



Family Law and You



Legal Services
Commission South Australia



Family Law and You
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This booklet is for couples who are separating. This is a simple guide to Family Law - it is not a substitute for legal advice.

The information contained in this booklet has been prepared with due care and is believed to be accurate at the time of printing. However, no responsibility will be taken for the accuracy or reliability of such information, or for any loss that may arise from an error or omission in the information.

You can obtain free copies of this booklet from many of the services listed at the back.

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Family Law and You

This booklet has been put together by the Legal Services Commission to explain family law basics and tell you what to do if you need to take legal action. In many cases, you will be faced with choices and you should get legal advice before deciding what to do. A lawyer can help you understand your legal rights and responsibilities and explain how the law applies to your case. A lawyer can also help you reach an agreement with the other party without having to go to court. For details of where to get further information and advice, see 'Services' on page 27.

The information in this booklet is current at the time of printing, but family law, and court rules and procedures are always changing. If you have a family law problem, you should get legal advice.

The *Family Law Act* is the main law that deals with divorce, disputes about children and property. All children are covered by the *Family Law Act*, no matter where in Australia they live or who their parents are. In South Australia, the Federal Circuit and Family Court of Australia is the Court that can make decisions under the *Family Law Act*. When we say 'the Family Law Court' or 'the Court' in this booklet, we are referring to this court, unless stated otherwise.

South Australian courts and tribunals such as the Magistrates Court, the Youth Court and the South Australian Civil and Administrative Tribunal, are involved in matters not covered by the *Family Law Act*, such as some specific property disputes, family violence intervention orders, child protection, changing names and wills.

Reaching agreement

Most separated couples can work out arrangements for their children or the division of their property between themselves. Under the *Family Law Act*, all parties must make a genuine effort to resolve problems before applying to the Court for orders.

If you and your former partner have an amicable relationship you may be able to reach an agreement between yourselves. If your circumstances are not complex, you may be able to use www.amica.gov.au. This is an online service that helps separating couples reach agreement between themselves about parenting and property issues. You can then download your agreement. If you want to apply to the Court for orders to confirm your property agreement, you can generate an application for consent orders on amica, see 'Reaching agreement' on page 21.

Family dispute resolution

Another way to resolve disputes is through Family Dispute Resolution (FDR), also known as mediation or conferencing.

FDR is conducted in a relatively informal but safe and confidential environment. An independent person, called a Family Dispute Resolution Practitioner (FDRP), who is skilled in dealing with family law disputes, helps you and the other party to work through your disagreement and try to find a solution to the dispute that you can both agree on. The FDRP does not take sides or tell you what to do. As both parties are involved in reaching the solution themselves, this improves the chances that the agreement will be long lasting. FDR is

also less expensive, time consuming and confrontational than going to court. For a full list of community services, see www.familyrelationships.gov.au

Family Dispute Resolution Practitioners do not give legal advice. It is recommended that you get legal advice beforehand. FDR works best when both sides feel safe and can negotiate equally. If there is a history of family violence or allegations of child abuse, neglect or abduction, it may not be appropriate to attend FDR and you should get legal advice.

The Legal Services Commission provides legally assisted family dispute resolution, called conferencing, through its Family Dispute Resolution Unit. To use this service at least one party must be eligible for legal aid. To find out more, see our Family

Law Conferencing pamphlet and our Property Dispute Resolution Conferencing pamphlet.

The Family Law Court will not generally accept an application unless the applicant has made a genuine effort to resolve the dispute by other means, including through Family Dispute Resolution. This requirement may not apply to cases involving family violence, child abuse or urgency.

Lawyers

The *Family Law Act* has an emphasis on resolving family law disputes without going to court. However, when separating, it is still wise to get legal advice so that you know what to expect when making



Most separated parents can work out arrangements for children without going to court.

decisions about children, child support, or property. When seeing a lawyer, you should:

- find out how much it will cost you
- ask about legal aid
- show your lawyer any important documents such as letters from your former partner or court orders
- be sure you do not sign anything or agree to anything that you do not understand
- ask your lawyer to explain all your options and the risks involved in any legal action
- keep a record of what you agreed to

Your lawyer should not commit you to anything that you have not discussed or agreed to. If you are not satisfied with your lawyer, you can change to another lawyer, but you should not do this without a good reason. Apart from having to start afresh and familiarise a new lawyer with your case, your existing lawyer may decline to release your file until you have paid any outstanding fees.

Legal aid

Legal aid for a lawyer to act on your behalf may be available for disputes about children and for family conferencing. In some limited cases, legal aid may be available for property disputes. You can apply for legal aid directly to the Legal Services Commission, or through a private lawyer. The Legal Services Commission will decide if you are eligible by assessing your financial situation. Your case must also have merit. This means that what you are asking for is reasonable and if you went to court, your case would have a reasonable chance of success.

Legal aid is not free. If you get legal aid, you will have to pay a contribution towards your legal costs (minimum of \$70 for family law cases). The amount you pay depends on your financial circumstances. If you own real estate but have no cash, you may have to repay your legal aid costs when you sell your property or when your financial position changes, even if this is many years later.

The Legal Services Commission also has a free Legal Help Line 1300 364 424. This is available for preliminary information, advice and referrals. Advice is usually restricted to a client's basic legal rights and obligations about a particular situation and the course(s) of action that you may take.

Representing yourself in court

You have the right to take your case to court by yourself. You should still get legal advice beforehand as you may be at a disadvantage if your former partner has a lawyer or if the case is complex.

If you are not eligible for legal aid for a lawyer to act on your behalf and you cannot afford to pay a private lawyer, you could seek help from a community legal centre or you may need to consider representing yourself. If you are representing yourself, it is important that you know something about the relevant law and court rules. Court staff can help you with questions about court forms and court processes but cannot give you legal advice.

Your case, or story, must be presented to the court in writing, using the correct forms and affidavits. These must be prepared properly, and this will require some skill and knowledge. You will need to know the contents of documents from the other side

and how to challenge incorrect material. If your matter goes all the way to trial, you will also need to know the court rules about giving evidence and cross-examination (questioning) of witnesses. The Court is limited in the assistance it can provide you if you are representing yourself.

In cases where there are allegations of family violence, your personal cross-examination of your former partner and their personal cross-examination of you may be prohibited. Any cross-examination would have to be conducted by a lawyer acting on your behalf. You may pay a private lawyer, or you may apply to a scheme for representation administered by the Legal Services Commission. Funding for this specific purpose is not means or merit tested but you may be asked to pay a contribution towards the cost, depending on your ability to pay and your circumstances. For more information, see the duty lawyers at the Family Advocacy and Support Service below.

Family Advocacy and Support Service

This service, located at the Family Law Court, recognises that people coming to the court have more than just legal needs. The service has both duty lawyers and social support workers.

