care arrangements and Matty continues to have concerns regarding Laura's overseas travel with Tara he may need to consider filing an urgent application with the Federal Circuit Court of Australia for [Parenting Orders](#).

In particular, Matty would need to apply for an urgent order known as an 'Airport Watch List' Order.

What is an Airport Watch List Order?

An Airport Watch List Order is an order made by either the [Family Court or Federal Circuit Court](#) which places a child's name on a 'watch list' at all international departure points in airports across Australia. The Airport Watch List is maintained by the Australian Federal Police.

If your child's name is placed on the Airport Watch List this will mean that should someone try to travel overseas with that child, their name will appear on the watch list and the Australian Federal Police will stop the travel.

Once a child's name is placed on the Airport Watch List, it will remain on the list until either a further order of the court (removing the child's name) is issued or until the child turns the age of 18 years.

["The best interests of the child"](#) will be the paramount consideration of the court when making any order concerning a child, including an Airport Watch List Order.

If your child is not on an Airport Watch List and has been removed from Australia without your consent and/or knowledge, you may have options under [The Hague Convention](#).

If you are worried that your child may be removed from Australia, it is important that you obtain legal advice from a lawyer experienced in Family Law.

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.