

Contact Orders

Information for Parents and Carers

What are Contact Orders?

A Contact Order sets out your rights in relation to how often and for how long you can spend time with your child and whether the contact has to be supervised.

A Contact Order can also make arrangements for contact between your child and other relatives such as grandparents, aunts or uncles or another person of significance to your child.

In most cases, arrangements for you to have contact with your child are set out in a Care Plan. A Care Plan is a document prepared by Community Services that sets out the proposed arrangements for your child. The Court must be satisfied that the plan is appropriate before it makes a final order.

Contact arrangements that are set out in Care Plans are more flexible because they can be changed as circumstances change over time without having to go back to court.

However, sometimes you may want the Children's Court to make a Contact Order instead of relying on the contact arrangements set out in a Care Plan.

You may also want the Children's Court to make an order to stop someone from having contact with your child if having contact with that person is not in the child's best interests.

Who can apply for a Contact Order?

An application for a Contact Order can be made by:

- Community Services
- The child or young person
- A person with parental responsibility for the child or young person
- A person who used to have parental responsibility for the child or young person (eg. mother or father)
- A person who has sufficient interest in the welfare of the child or young person.

When can I apply for a Contact Order?

You can ask the Children's Court to make a contact order either:

- As part of the final or interim orders that the Children's Court makes when deciding the initial care application in relation to a child
- After the Children's Court has made its final orders on the initial care application.

How do I apply for a Contact Order?

You can ask the Children's Court to make a Contact Order as part of the orders that it makes in relation to the initial proceedings about your child's care. You do not need to complete an application form in these circumstances. At this stage the Children's Court can only make a Contact Order for 12 months.

If these proceedings have already finished and you want the Children's Court to make a Contact Order you need to complete an Application for Contact Orders and lodge the application in the court registry. The Court will first need to grant permission to hear your application for a Contact Order. This is called seeking leave.

The Children's Court may grant leave to hear your application if it is satisfied that there has been a 'significant change' in circumstances since a final order was made.

Before granting leave, the Children's Court will consider whether you have tried to reach an agreement with the other people affected by contact arrangements by participating in Alternative Dispute Resolution.

It is always best to try Alternative Dispute Resolution before you lodge your application with the Children's Court.

To arrange an Alternative Dispute Resolution conference phone 1800 551 589.

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What happens if leave is granted?

You and Community Services will have a chance to tell the Magistrate what you believe should happen before a decision about the contact arrangement is made. You may need to prepare your arguments to support your application in a document called an affidavit.

Can a Contact Order be changed?

If the parties agree to vary the terms of a Contact Order, a contact variation agreement can be filed with the Children's Court.

A contact variation agreement must:

- Be in writing
- Be signed by all parties affected by the variation
- Be registered with the Children's Court within 28 days.

If you cannot reach an agreement about changing the Contact Order, you can apply to the Children's Court to grant leave to hear your application to vary or rescind (cancel) a Contact Order. Before granting leave, the Children's Court will take into consideration:

- The nature of the application
- The age of the child or young person
- The length of time the child or young person has been in the care of the present carer
- The plans for the child
- Whether you have an arguable case
- Any matters that are identified in a s.82 report (suitability of arrangements concerning parental responsibility).



Further information

It is important that you understand the meaning and effect of a Contact Order. Even if you do not have a lawyer, you should obtain legal advice about the effect of and consequences of a Contact Order.

Places where you can get legal advice include:

- **Legal Aid** (www.legalaid.nsw.gov.au) provide legal advice and help at court.
Ph: 1800 551 589
- **Aboriginal Legal Service** (www.alsnswact.org.au) provide legal advice and help at court to Aboriginal and Torres Strait Islander people.
Ph: 1800 733 233
- **LawAccess** (www.lawaccess.nsw.gov.au) is a free government telephone service that provides legal information, advice and referrals for people who have a legal problem in NSW.
Ph: 1300 888 529
- Search the **Law Society database** (www.lawsociety.com.au) for legal firms and solicitors in your area.

The Children's Court of New South Wales
www.childrenscourt.justice.nsw.gov.au

Translating and Interpreter Service

For an interpreter ring 131 450.

For alternative brochure formats

(audio tape, electronic or Braille versions) contact diversityservices@agd.nsw.gov.au or ph: 02 8688 7507 or TTY: 02 8688 7733.

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