Duty lawyers can:

- Provide advice and information in relation to family law, intervention orders and care and protection matters
- Help with adjournments and legal aid applications
- Help with some urgent proceedings, including recovery orders
- Provide referrals to other appropriate organisations

Duty lawyers cannot:

- Provide ongoing assistance and representation
- Prepare complex court documents
- Provide specific legal advice regarding property settlements (only general information and advice)
- Issue subpoenas

Social support workers at the Court may support people affected by family violence. The social support worker can help with safety planning and can connect clients with accommodation, financial counselling, and other social support services.

Call FASS on 8111 5300 or email Family.DutyLawyer@lsc.sa.gov.au

Federal Circuit and Family Court of Australia

The Federal Circuit and Family Court of Australia has the power to deal with Family Law Act matters.

The Court deals with:

- all orders relating to children, including where a child lives, who a child spends time with and communicates with, child support or other issues that might arise regarding a child's welfare (e.g. education, religion, medical matters)
- orders to locate and return children to parents (these are called 'location and recovery orders')
- orders to enforce existing parenting orders and impose penalties where orders have been contravened (an order is contravened when it is not followed)
- determination of parentage
- applications for maintenance
- property disputes between couples who have been in a de facto relationship or married
- divorce

Family law cases begin with an application to the Court. Fees are charged for lodging most applications but if you hold a concession card or are facing financial hardship, you may be able to apply to have the fee reduced or waived. For some matters, such as an uncomplicated divorce, most people are capable of filling in the forms themselves. If there is a dispute about children or property, then it may be better to have a lawyer help with any application to the Court.

Separation

A couple is separated when they are leading separate lives. Unless you are in a registered relationship under a State or Territory law, there are no formal procedures to show that you are separated, no forms to fill in and nobody to notify. If you are claiming Centrelink payments you will need to notify Centrelink of your separation within 14 days, because this may affect your payments.

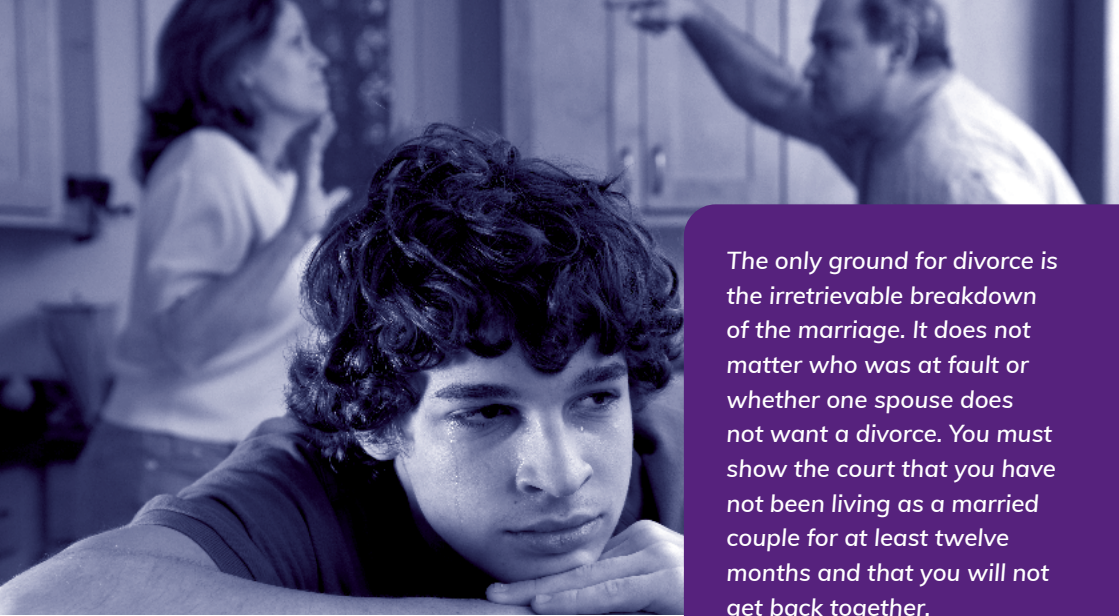
Regardless of whose name is on the title to the family home, both members of the couple are entitled to live there. If there is a dispute, you cannot force your partner to leave without an order requiring them to leave. If the situation is unpleasant you may prefer to leave the home, but keep in mind the importance of maintaining a relationship with your children.

The Court is generally reluctant to interrupt the children's usual living arrangements. If a long time passes without you seeing the children, this may affect any application you later make about who the children should live with or spend time with. If you find yourself in this situation, get legal advice without delay.

See also 'Property' on page 19 for more information to consider if you are leaving the family home.

Period of separation

For a divorce, you must be separated for at least 12 months. However, it is possible to separate, have one attempt at reconciliation which lasts less than three months, separate again, and still apply for divorce if the total period of separation adds up to twelve months.



The only ground for divorce is the irretrievable breakdown of the marriage. It does not matter who was at fault or whether one spouse does not want a divorce. You must show the court that you have not been living as a married couple for at least twelve months and that you will not get back together.

Separation under one roof

For a divorce, a couple can be separated while living in the same house, but it must be shown that the marriage relationship has irretrievably broken down. You are not usually considered to have separated if you share the usual activities of marriage such as sleeping together, shopping and eating meals together, entertaining friends, going out together with your children, or sharing bank accounts.

Those intending to live separately under one roof should make sure that others know about it from the beginning of the separation, as the Court normally requires evidence from a friend or relative that there was a separation. There must also be good reasons why you remained together in the same house, such as caring for children or not having enough money to live separately.

Divorce

Divorce is the legal end of a marriage. The only ground for divorce is the irretrievable breakdown of the marriage. It does not

matter who was at fault or whether one spouse does not want a divorce. You must show the Court that you have not been living as a married couple for at least twelve months and that you will not get back together. The only way to stop a divorce is to show that this has not occurred. A divorce does not deal with issues such as who the children live with, child support or the division of property.

People married less than two years cannot apply for divorce unless they first get a certificate from a counsellor, stating they have attended marriage counselling and that reconciliation is unlikely, or they have other special reasons to obtain a divorce.

Applying for a divorce

You do not need a lawyer to apply for a divorce. Either you or your spouse, or both of you together, can apply. Divorce applications are usually filed electronically. For more information, visit www.fccoa.gov.au. If you are not able to file your application online, you can contact the National Enquiry Centre and ask for the application forms to be sent to you. You can do this by using the live chat function



The views of the children can be taken into account depending on their maturity and level of understanding, as well as the reasons for the children's views.

on the website, by email to enquiries@fcfcoa.gov.au or by calling 1300 352 000.

The cost of filing a divorce application is \$990 (as at 1 July 2022). You may be eligible for a fee reduction, particularly if you receive a Centrelink benefit or hold a concession card. The reduced fee is \$330 (as at 1 July 2022). You can also apply for the fee to be reduced if you are in financial hardship, however you will not be able to electronically file your application and you should contact the National Enquiry Centre so that the appropriate forms can be sent to you.

The Legal Services Commission can offer advice about divorce. If you have some difficulty reading or writing in English, you may be eligible for a legal aid lawyer. If you do not know the whereabouts of your former spouse it is still possible to get a divorce but the application is more complicated and you should get legal advice.

The divorce papers include questions about the care of any children under 18

(note: this can include any child who was living with both of you at the time of separation). The forms ask about where the children live, their time and communication with each of you, the financial support provided by each of you, their health and their education. Although the Court considers the arrangements for children when granting a divorce, the arrangements do not become orders of the Court and are not binding on you.

Divorce hearings are generally conducted electronically. The person applying for the divorce (or their lawyer) must normally attend the hearing (electronically) if there are children under 18 years. Your spouse does not have to attend unless they want to argue against a divorce. If there are no children under 18 years of age you can state on the form that you do not want to attend the hearing. However, you must attend if your spouse wants to oppose the divorce.

The divorce order becomes final one month after the Court makes the order. From that

time, you are free to remarry. The Court sends out divorce order certificates after the divorce becomes final.

Children

The *Family Law Act* refers to parents' duties and responsibilities and the best interests of the child. It aims to ensure that children have both of their parents in their lives if that is in their best interests.

The words that are used in relation to children reflect an emphasis on shared parenting wherever possible. The words 'lives with' are used rather than residence and custody. Similarly, the words 'spends time with' and 'communicates with' are used rather than contact and access.

Children generally have a right to know and be cared for by both their parents and to spend regular time with other people significant to their care, welfare and development, such as grandparents and other relatives. Parents may put forward what they want, but the law is most concerned about the children themselves and ensuring that their best interests are met.

The views of the children can be taken into account depending on their maturity and level of understanding, as well as the reasons for the children's views. The interests and views of children are considered both at family dispute resolution and any court proceedings.

What happens to children after separation

Like adults, children react in different ways to separation or divorce. How they react often depends on the child's age, temperament and the level of cooperation

or conflict between the parents. For young children, family breakdown can be difficult to understand. Older children can also experience a time of confusion and uncertainty even though they are more able to understand what is happening.

The way parents or other family members react and adjust to the separation makes a big difference to how children feel. Continued fighting can hurt children more than the separation itself. Children need the continuing care and support of both parents. They may worry less if you can agree about what is going to happen and explain why. However, you should be careful not to discuss the dispute with your child or allow anyone else to do so.

What you need to consider

When making arrangements for children, you will need to consider:

- the routine living arrangements that will be in their best interests
- how their time will be spent with each of you and with other significant people in their lives, such as grandparents and other relatives
- who will look after them after school
- where they will spend holidays
- how you will celebrate special occasions
- any other things such as choice of school, sport, health care, or religious matters, and
- the children's cultural background, and how they will continue to be involved in that culture.

Every family is different. The arrangements that work for your family may be different from other families. Try to make arrangements that will work the best for your children.

Parenting plans

A parenting plan is a written agreement signed and dated by both parties, that sets out parenting arrangements for children. All separated parents could consider preparing a parenting plan. Like a court order, any decision made in developing a parenting plan should be made in the best interests of the children. The plan can cover where your children will live, who they will spend time with, their schooling and other specific issues such as holidays, medical and religious matters. The advantage of a parenting plan is that it can help you and the other parent to be clear about any agreed arrangements for your children. You can get help to reach agreement about a parenting plan from a Family Dispute Resolution Practitioner, see 'Reaching Agreement' on page 2 and 'Services' on page 27. Anything discussed at Family Dispute Resolution is confidential and cannot be disclosed to the Court. However, the parenting plan itself is not confidential.

Changes to parenting plans

A parenting plan should be flexible enough to cover the changing needs of children and parents and include a way of resolving disputes that may arise. A parenting plan can be changed at any time to suit your needs if both parents agree. If you want to change a parenting plan and the other parent does not agree, you may wish to attend Family Dispute Resolution to resolve the matter.

If you have attempted Family Dispute Resolution and still cannot reach agreement, you can make an application for parenting orders. However, you should get legal advice before doing so.

Enforceability of parenting plans

A parenting plan is not a legally enforceable agreement. It is only a record of what has been agreed to and is different to a parenting order made by the Court. However, a parenting order made by the Court may take into account a parenting plan that you have previously agreed to.

Consent orders

If you want to make your parenting plan legally enforceable, you and the other party must together apply to the Court for consent orders. A consent order is a written agreement for long term dispute resolution that is approved by the Court. If the Court approves the consent orders, they have the same legal effect as any other order made by the Court. The Court must be satisfied that the orders covering parenting arrangements are in the best interests of the child.

A consent order can also cover financial arrangements such as child support, property division and maintenance (between parents who have separated).

Consent order templates can be obtained from the Court Registry or online at www.fccoa.gov.au.

Both sides should get independent legal advice before they sign a consent order.

Parenting orders

All court orders about children are called 'parenting orders'. Any person concerned with the care, welfare or development of a child can apply for parenting orders.

Parenting orders can specify people other

than parents who are to spend time with and communicate with the child, including grandparents and other relatives. While the Court can order that a parent be allowed to spend time with a child, it cannot make a parent do so.

The Court can put special conditions in an order. For example, it can say where the handover of the children must take place, or it can make the time spent supervised if it thinks it is necessary.

Other orders can be made giving one parent responsibility for aspects of the care, welfare and development of the child, such as education and medical treatment.

In making a parenting order, the behaviour of the parents before and after separation may be relevant. Because the Court deals with every matter individually, no one can tell you exactly what the Court will decide in your case. For this reason, it is not much help to compare your case with others you may have heard about.

Orders you can apply for

A parenting order may deal with one or more of the following:

- the allocation of parental responsibility for a child and, if two or more people are to share parental responsibility for a child, how they are to consult with one another about decisions concerning the child
- the person or people with whom a child is to live
- the time a child is to spend with another person or other persons
- when and where handover will occur
- how the child will communicate with other persons
- child maintenance (for those children

not covered by the Child Support Scheme)

- the process to be used for resolving disputes about the terms or operation of the order
- the process to be used if either party wishes to change the order, and
- any aspect of the care, welfare or development of the child or any other aspect of parental responsibility for a child.

How the Court decides

When the Court is making a parenting order, the *Family Law Act* requires it to regard the best interests of the child as the most important consideration. The *Family Law Act* says that:

- both parents are responsible for the care and welfare of their children until the children reach 18, and
- arrangements which involve shared responsibilities and cooperation between the parents are in the best interests of the child.

In deciding what is in the best interests of a child, the primary considerations of the Court are:

- the benefit to children of meaningful relationships with both parents, and
- the need to protect children from physical or psychological harm and from being subjected or exposed to abuse, neglect or family violence.

In applying these two considerations, the Court must give greater weight to the need to protect the children from physical or psychological harm and from being subjected or exposed to abuse, neglect or family violence. In addition, it will also consider such things as:

- the views of the child, depending on the maturity and level of understanding of the child
- the child's relationship with each parent and other people, including grandparents and other relatives
- the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the child and the other parent
- the likely effect on the child of changed circumstances, including separation from a parent or person with whom the child has been living, including a grandparent or other relatives
- the practical difficulty and expense of a child spending time with and communicating with a parent
- each parent's ability (and that of any other person) to provide for the child's needs
- the maturity, sex, lifestyle and background of the child and of the child's parents, and any other characteristics of the child that the court thinks are relevant
- the right of an Aboriginal or Torres Strait Islander child to enjoy his or her culture and the impact a proposed parenting order may have on that right
- the attitude of each parent to the child and to the responsibilities of parenthood
- any family violence involving the child or a member of the child's family
- any family violence order that applies to the child or a member of the child's family
- whether it would be preferable to make the order that would be least likely to lead to further court applications and hearings in relation to the child, and
- any other fact or circumstance that the court thinks is relevant.

Parental responsibility

Unless the Court says that it is not in the child's best interests, both parents have equal shared parental responsibility. This means parents must consult each other and reach agreement about major issues such as education, religion and medical matters. Equal shared parental responsibility is not the same as a child spending equal time with both parents.

Children's views

The Court will not hear from the child directly, instead it will get information from other witnesses about the child's views. To help it decide what should be done, the Court may ask a Court Child Expert to prepare a Child Impact Report. In more complex cases, the Court may order that an Independent Children's Lawyer be appointed to represent the interests of the child. This lawyer investigates what would be in the child's best interests and provides information to the Court.

Applying for parenting orders

Before applying to the Court for parenting orders you must make a genuine effort to resolve your dispute by other means, including family dispute resolution, where it is safe to do so. If you apply to the Court, then together with an Initiating Application, supporting Affidavit, Parenting Questionnaire, and Notice of child abuse, family violence or risk, you will need to either file a section 60I certificate about family dispute resolution or an affidavit about why you are not filing this family dispute resolution certificate, as well as a Genuine Steps Certificate

The affidavit is your statement of what has happened and why you want the Court to make the orders that you are asking for in your application. The Court can provide you with a fact sheet about preparing an affidavit. After you have completed the application and affidavit, you need to get it witnessed by a lawyer or Justice of the Peace (JP). There is usually a JP available at the Court. There are strict rules about how you serve (officially deliver) documents. See the Court's website fcfcoa.gov.au for details.

Court events and hearings

Unless your case is urgent or allocated to a special court list, your First Court Event will be between 1 and 2 months from the date you filed your application. Your First Court Event will be a hearing in a 'duty list' before a Registrar or Judge. At this hearing the Court may tell you what the next steps are in your case, make orders by consent, or if time allows, make urgent interim (temporary) orders after a short hearing. These orders will apply until final orders are made.

Your matter will then be listed for an interim hearing if required, and there will be directions about participation in dispute resolution. It is expected that a form of dispute resolution (either within the Court with a Court Child Expert or externally) will be undertaken within 5 months. If the matter is not capable of settlement, the Court will list the case for a Compliance and Readiness Hearing. A Trial Management Hearing may also then take place before a final hearing (called a trial) before a Judge who will decide what is best for your children. The Court expects that trials will take place within 12 months

from the date you filed your application. It can sometimes take a long time to proceed from interim orders to the commencement of a trial. If your case is urgent and there are special circumstances, the Court may agree to put your case before others on the waiting list.

See fcfcoa.gov.au for more information about court procedures.

Court Child Experts

The Court may at any time order the parents and children to see a Court Child Expert (formerly known as family consultants). These are psychologists or social workers who specialise in child and family issues after separation. Communications with a Court Child Expert are not confidential and may be reported back to the Court.

Court Child Experts can:

- help you resolve your dispute
- tell the Court about the issues in dispute
- write a memo to the Court about their meeting with you, and
- make recommendations to the Court about the next step in the proceedings.

Relocation of children

Even if there is no parenting order in place, a parent should get legal advice before moving with a child to another region or State without the agreement of the other parent. If the Court considers it is in the best interests of the child to remain where they are, the Court has the power to order that a child not be removed. If a parent has already removed the child, the Court can order that the child be returned. If there is a risk that the other parent may remove the

child from the country, there are orders the Court can make to prevent it. If you need to make an urgent application to the Court out-of-hours, call the National Enquiry Centre on 1300 352 000. If your child is removed from your region, State or from the country without your permission, you should get legal advice quickly.

Complying with orders about children

Court orders are not optional. You must take all reasonable steps to follow an order. For example, if there is a parenting order that your child spends time with the other parent, you must do everything you can to encourage the child to spend time with the other parent. If you or another party is not following an order, you should get legal advice about your options.

The Court can only penalise someone for not following a parenting order if you make a contravention application alleging the other party has not followed the order. If the parenting order is more than 12 months old, then you must first attempt to resolve the matter through Family Dispute Resolution (unless exempt for other reasons). For serious penalties to apply, you must prove that the other party has contravened the order beyond a reasonable doubt. If the Court finds a person has contravened a parenting order without reasonable excuse, it may then impose a penalty. The Court will consider whether any excuse for a contravention is reasonable according to the *Family Law Act*. The respondent must prove that this excuse is more likely than not to be true.

Depending on the particulars of the case and the type of contravention, the Court has the power to:

- change the existing orders
- order attendance at a post separation parenting program
- compensate for time lost with a child because of the contravention
- require the person to enter into a bond
- order the person to pay all or some of the legal costs of the other parties
- order that the person pay compensation for reasonable expenses lost because of the contravention
- require the person to participate in community service
- order that a fine be paid
- order imprisonment

If you do not want to penalise the other party, but you want to be compensated for lost time with your child due to a contravention, you may consider making an enforcement application instead.

Changing parenting orders

You can change parenting orders if you and the other party both agree. You can do this through a parenting plan or by further consent order. See 'Parenting Plans' and 'Consent orders' on page 10.

If there is a dispute, the Court will only consider changing a final order if there has been a significant change in circumstances since the final order was made. Get legal advice before applying to the Court.

Child Support

The law says that both parents have a duty to provide financial support for their children. How much should be paid depends on the financial circumstances of each parent, the level of care each parent provides for the children, the ages of the children and whether either parent supports

other children (not including step-children).

Non-parent carers of children (such as grandparents, or other carers) can also apply to receive child support from the parents of the children.

Services Australia – Child Support (formerly known as the Child Support Agency) can be asked to collect and transfer periodic payments of child support, or the payments can be made by private arrangement between the parties.

The Legal Services Commission Child Support Help Line can give free legal advice about all child support and maintenance problems, call the Legal Services Commission Child Support Help Line on 8111 5576.

Parentage

Because child support can only be claimed from a person who is a parent of a child, disputes can arise about parentage. If necessary, DNA parentage testing can be used to resolve these disputes. For legal advice about parentage issues, call the Legal Services Commission Child Support Help Line on 8111 5576.

Child Support Assessment

Most child support assessments are calculated by Services Australia – Child Support according to a mathematical formula. To create a formula assessment, Services Australia needs accurate information about the parents' taxable incomes, the amount of care each parent provides for the children, and whether either parent supports other children. For an estimate of child support, use the online child support estimator at <https://processing.csa.gov.au/estimator/About.aspx>

Alternatively, the assessment can be based on a formal written Child Support Agreement which has been worked out between the parents.

Child Support Formula

The child support formula takes into account the:

- parents' incomes (based on adjusted taxable incomes)
- costs of children (based on the combined income of the parents)
- level of care provided by each parent.

Parents' incomes are important because, when added together, they are used to work out the theoretical costs of raising children, in a family with that level of income. A 'Costs of Children' table has been created using Australian research, which also adjusts the costs for the number and ages of the children.

The costs of the children are shared between the parents:

- a) in proportion to their individual incomes, and
- b) after taking into account the amount of care each parent provides for the children.

Level of care

The amount of care that is provided for a child is an important part of the formula calculations. If a person provides care for a child for at least 14% of the time (at least 52 nights per year) they are considered to be meeting some of the costs of the child through the care they provide. The amount of care is converted to a percentage of the costs and is used in the formula calculations as indicated in the table below.

Nights per year and percentage of costs met through care:		
Nights per year	0-51	Less than Regular Care = 0%
	52-127	Regular Care = 24%
	128-237	Shared Care = 25-75%
	238-313	Primary Care = 76%
	314-365	Greater than Primary Care = 100%

Services Australia – Child Support (Tel:131 272) should be informed of any changes in care arrangements as soon as possible. Disputes can arise about the level of care used in the assessment.

How to change a Child Support Formula Assessment

There are a variety of ways to change a formula assessment, two of which are described below.

Estimate of income

If a parent's income is at least 15% lower than the income used in the assessment calculation, a parent can provide an up-to-date estimate of their income to Services Australia – Child Support. An Estimate of Income only affects future payments; it cannot operate retrospectively. However, conditions apply and penalties can be added if a person significantly underestimates their income. Caution should be exercised in using this remedy.

Changing your assessment in special circumstances

Either parent can apply to change the assessment if they believe that special circumstances exist to justify a change. An application to change an assessment must be based on set reasons. The most common reasons for changing an assessment relate to the incomes of the parents, private school fees, child

care costs and costs associated with special needs of children. Changes can be made to past or future assessments, but retrospective changes are limited to the 18 months prior to the application being made. If changes are required to an assessment which is more than 18 months, but less than 7 years, in the past, then an application can be made to the Court. For legal advice about changing a child support assessment, contact the Legal Services Commission Child Support Help Line on 8111 5576.

Child Support Agreements

As an alternative to the child support formula, some parents can reach a private agreement about child support payments. Child support agreements can include periodic payments, non-cash payments or lump sum payments, although only periodic payments can be collected by Service Australia – Child Support. The use of coercion or threats to secure an agreement can invalidate the agreement. Be sure to get legal advice before signing a child support agreement.


The law provides for two types of child support agreements as described below.

Limited Child Support Agreements

These agreements must be in writing, signed by both parties, and provide for at least as much child support as would be payable under a child support formula assessment. Limited Agreements can be terminated by either party after 3 years (or sooner if certain circumstances are met). They can also be terminated by agreement or set aside by court order.

Binding Child Support Agreements

These agreements can be for less than,



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8111 5576

or more than, the amount payable under a child support formula assessment. Binding Child Support Agreements can also include lump sum payments, but special requirements apply. Each parent must get independent legal advice and the agreement must include certificates from the lawyers stating that advice has been given about the effect of the agreement on the rights of the individuals, and the advantages and disadvantages of entering the agreement.

In order to provide this advice, a lawyer would need to obtain information about the financial position of both parents and have a sound knowledge of child support law. Parties should also be aware that if a Binding Child Support Agreement provides for less child support than the amount payable under a formula assessment, the amount of Family Tax Benefit (A) will

be calculated with reference to the child support amount that would have been payable under the formula assessment (not the amount provided for in the agreement). Binding Child Support Agreements can only be ended by a further Binding Child Support Agreement or, in exceptional circumstances, by a court order.

Adult children (over 18 years)

A child support assessment can be extended to the end of the school year if the child is attending secondary school when they turn 18. This request must be made to Services Australia – Child Support well before the child turns 18. Failure to extend the assessment can also result in a reduction in the payment of Family Tax Benefit (A) for the child.

Adult Child Maintenance (over 18 years)

When the child support assessment ends, the Court can order that maintenance continue to be paid for adult children if they are unable to fully support themselves because they are: i) completing their education, or ii) they have a disability. You can get legal advice about Adult Child Maintenance from the Legal Services Commission Child Support Help Line on 8111 5576.

Collection and enforcement

Services Australia – Child Support can collect periodic payments of child support or maintenance payable under a child support assessment or a child support agreement. Court orders for adult child maintenance or spousal maintenance can also be registered for collection by Services Australia – Child Support. Services Australia has broad powers to collect child support debts including collecting from wages, intercepting tax refunds and collecting money from bank accounts. Court action can also be taken by Services Australia or the payee to recover a child support debt. Late payment penalties can be charged if the child support debt is more than \$1000.

Parents can make their own private arrangements for the payment of child support. However, private collection is only recommended in cases where the assessment is based on reliable incomes, and the payer is likely to pay or has a good payment history. In cases with private collection arrangements, Centrelink will assume that the full child support amount is being paid/received when calculating Family Tax Benefit (A) entitlements.

Non-agency payments

If the payment is collected by Services Australia – Child Support, a paying parent can seek credit for cash or non-cash payments made to the payee or a third party, or other payments that were made in lieu of child support payments. Many payments can only be credited if the receiving parent agrees that the payment was intended to be treated as a child support payment.

If the payee does not agree, there are some payments that can still be credited as child support. These include some education expenses, essential medical and dental treatment, and payments for the payee's accommodation or vehicle expenses. They are called Prescribed Non-Agency Payments and can only be credited if the case is collected by Services Australia – Child Support and the paying parent has less than regular care (14%) of the child(ren).

Centrelink – Family Tax Benefit (A)

Family Tax Benefit (A) and child support assessments are linked; unless an exemption applies, the rate of Family Tax Benefit (A) is calculated by reference to a Child Support Formula Assessment as determined by Services Australia – Child Support.

To be entitled to claim Family Tax Benefit (A) for a child, a person must be caring for the child for at least 35% of the time. Other than in rare cases, where an exemption is granted, Centrelink will expect recipients of Family Tax Benefit (A) to commence a child support case at Services Australia – Child Support. If parents choose not to commence a child support case, then unless

an exemption is granted, Centrelink will reduce the Family Tax Benefit (A) for each child who does not have a child support case to the minimum rate. A Centrelink social worker can grant an exemption from the need to take action to obtain child support in family violence cases. For legal advice about the link between Family Tax Benefit A and child support, and possible exemptions to this general rule, call the Legal Services Commission Child Support Help Line on 8111 5576.

Overseas child support

Australia has reciprocal arrangements with many countries for the collection of child support overseas. Arrangements with each country differ, and some countries have better collection arrangements than others. Disputes about parentage can be more difficult to resolve where one of the parents resides overseas. This is a complex area of law. If you are in this situation, you should get legal advice.

The Legal Services Commission offers free legal advice in relation to all child support and maintenance issues through the Child Support Help Line on 8111 5576.

Property

Upon separation, you should notify your bank that you have separated and take steps to protect yourself in case your former partner incurs extra debts that you will be responsible for. For example, you may wish to close joint credit card accounts and cancel any loan redraw facility that the other party can access. You should review your will and superannuation or life insurance policies if your former partner is named as a beneficiary.

If your name is not on the title of the family home, it is important that you see a lawyer quickly to protect your fair share in case your former partner tries to sell or otherwise dispose of the home. A caveat (a notice of claim) can be placed on the title by anyone who has an interest in that real estate.

If you leave the family home, it does not mean that you lose your entitlement to a fair share of the property. However, you should bear in mind that court proceedings are an expensive and time-consuming way to recover property. If you leave the home, it is important for you to take your personal documents such as your marriage certificate, birth certificate/s and passport/s. It is also important that you obtain, if possible, financial records such as bank statements, tax returns and superannuation statements to help with the division of assets. You can leave the family home and take your fair share of the household goods if it is likely to be difficult to obtain them later.

The Legal Services Commission offers free legal advice in relation to family law matters through the Legal Helpline 1300 366 424.

If you and your former partner cannot agree on how to divide your property, after genuine attempts (see 'Reaching agreement' on page 21), then either of you can ask the Court to make a property order.

How the Court decides

The Court has very wide powers to divide the property in whatever way it thinks is fair. No two cases are the same and each partner should get independent legal advice on their case from a lawyer who specialises in family law property cases. In

determining property disputes, the Court first identifies the net value of the combined assets. This is sometimes referred to as the property pool. Secondly, the Court considers the contributions each person has made to the property pool and thirdly, their future needs. Fourthly and finally, the Court's decision must be just and equitable.

There is no rule that property should be equally divided according to a 50/50 formula. A partner will not necessarily get half of everything or be able to keep those things in their name that they paid for. It all depends on each partner's contribution, their needs and what is just and equitable.

Identifying the property pool

Property can include anything of financial value, including a house, land, money, superannuation, shares, cars, furniture, and small household items. Any property held overseas by either party is also included. Generally, it is not worth going to court over items which have only a small value.

Contributions

The Court looks at the history of the relationship and determines how much each partner has contributed to buying, maintaining, and improving the property. Direct contributions include:

- money contributed during the relationship, such as wages or income
- property owned at the time the relationship began
- gifts and inheritances
- work done on the property such as building or renovating
- effort put into building up and running a business.

The efforts of a partner who worked in the home looking after the children and

doing the housekeeping are considered indirect contributions to the property. A homemaker can be entitled to a share of the property even though they have not paid any money towards it or earned any income during the relationship. In many cases, the indirect contributions of the homemaker are equal to the direct contributions of the income earner. This may not be the case where the relationship was short or the direct contributions of one partner are much larger than the contributions of the other partner.

Future needs

The Court can also decide whether a greater share of the property should be given to the partner who has the greater need in the future. It will look at matters such as:

- the age and health of both partners
- the ability of each partner to support themselves in the future
- whether either partner is supporting a dependent, such as a child
- whether a partner is being supported by someone else, such as a new partner or parents.

If one parent has the sole responsibility for the day-to-day care of the children, a claim may be made for a greater share of the property, but this may be balanced by the payment of child support by the other parent. As a guide, the Court is likely to award more to one partner where the other has access to greater financial resources. This is a complex area of law and you should get legal advice.

The family home

Under the *Family Law Act* a partner may be entitled to share in the family home

or other assets even if they did not pay any money towards them and they are in the other partner's name. Remember, the Court will take into account indirect financial contributions (such as paying bills), non-financial contributions including renovations on the house, contributions as a homemaker and parent, and each partner's future needs.

If there is enough other property, the Court may grant one partner the family home, especially if that partner is looking after the children. However, if there is no other way of giving each partner their fair share, such as one partner buying the other out, the house must be sold. The transfer of real estate and motor vehicles between former partners following their separation should be exempt from stamp duty. You should get legal advice about the documents required for a stamp duty exemption.

Superannuation

Superannuation is treated as property for the purposes of property settlement. You will need to gather accurate information about the value of your superannuation fund(s) and those of your former partner. To do this you will need to complete the Superannuation Information Form and Declaration, available from the Court. Superannuation funds usually charge fees to provide the information. They do not notify the superannuation holder that they are giving out the information.

Any agreement, or court order, about superannuation can split the superannuation into separate policies or it can 'flag' part of the superannuation payment to go to another person when the policy becomes payable. Superannuation can be a major asset in the division

of property and the law in this area is complex. Be sure to get legal advice.

Reaching agreement

You are required to make a genuine attempt to reach an agreement about property settlement before making an application to the Court. This saves any unnecessary expense, delay and worry of a court case. You may be able to reach an agreement between yourselves, through the online service www.amica.gov.au, through family dispute resolution or through a lawyer. Legal aid funding may be granted for lawyer-assisted family dispute resolution in some circumstances. See 'Reaching agreement' on page 2 for more information about these options.

If you do not have a lawyer, you should at least get legal advice from a lawyer (not the same one representing your former partner) before signing an agreement to make sure you understand your rights and to check that the agreement is legal and fair. The agreement should generally be similar to what the Court would decide by identifying the property pool, considering your contributions and future needs and then making sure that the agreed division is just and equitable.

If you reach an agreement with your former partner about dividing the property, you should make an application to the Court for consent orders or enter into a binding financial agreement. This can help to prevent any future claims about property. If you cannot reach an agreement, you will need to make an application to the Court. Time limits apply, see page 22.

Consent orders

The parties need to file an Application for Consent Orders together with a Consent Minute of Order. A Consent Order Kit is available on the Court's website at fcfcoa.gov.au. There is a fee of \$180 (as at 1 July 2022), but this may be waived for concessions card holders.

Binding financial agreements

You and your partner can make an agreement at any time on how your property and financial resources will be divided if you separate. These agreements are evidence of your intention at the time you signed the agreement, but they may not be relevant many years later and the Court may not agree with what they say. One of these agreements can also be made after you have separated. Before entering into such an agreement, you should get independent legal advice about the content and effect of the agreement.

To be enforceable, agreements must be in writing and signed by both partners. Each partner must have had independent legal advice and each partner's lawyer must signed the agreement.

The Court may set aside or vary an agreement or order in some limited circumstances, for example if there has not been full disclosure, or there has been fraud, duress, or other unfair conduct. An agreement or order may also be set aside if there has been a significant change in circumstances relating to a child of the relationship such that hardship would be caused if it were not set aside.

Time limits

It is best to get legal advice about property division as soon as possible following

separation. An application to the Court for property division may be made any time from separation but no later than 12 months after a divorce becomes final. For de facto couples, it is no later than 2 years after the date of separation. See 'De facto partners and property' below for more about de facto relationships. A late application can only be made with special permission of the Court.

