

CHECKLIST

No	ACTIVITIES	
1	Added the Information for Clients from the AG's website to my kit - 🔗	
2	Read and understood the Information for Professionals Fact Sheet - 🔗	
3	<p>Client Information - updated my Parenting Plans information for clients.</p> <ul style="list-style-type: none"> • review references to shared parental responsibility - the reference has been repealed from the FLA but the reality has not changed. s61C • remove info regarding requirement to consider shared care or significant and substantial care arrangements • replaced the best interests of the child definition s60CC(2) • explanation of developmental, psychological, emotional and cultural needs and how they change during the development of a child • explanation of long term and short term decision making and expectations / obligations for parents 61CA, 61D(3), 61DAA 	
4	Create a “quick reference” or script with the new 6 best interest of the child factors until they are memorised.	
5	<p>Review screening documents for alignment. Do they ask about:</p> <ul style="list-style-type: none"> • the safety of the child and any person who will care for the child? • any views expressed by the child? • the developmental, psychological, emotional and cultural needs of the child? • any concerns about each care givers capacity to meet their child's needs? • the significant relationships in the child's life and the benefits of supporting the child to continue those relationships? • any other factors relevant to that child? • any family violence orders (current and past) and any past violence, abuse or neglect s60CC(2A) in terms of future safety of the child & their care givers? 	
6	<p>Review and update information provided to Aboriginal and Torres Strait Islander clients to ensure that they are also told about:</p> <ul style="list-style-type: none"> • the revised definition of family for ATSI peoples 4(1A) • the additional best interest factor s60CC(3) to allow the child to enjoy their culture and be supported to do so 	
7	Review processes for referral of clients for child inclusive practice with your child consultant panel	
8	Review potential of child informed practice, psychoeducational materials and other resources	
9		
10		

Other Information:



Remember the guidance from the Central Practice Directions

The overarching purpose of the family law practice and procedure provisions is to facilitate the just resolution of disputes:

- a) in a way that ensures the safety of families and children
- b) in relation to proceedings under the Family Law Act in which the best interests of a child are the paramount consideration—in a way that promotes the best interests of the child
- c) according to law, and
- d) as quickly, inexpensively and efficiently as possible.

This is accompanied by a statutory duty on parties and their legal representatives to conduct proceedings in a way that is consistent with the overarching purpose. Cost orders can be made against parties and legal representatives who are found to have breached the duty.

Areas for referral to legal advice

- Inform yourself about s65DAAA and encourage parents to seek legal advice if they are unable to reach agreement regarding a parenting plan that would modify a final parenting order.
- Inform yourself about the new harmful proceedings provisions. Encourage clients subjected to repeated family court actions who disclose psychological harm or oppression, major mental distress, being subjected to behaviour which causes a detrimental effect on their capacity to care for a child, or financial harm to seek legal advice about the provisions ability to require the repeat litigator to seek permission from the court prior to initiating further court cases.

Additional Resources

- Video from Interact Support - changes to the best interests of the child [🔗](#)
- Info Sheet from LexisNexis - [🔗](#)
- Info Sheet for Parents - [AG's](#)
- Info Sheet for Practitioners - [AG's](#)
- Webinars AG's (only available till end of May)
 - [Webinar 1 - overview](#),
 - [Webinar 2](#) -legal practice,
 - [Webinar 3](#) - FDR focus,
 - [Webinar 4](#) -First nations perspectives

s60CC Script

From the 6th May 2024 the way that the Family Law Act 1975 instructs us to consider the best interest of the child has changed.

1. What arrangements would promote the safety (including safety from being subjected to, or exposed to, family violence, abuse, neglect, or other harm) of the child and each person who has 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 developmental, psychological, emotional and cultural 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
6. anything else that is relevant to the particular circumstances of the child

This includes consideration of any history of family violence, abuse or neglect involving the child or a person caring for the child (whether or not the person had parental responsibility for the child) and any family violence order that applies or has applied to the child or a member of the child's family.

Notes:

ATSI Children

From the 6th May 2024, the way that the Family Law Act 1975 instructs us to consider the best interest of Aboriginal and Torres Strait islander children, additional considerations have also changed.

Additional considerations—right to enjoy Aboriginal or Torres Strait Islander culture
60cc(3)

1. This includes the child's right to enjoy the child's Aboriginal or Torres Strait Islander culture, by having the support, opportunity and encouragement necessary:
2. To connect with, and maintain their connection with, members of their family and with their community, culture, country and language; and
3. To explore the full extent of that culture, consistent with the child's age and developmental level and the child's views and
4. To develop a positive appreciation of that culture and
5. The likely impact any proposed parenting order under this Part will have on that right.

We know that community and culture varies for first nations families so in discussing their parenting arrangements we'll need to talk about who their relatives are, what communities the child belongs to and what supporting continued connection to culture will look like for your child.

Notes: