What Happens if I Breach My Parenting Orders?

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Once the Family Court has made parenting Orders either at hearing or by consent, each party must comply with those orders. If one party has departed from those Orders there may be serious consequences for such breach. You should seek legal advice from a divorce lawyer if you or your ex-partner believe there has been a breach of the orders.

If you are unable to resolve the breach, one option forward is a Contravention Application. Your divorce lawyer may file a contravention application in the Family or Federal Circuit Court when one party alleges the other has breached their parenting orders. Contravention proceedings are generally confined to very clear cases. Your divorce lawyer will need to set out that the other party:

1. Intentionally failed to comply with the order, or
2. Made no reasonable attempt to comply with the order, and
3. Had no “reasonable excuse for contravening” the order.

The primary purpose of these proceedings is to ensure compliance with the orders. However, there are some circumstances where the Court may use the proceedings to penalise a party to deter them from further breach.

The various outcomes of a contravention application may include a variation of the orders, extra time to compensate for missed time, reimbursement of expenses incurred due to the contravention and in some circumstances a fine or imprisonment.

For advice about contravention parenting proceedings contact one of our divorce lawyers on 1800 300 170 or email us at famlaw@matthewsfolbigg.com.au

Disclaimer

Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.