Maintenance

To obtain a court order for maintenance under the *Family Law Act*, the applicant will generally have to prove that they are unable to work or cannot support themselves properly because of old age or sickness, the need to care for children or some other reason. In addition, they would have to show that their former partner is able to pay the maintenance. Maintenance claims can be resolved formally at the same time as property settlement, either by court order or binding financial agreement. A payment can be made in a lump sum, or by periodic payments. An order for periodic payments of maintenance can be registered for collection with Services Australia—Child Support.

Time limits apply to maintenance claims and you should get legal advice at the earliest opportunity.

De facto partners and property

Two people may be in a de facto relationship if they are not married or related by family and they live together as a couple on a genuine domestic basis. De facto partners in South Australia who have separated since 1 July 2010, can make

an application to the Court for property settlement or maintenance under the *Family Law Act* if:

- the de facto relationship existed for at least two years, or
- there is a child of the partners, or
- the relationship has been registered in a State or Territory of Australia under laws for the registration of relationships, or
- one of the partners has made substantial financial or non-financial contributions to property as homemaker or parent and serious injustice would result if an order was not made

An application for property settlement must be made within two years of the relationship ending, but in exceptional circumstances the Court may grant leave to make an application outside of this time period. In any case, it is best to get legal advice immediately following your separation. This will ensure your rights and interests can be protected and that you have time to attempt to reach an agreement with your former partner.

Other than the definition and the time limit that applies, the same law that applies to married couples applies to de facto couples. If you apply to the Court, it will decide how the property should be divided and whether maintenance should be paid in the same way it does for married couples.

Certified Domestic Partnership Agreements

If a de facto couple made a certified domestic partnership agreement under South Australian law that was in force before 1 July 2010, that agreement may be

taken to be a binding financial agreement under the *Family Law Act*. However, the only parts of the agreement that could be enforced are those to do with the property and financial resources of the parties, and maintenance.

For relationships not covered by the *Family Law Act* or other South Australian legislation, rights to property on the breakdown of a relationship are governed by the common law rules of property, trusts and contract. The law in this area is complex and anyone who wants to make a claim should get legal advice.

Family violence

Family violence may include physical violence, sexual violence, damaging property, threats, emotional and psychological abuse, financial control, and social isolation. You can take action to stop it.

Reporting violence

If there has been family violence, call the police on 131 444. The police have the power to:

- arrest the offender
- search for and remove weapons
- charge the offender with a criminal offence
- immediately issue an intervention order (if the offender is present or in custody) or apply to the Court for an intervention order on your behalf.

Do not be afraid to call the police for protection for yourself and your children. There are special police units trained to handle family violence. You may ask to speak to a police officer from the Family Violence Investigation Section. You can

also seek help from a domestic violence service, the Legal Services Commission, the Women's Domestic Violence Court Assistance Service or the Family Violence Legal Service Aboriginal Corporation, see 'Services' on page 27.

Applying for an intervention order

If you are experiencing family violence, ask the police if they can issue an intervention order or apply for an intervention order from the Magistrates Court. You do not have to show you have been physically hurt before you can get help. An intervention order can stop a person from coming onto certain premises (even if this is a house they own or where you work), from approaching within a set distance of a family member, from damaging or taking personal property, or from contacting, harassing, threatening or intimidating a family member. The Court can also order the return of property or allow use of the property at certain times.

If the police will not apply for an order, you can prepare and file your own application or seek the help of a lawyer to do it for you. The Women's Domestic Violence Court Assistance Service (WDVCAS) is a specialist statewide legal service assisting women affected by domestic or family violence make applications for intervention orders. Call the service on 1800 246 642.

Contact with children

If you apply for an intervention order you must make the magistrate aware of any parenting orders which detail any contact between you for the purpose of attending at or organising handover of children. In

some circumstances the magistrate may be able to suspend or change those orders.

Defending an intervention order

The person against whom an intervention order is made is called the respondent.

A respondent can dispute an intervention order or its conditions, but an order may be made in the meantime. A respondent should not try to contact their children if an intervention order stops them. Disobeying an intervention order is a crime with serious penalties. If a respondent thinks an intervention order does not make adequate arrangements for parenting their children, they may apply for a parenting order from the Family Law Court. Once a respondent has a parenting order from the Family Law Court this overrides the intervention order.

Protection at court hearings

There are procedures to ensure your protection in court and to have the case resolved as quickly as possible. The Court may make special arrangements for you to give evidence, such as by way of audio-visual record, closed circuit television transmission to the court, having a relative or friend with you for emotional support, or with the respondent excluded from the courtroom. The respondent is not allowed to cross-examine you, that is, ask you questions about your evidence. See 'Representing yourself in court' on page 4 for more information about similar protections in the Family Law Court.

Family law injunction

A party can apply for an injunction as part of a family law case. An injunction is an order made by the Court to stop a person from doing things - for example, removing



There are procedures to ensure your protection in court and to have the case resolved as quickly as possible.

children from the State, assaulting children or a former partner, going into the home, harassing the children or former partner, or selling or damaging any family property. However, SA Police cannot enforce a family law injunction, it can only be enforced through the Family Law Court. An intervention order from the Magistrates Court may therefore be more effective in providing protection from a violent situation. SA Police can respond to any breaches and enforce an intervention order without delay.

Tenancies

In cases where you are experiencing family violence and/or have an intervention order, and you are co-tenants with the respondent, you may apply to South Australian Civil and Administrative Tribunal

for an order that you remain in the tenancy as the sole tenant (if you can pay the rent) or to remove your name from the tenancy.

Changing names

Changing your child's name

You can complete a Declaration to Change the Name of a Child from the Births, Deaths and Marriages Registry. Normally, both parents must agree to allow a change of name for a child. The child must also consent if capable of understanding the meaning of a change of name.

If one parent does not agree, the other parent may seek an order providing for the change of name through existing Family Law Court proceedings. The other way is to apply for an order from the

South Australian Civil and Administrative Tribunal (SACAT). The other parent can tell SACAT why the child's name should not be changed. However, SACAT will base its decision on whether a change of name will be in the child's best interests. Even where SACAT makes an order authorising the change of name of a child, the change must still be registered at the Births, Deaths and Marriages Registry to be effective, see 'Services' on page 27.

Changing your own name

Generally, if you are aged over 18 you may have any name you choose so long as it is not offensive or for fraudulent or dishonest purposes. If you wish to formally change your name (other than through marriage or separation) you should contact the Registry of Births, Deaths and Marriages.

You are not required to change your name if you marry or separate. If you do decide to change your name due to marriage or separation after marriage, you do not have to register this change. If you have changed your name at marriage and wish to go back to your birth name you may have to produce your birth and marriage certificates to show that you are the same person.

Wills

A will is a written document that sets out your wishes for the distribution of your property (called your 'estate') upon your death. If you die without a valid will your property is distributed to your family (next of kin). If there is no family (including distant relations) then your property goes to the Government.

Marriage and registered relationships

If you marry (or remarry) or enter a registered relationship, this automatically cancels your will unless your will clearly shows you were planning this marriage or registered relationship when you made it. Similarly, when you get a divorce or your registered relationship ends, any gift or power left to your former partner is cancelled unless your will specifically states that you do not want this to happen.

If you separate from your partner (and you do not get a divorce or end a registered relationship) you may need to change your will so that it accurately reflects your wishes. If you separate, an existing will is not automatically revoked. It is therefore a good idea to make a new will.

Unregistered de facto relationships

If you are in a de facto relationship that is not registered, you should make a will if you want to make sure that your partner will receive your property upon your death. If you die without a will, your partner may be entitled to the same rights as between married couples and those in registered relationships but may need a declaration from a court first. Your partner could seek a declaration if:

- you were together for three years, or for periods totalling three years over a four-year period, or
- you had a child together, or
- you were living together as a couple on a genuine domestic basis and the interests of justice require that a declaration be made.

This application is made under the Family Relationships Act 1975 (SA), which sets out what a court must consider when making its decision.

Providing for children

If you are making a will, it is important that you get legal advice about your obligations to provide for your children upon your death. If your children normally live with you, you can state in your will who you would like to care for them after your death. Make sure that the person is ready and willing to do so. However, there is no way to guarantee that your wishes will be followed, or to prevent a person from applying for a parenting order after your death. The Court will consider the wishes of the deceased parent but must make an order in the best interests of the children.

Services

Legal Services Commission SA

Legal advice and legal aid
 Legal Help Line
 (free legal advice and information)
 Tel: 1300 366 424 (local call)
www.lsc.sa.gov.au

Family Advocacy and Support Service at the Family Law Court

Please see reception located on the ground floor of the Federal Circuit and Family Court of Australia at 3 Angas Street, Adelaide.
 Telephone: (08) 8111 5300.

Appointments for legal advice can be made, through the legal helpline, at these offices:

Adelaide

159 Gawler Place
 Adelaide SA 5000

Elizabeth

Windsor Building
 Elizabeth Centre
 Elizabeth SA 5112

Noarlunga

Ground Floor Noarlunga House
 Noarlunga Centre SA 5168

Port Adelaide

263 St Vincent Street
 Port Adelaide SA 5015

Port Augusta

34 Flinders Terrace
 Port Augusta SA 5700

Whyalla

17A Forsyth Street
 Whyalla SA 5600

Community legal centres

Northern Community Legal Service

26 John Street
 Salisbury SA 5108
 Tel: 8281 6911

Community Justice Centres SA

Christies Beach: 40 Beach Road
 Mount Gambier: 8A Commercial Street West
 Berri: 9 Kay Avenue
 Tel: 8384 5222

Uniting Communities Law Centre

43 Franklin Street
 Adelaide SA 5000
 Tel: 8202 5960

Westside Community Lawyers

Hindmarsh Office
 212 Port Road
 Hindmarsh SA 5007
 Tel: 8340 9009

Port Pirie Office

72 Ellen Street
 Port Pirie SA 5540
 Tel: 8633 3600

Women's Legal Service

Level 7, 45 Pirie Street
Adelaide SA 5000
Advice: 8221 5553 or 1800 816 349 (toll free)
Administration: 8231 8929

Other legal advice services

Aboriginal Legal Rights Movement

321 King William Street
Adelaide SA 5000
Advice: 8113 3777 or 1800 643 222

Family Violence Legal Service Aboriginal Corporation SA

Tel: 1800 111 052 Pt Augusta
Tel: 1800 309 912 Pt Lincoln
Tel: 1800 839 059 Ceduna

Law Society

Level 10 178 North Terrace
Adelaide SA 5000
20 minute interviews by appointment, \$35 fee
Tel: 8229 0200 www.lawsocietysa.asn.au

Child support help

Legal Services Commission SA Child Support Help

Tel: 8111 5576 or 1300 366 424

Services Australia – Child Support

Tel: 131 272
<https://www.servicesaustralia.gov.au/individuals/child-support>

Family dispute resolution services

Family Dispute Resolution (FDR) Unit Legal Services Commission SA

159 Gawler Place Adelaide 5000
Tel: 8111 5555

Family Relationship Centres

For full details of services in city and country areas see
www.familyrelationships.gov.au

Adelaide

Tel: 8223 4566

Noarlunga/Marion/Aldinga Beach

Tel: 8202 5200

Port Adelaide

Tel: 8340 2022

Salisbury

Tel: 8250 6600

Elizabeth

Tel: 8255 3323

Berri

Tel: 8582 4122

Mt Gambier

Tel: 8721 3500 or 1800 880 913

Port Augusta

Telephone: 8641 0432

Information services

Family Relationship Advice Line

Tel: 1800 050 321

Family Relationships Online

www.familyrelationships.gov.au

Mensline Australia

Tel: 1300 789 978

Women's Information Service

Tel: 8303 0590
8am - 6pm weekdays,
9am - 5pm Saturday
1800 188 158 (toll free)

Other family services

Centacare

www.centacare.org.au

Relationships Australia

www.rasa.org.au

Anglicare

www.anglicare-sa.org.au

Children's handover services

Adelaide

Tel: 8724 5400

Berri

Tel: 8582 4122

Campbelltown

Tel: 8223 4566

Hindmarsh

Tel: 8245 8100

Noarlunga and Mt Barker

Tel: 8392 3180

Mount Gambier, Naracoorte and Millicent

Tel: 8721 3500

Elizabeth

Tel: 8255 3323

Port Augusta

Tel: 8649 0800

Whyalla

Tel: 8649 0800

Courts

Federal Circuit and Family Court of Australia

Roma Mitchell Building
Commonwealth Law Courts
3 Angas Street
Adelaide SA 5000
Tel: 1300 352 000 www.fcfoa.gov.au

Magistrates Court

Central Switchboard Tel: 8204 2444

Family violence services

Police Attendance

Tel: 131 444

Police Family Investigation Units

Eastern Adelaide:

Tel: 7322 4890

Northern Adelaide:

Tel: 8207 9381

Western Adelaide:

Tel: 8207 6413

Southern Adelaide:

Tel: 8392 9172

1800 RESPECT

Tel: 1800 737 732

Domestic Violence Crisis Line

For men and women, 24 hours

Tel: 1800 800 098

Women's Domestic Violence Court Assistance Service

Tel: 1800 246 642

Flinders Medical Centre

24 Hour Child Protection Unit

Tel: 8204 5458

After hours: 8204 5611

Women's and Children's Hospital 24 Hour Child Protection Unit

Tel: 8161 7346

After hours: 8161 7000

24 Hour Child Abuse Report Line

Tel: 131 478

Yarrow Place Rape and Sexual Assault Service

Tel:

1800 817 421 (toll free)

Migrant Women's Support Program

Tel: 8152 9260

Victims of Crime SA

Tel: 8204 9635

Family Violence Legal Services Aboriginal Corporation

Port Augusta Tel: 1800 111 052

Ceduna Tel: 1800 839 059

Port Lincoln Tel: 1800 309 912

Other agencies

Births, Deaths and Marriages

91 Grenfell Street

Adelaide SA 5000

Tel: 131 882

Interpreter services

Translating and Interpreting Service
(24 hour, 7 days)

Tel: 131 450

